PUBLIC NOTICE

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

Tuesday, November 26, 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 October 22, 2019
COMMUNICATIONS
CITIZEN COMMENTS
ORDER OF BUSINESS

1. **PUBLIC HEARING:** Matter of Conducting a Public Hearing to recommend zoning ordinance amendments that would permit Marihuana land uses in the City of Berkley.

2. **SITE PLAN: SP-06-19** 2219 LLC, is requesting site plan approval for façade and site changes at the former La Salette school building. The subject site is located at the southwest corner of Coolidge Hwy and Oxford Rd.

3. **MEETING DATES:** Matter of reviewing meeting dates for 2020 calendar year.

4. **DISCUSSION:** Discussion for future Ordinance Amendments.

5. **DISCUSSION:** Discussion for format and content of the Community Development Monthly Report.

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 7:00 PM, OCTOBER 22, 2019 AT CITY HALL BY CHAIR KRISTEN KAPELANSKI.

The minutes from this meeting are in summary form capturing the actions taken on each agenda item. To view the meeting discussions in their entirety, this meeting is broadcasted on the city’s government access channel, WBRK, every day at 9AM and 9PM. The video can also be seen, on-demand, on the city’s YouTube channel: https://www.youtube.com/user/cityofberkley.

PRESENT:        Martin Smith    Mark Richardson    Jeffrey Campbell
                Lisa Kempner    Greg Patterson    Matt Trotto
                Tim Murad       Michele Buckler    Kristen Kapelanski

ABSENT:         None

ALSO PRESENT:   Erin Schlutow, Community Development Director
                John Staran, City Attorney
                Dan Hill, Administrative Assistant to City Manager
                Ross Gavin, City Council Liaison
                Several members of the public

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APPROVAL OF AGENDA
It was moved by Commissioner Trotto to approve the Agenda supported by Commissioner Campbell.

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

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APPROVAL OF MINUTES
It was moved by Commissioner Smith to approve the minutes from September 24, 2019 and supported by Commissioner Kempner.

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

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COMMUNICATIONS
There were several items provided to the Planning Commission including an invitation to the grand opening to the MSU Federal Credit Union, an email addressing concerns about the library and surrounding properties being located in the “Green Zone” and Carlisle Wortman’s review of the Downtown Master Plan, as requested by Planning Commission.

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CITIZEN COMMENTS
None.

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1. PUBLIC HEARING: Matter of Conducting a Public Hearing to review application SU-01-19 for special land use for a daycare center to be located at 1695 Twelve Mile Rd, within the Office District.

Community Development Director Schlutow summarized the proposed application for a day care facility to
be located in the existing Beaumont medical office building at 1695 Twelve Mile Rd. The proposed use for a day care facility is permitted by special land use in the Office District. The applicant, 814 LLC is proposing to redevelop the first floor of the existing structure for KinderCare and general office use. The second floor is proposed to remain as medical office use. The proposed KinderCare would provide daytime care for up to 124 children, ranging in ages from infant to pre-kindergarten.

Applicant Mark Kellenberger introduced himself and the project to the Planning Commission.

Public Hearing opened at 7:06pm.

Maria Ward, 1838 Rosemont, lives behind the subject property and was notified of the public hearing through direct mailing. Ms. Ward felt the day care facility would be better suited to be located near a school or church, rather than in a busy area such as Twelve Mile. Ms. Ward was concerned about the number of medical offices would remain in place once the KinderCare opened and including a day care use in a building that has long been used for medical purposes.

Public Hearing closed at 7:09pm.

2. **SPECIAL LAND USE: PSU-01-19** 814 LLC, 1695 Twelve Mile Rd, north side of Twelve Mile Rd west of Brookline St, is requesting special land use approval for a daycare facility in the Office District.

Chair Kapelanski addressed the concerns of the public in permitting day care facilities in the Office District. The Zoning Ordinance was amended to permit day care facilities in the Office District, but was done so as a special land use to ensure that the surrounding properties would not be negatively impacted by the use.

Commissioner Smith motioned to recommend approval of PSU-01-19, KinderCare day care facility located at 1695 Twelve Mile Rd. to City Council. Motion supported by Commissioner Campbell.

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

3. **SITE PLAN: PSP-07-19** 814 LLC, 1695 Twelve Mile Rd, north side of Twelve Mile Rd, west of Brookline St, is requesting site plan approval for site improvements.

Commissioner Richardson inquired about the licensing requirements and outdoor play areas. The applicant explained that the outdoor play area and occupancy levels are dictated by the State of Michigan and KinderCare will be in compliance with all state requirements.

Chair Kapelanski asked Community Development Director Schlutow to discuss the parking arrangement for the proposed use. Director Schlutow detailed the shared parking agreement between the subject property and adjacent properties. The subject property will share parking spaces with adjacent property at 1949 Twelve Mile. The reciprocal parking agreement runs with the land and is requested to be reviewed by the City Attorney.

The applicant addressed Planning Commission questions regarding the location of the entrance to the building and drop-off areas, photometric plan, and dumpster location.

Commissioner Smith inquired about future improvements to the parking area. Applicant Kellenberger agreed that they are discussing future plans for the parking area, as well as the masonry wall.

Chair Kapelanski inquired about landscaping of the property. Applicant Kellenberger noted that they would be happy to work with City staff to maintain or beautify the subject property.

Commissioner Trotto inquired about the responsibility and state of the sidewalks along Twelve Mile Rd. Applicant Kellenberger noted that they are looking to create a curb or greenbelt area along Twelve Mile Rd.

Commissioner Smith motioned to approve PSP-07-19, KinderCare day care facility located at 1695 Twelve
Mile Rd., with the following conditions:

1. Submission of timeline for parking lot improvements that is acceptable to City staff.
2. Submission of Photometric plan
3. Additional landscaping surrounding dumpster enclosure and within parking lot
4. Painted and signed direction arrows for parking area.
5. Review and approval of final site plan by Fire Marshal and Department of Public Works.

Motion supported by Commissioner Patterson.

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

4. **DISCUSSION:** Matter Of Discussing draft ordinance to permit marihuana businesses in the City of Berkley.

Community Development Director Schlutow summarized the previous zoning ordinance discussion and public hearing that included a recommendation for marihuana businesses to be permitted by special land use to the City Council. The Council reviewed the recommendation of the Planning Commission that included a public notice component for neighboring property owners. City Council made additional revisions that limited the type of permitted marihuana businesses to medical provisioning centers and adult-use retail businesses. The City Council determined that substantive changes would be required and determined that the proposed ordinance should be returned to Planning Commission for discussion and subsequent public hearing before returning to City Council.

Director Schlutow noted that under the new ordinance marihuana businesses would be permitted as principal uses in the Industrial, Local Business, Downtown, Gateway, Coolidge, Twelve Mile, Eleven Mile District. The Office District has been removed and will not be permitted for marihuana businesses. The Woodward District was excluded from the ordinance language, as businesses permitted by right within the Local Business District are already permitted in the Woodward District.

Director Schlutow detailed the public notice and site plan approval requirements prior to issuance of the marihuana business license from City Council.

No public comment.

The Planning Commission discussed the revised language and also the process of applications that include site plan review and approval. City Attorney Staran was available to answer questions and advise on the process of applications and approvals.

Commissioner Murad motioned to set the public hearing to amend the zoning ordinance to permit marihuana businesses in the City of Berkley. Motion supported by Commissioner Kempner.

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

5. **DISCUSSION:** Matter of discussing Planning Commission volunteers for the Master Plan Steering Committee.

Community Development Director Schlutow provided background on the role and responsibility of the Master Plan Steering Committee, as well as a summary of Carlisle Wortman’s review memo of the Downtown Master Plan.
Commissioners Tim Murad and Mark Richardson volunteered to serve on the Master Plan Steering Committee as representatives of the Planning Commission and Environmental Advisory Committee.

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LIAISON REPORTS
Commissioner Murad noted that the State of the City address would take place October 25, 2019 and the Chamber of Commerce would welcome any members of the public who would be interested in volunteer opportunities.

Commissioner Richardson noted Electronics Recycling Day would be taking place in the community center parking lot. Residents can drop off old electronics, such as televisions, radios, etc.

Commissioner Patterson was unable to attend the Parks and Recreation Board meeting but noted that Boo Fest would be taking place Monday, October 28, 2019 at 5pm. Tickets available online.

Commissioner Trotto was unable to attend the October DDA meeting. Natalie Price attended the DDA meeting and provided a summary of the meeting. A new DDA Executive Director was selected and offered a contract.

Chairperson Kapelanski attended the City Council meeting and inquired on the RRC status. Community Development Director Schlutow noted that a major component is the update and adoption of the Master Plan.

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STAFF/COMMISSIONER COMMENTS
Commissioner Smith asked about the status of projects and properties of interest in Berkley.

Commissioner Richardson expressed concerns regarding the lack of public comment or input in regards to the marihuana ordinances that are being discussed at Planning Commission meetings.

Commissioner Murad inquired about the status of the La Salette redevelopment project. Community Development Director Schlutow reported that the applicant was working through engineering site issues and is hoping to submit the revised plans for the November Planning Commission meeting.

With no further business, the meeting was adjourned at 9:31pm.
MEMORANDUM

To: Berkley Planning Commission

From: Erin Schlutow, Community Development Director

Subject: Marihuana Zoning Ordinance Amendment

Date: November 18, 2019

Dear Planning Commission:

City Administration is pleased to present the attached Zoning Ordinance amendments that would permit marihuana businesses in the Industrial, Gateway, Downtown, Local Business, Twelve Mile, Coolidge Woodward and Eleven Mile Districts.

The attached draft incorporates the feedback we have received from the Planning Commission at the October 22, 2019 meeting, as well as input from City Council. Within this updated draft you will notice the added Public Notice requirements to better engage with the community and elimination of uses other than Medical Provisioning Centers and Adult-Use Retailers.

At the November 26, 2019 meeting, City staff will make a presentation that will demonstrate the application and approval process from submission of application materials to site plan approval and final marihuana licensing. We will also discuss the licensing renewal process, as well as process for revocation of licenses.

For your reference, we have included the Licensing Ordinance and Merit Point System that will be reviewed and approved by City Council.

Thank you.
AN ORDINANCE


THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 138-363 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-363. – Principal uses permitted.

Principal uses permitted in the Industrial District are as follows:

(1)-(3) No Change.

(4) Marihuana Retailers and Medical Marihuana Provisioning Centers.

SECTION 2: Section 138-387 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-387. – Principal uses permitted.

Principal uses permitted in the Local Business District are as follows:

(1)-(15) No change.

(16) Marihuana Retailers and Medical Marihuana Provisioning Centers.

SECTION 3: Section 138-417 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-417. – Principal uses permitted.

Principal uses permitted in the Downtown District are as follows:

(1)-(10) No change.

(11) Marihuana Retailers and Medical Marihuana Provisioning Centers.

SECTION 4: Section 138-427 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-427. – Principal uses permitted.

Principal uses permitted in the Gateway District are as follows:

(1)-(15) No change.
(16) Marihuana Retailers and Medical Marihuana Provisioning Centers.

SECTION 5: Section 138-442 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-442. – Principal uses permitted.

Principal uses permitted in the Coolidge District are as follows:

(1)-(15) No change.

(16) Marihuana Retailers and Medical Marihuana Provisioning Centers.

SECTION 6: Section 138-457 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-457. – Principal uses permitted.

Principal uses permitted in the Twelve Mile District are as follows:

(1)-(15) No change.

(16) Marihuana Retailers and Medical Marihuana Provisioning Centers.

SECTION 7: Section 138-487 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-487. – Principal uses permitted.

Principal uses permitted in the Eleven Mile District are as follows:

(1)-(21) No change.

(22) Marihuana Retailers and Medical Marihuana Provisioning Centers.

SECTION 8: Section 138-528 of Chapter 138 of the Berkley Code of Ordinances, shall be added, as follows:

Sec. 138-528. – Marihuana Business regulations.

(a) A Marihuana Business must front on a major thoroughfare with the primary ingress/egress onto a major thoroughfare.

(b) The Marihuana Business must have all applicable state and local licenses and approvals to operate.

(c) The property where the Marihuana Business will be located must be entirely within the boundaries of the City, and must not be within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.
(d) Notwithstanding any other provision in the zoning ordinance, a Marihuana Business must operate within a fully enclosed building.

(e) Pursuant to Article XV of Chapter 30 of the Berkley City Code, all Marihuana Business license approvals are subject to the following:

(1) Public notice requirements as outlined in Sec. 30-904; and

(2) Site plan approval from the Planning Commission must be obtained prior to receiving license approval from the City Council. Failure to do so will result in license denial as outlined in Sec. 30-911.

SECTION 9: 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 10: Effective Date

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

SECTION 11: 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.

____________________________
Dan Terbrack
Mayor

Attest:

____________________________
Victoria Mitchell
City Clerk
AN ORDINANCE

of the City Council of the City of Berkley, Michigan

to Add New Article XV, Marihuana Businesses, to Chapter 30, Businesses,
of the City of Berkley Code of Ordinances to Adopt Local Licensing Regulations and
Operational Standards for Marihuana Businesses.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: New Article XV shall be added to Chapter 30 of the Berkley City Code, as follows:

ARTICLE XV. – MARIHUANA BUSINESSES

Sec. 30-900. – Purpose.

The purpose of this Article is to exercise the City of Berkley’s regulatory authority to
locally license and regulate Marihuana Businesses, including Marihuana Retail Establishments,
Marihuana Provisioning Centers, Marihuana Microbusinesses, Marihuana Grower Facilities,
Marihuana Safety Compliance Facilities, Marihuana Secure Transporters, Marihuana Processor
Facilities, Designated Consumption Establishments, Marihuana Event Organizers, and Temporary
Marihuana Events to the extent permissible under state and federal laws and regulations,
and to protect and promote the public health, safety, and welfare of the City and its residents.

Sec. 30-901. – Definitions.

Except as expressly defined differently, words and phrases in this Article shall have the
same meanings ascribed to them as in the Michigan Medical Marihuana Act, Michigan Medical
Marihuana Facilities Licensing Act, Marihuana Tracking Act, Michigan Regulation and Taxation
of Marihuana Act, Michigan Zoning Enabling Act, and the administrative rules and regulations
promulgated by the State of Michigan and the Michigan Department of Licensing and Regulatory
Affairs, as amended.

(1) “Applicant” means an individual, person, corporation, limited liability company,
partnership, limited partnership, limited liability partnership, limited liability
limited partnership, trust, or other legal entity or other business entity who applies
for a license to operate a marihuana business in the City.

(2) “City” means the City of Berkley, Michigan.

(3) “Cultivate” means to propagate, breed, grow, harvest, dry, cure, or separate parts
of the marihuana plant by manual or mechanical means.

(4) “Co-Locate” or “Co-Location” means any combination of growers, processors,
and/or marihuana retail establishments that may operate as separate marihuana
businesses at the same physical location.

(5) “Industrial hemp” means a plant of the genus cannabis and any part of that plant,
whether growing or not, with a delta-9 tetrahydrocannabinol concentration that
does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

(6) “LARA” means the Michigan Department of Licensing and Regulatory Affairs.

(7) “Marihuana” means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. Marihuana does not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination; (ii) industrial hemp; or (iii) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

(8) “Marihuana accessories” means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

(9) “Marihuana concentrate” means the resin extracted from any part of the plant of the genus cannabis.

(10) “Marihuana Business” means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana provisioning center, marihuana secure transporter, or any other type of marihuana establishment or facility licensed by LARA.

(11) “Marihuana grower” means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

(12) “Marihuana-infused Product” means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused Product shall not be considered a food for purpose of the Food Law, MCL 289.1101 to 289.8111.


(14) “Marihuana Microbusiness” means a person licensed to cultivate not more than 150 marihuana plants, process and package marihuana, and sell or otherwise transfer
marihuana to individuals who are 21 years of age or older or to a Marihuana safety compliance facility, but not to other marihuana establishments.

(15) “Marihuana processor” means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

(16) “Marihuana Provisioning Center” means a licensee that is a commercial entity located in the city that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients’ registered primary caregivers.

(17) “Marihuana retailer” means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

(18) “Marihuana safety compliance facility” means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

(19) “Marihuana secure transporter” means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

(20) “Michigan Medical Marihuana Act”, or “MMMA” means the initiated law of 2008, MCL 333.26421, et seq., as amended and all future amendments.


(22) “Michigan Regulation and Taxation of Marihuana Act” or “MRTMA” means, the initiated law of 2018, MCL 333.27951, et. seq., as amended and all future amendments.

(23) “Person” means an individual, partnership, corporation, limited liability company, trust, or other legal entity.

(24) “Primary Caregiver” or “Registered Primary Caregiver” means a person who is at least 21 years old and who has agreed to assist with a registered qualifying patient’s medical use of marihuana and who has not been convicted of any felony within the past 10 years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in Section 9a of Chapter X of the Code of Criminal Procedure, 1927 PA 175, MCL 770.9a.

(25) “Process” or “Processing” means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.
“Qualifying Patient” or “Registered Qualifying Patient” means a person who has been diagnosed by a physician as having a debilitating medical condition and who has a valid registry identification card issues by LARA or an equivalent approval lawfully issued under the laws of another State or other entity of the United States which identifies the person as a registered qualifying patient.

“School” means and includes buildings and grounds used for school purposes to provide instruction to children and youth in grades pre-kindergarten through 12 by a public, private, denominational, or parochial school.

“Stakeholder” means, with respect to a trust, the trustee and beneficiaries; with respect to a limited liability company, all members and managers; with respect to a corporation, whether profit or non-profit, all stockholders, directors, corporate officers or persons with equivalent titles; and with respect to a partnership or limited liability partnership, all partners and investors.

“State” means the State of Michigan.

“State license” means a license issued by LARA that allows a person to operate a marihuana business.

**Sec. 30-902. – Operation without city license prohibited.**

(a) A Marihuana Business in the City must be licensed by the State and by the City pursuant to this Article. No person shall operate a Marihuana Business in the City without first obtaining a license to do so from the City. A Marihuana Business operating without a City license under this Article or without a State license is declared to be a public nuisance.

(b) The duration of each City license for a proposed location shall be one (1) year.

**Sec. 30-903. – License application.**

(a) Applications for a City license shall be submitted to the City’s Community Development Director on an application form to be provided by the City accompanied by a fee in the amount of $5,000.00 per each license sought. The applicant shall submit one printed and one electronic copy of the completed application and supporting information to the Community Development Department. For a co-located facility, an applicant may apply for multiple licenses using one application that explicitly details the operation of the co-located facility. Each license sought will require an additional application fee of $5,000.00 per license.

(b) A complete application shall be made under oath and shall contain all of the following:

(1) The applicants’ and any stakeholders’ names, dates of birth, mailing address, email address, and phone numbers, including emergency contact information, and a copy of a government-issued photo identification card of the applicant and stakeholders.
For a privately held corporation, all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.

For a partnership or limited liability partnership, all partners and their spouses.

For a limited partnership and a limited liability limited partnership, all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the partnership, and their spouses.

For a limited liability company, all members and managers, not including a member holding direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses.

If the applicant is not an individual, the articles of incorporation or organization, Internal Revenue Service SS-4 EIN confirmation letter, and the operating agreement or bylaws of the applicant, if a limited liability company or corporation.

The name and address of the proposed Marihuana Business and any additional contact information deemed necessary by the Community Development Director.

For the applicant and every stakeholder affirmation that each is at least 21 years of age.

Written consent authorizing the City’s Public Safety Department to perform a criminal background check to ascertain whether the applicant and stakeholders have any convictions involving dishonesty, theft, fraud, or controlled substances.

The name, date of birth, address, copy of photo identification, and email address for any operator or employee if other than the applicant.

An affirmation whether the applicant or operator has ever had a business license revoked or suspended, and if revoked or suspended, then the reason for such revocation or suspension.

For the applicant or for each stakeholder a resume that includes any prior experience with a Marihuana business.

With respect to Marihuana Retail establishments, a description of any drug and alcohol awareness programs that will be provided or arranged for by the applicant and made available for the public.

A written description of the training and education that the applicant will provide to employees of the Marihuana Business.
(15) A copy of the proposed business plan for the Marihuana business, including, but not limited to:

a. the ownership structure of the business, including percentage ownership of each person or entity; and

b. planned worker training programs; and

c. financial structure and financing of the proposed Marihuana Business; and

d. short and long-term goals and objectives; and

e. if co-location of marihuana businesses is proposed, provide an explanation of the integration of such businesses, including a drawing showing the relationship between the businesses being co-located, including floor area and the separation provided between such facilities, including identification of any points of entry, ingress or egress, and controls at each location; and

f. any community outreach/education plans and strategies; and

g. any charitable plans and strategies.

h. plan outlining what supply chains will be used to provide product for the Marihuana Business, accompanied by any tentative supply agreements with State certified suppliers

(16) One of the following: (a) proof of ownership of the premises wherein the Marihuana Business will be operated; or (b) written consent from the property owner to use the premises for a marihuana business requiring licensure under this Article, together with a copy of any lease for the premises.

(17) A description of the security plan for the Marihuana Business, including, but not limited to, any lighting, alarms, barriers, recording/monitoring devices, and/or security guard arrangements proposed for the facility and premises. The security plan must contain the specification details of each item of security equipment.

(18) A scaled floor plan of the Marihuana Business, as well as a scale diagram illustrating the property upon which the Marihuana Business will be operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped-accessible.

(19) Any proposed elevation drawings, and photographs or other depiction of materials to be visible on the exterior of the proposed Marihuana Business.

(20) A scaled location area map of the Marihuana Business and surrounding area identifying the relative locations and distances to surrounding property boundaries and buildings.
(21) A sanitation plan designed to protect against any marihuana being ingested on the premises by any person or animal, indicating how the waste and byproduct will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal.

(22) A proposed recordkeeping plan that will track payment method, amount of payment, time of sale, product quantity, and other product descriptors.

(23) An affirmation that neither the applicant nor any stakeholder is in default to the City and that the applicant or stakeholder has not failed to pay any past-due property taxes, special assessments, fines, fee or other financial obligation to the City.

(24) A copy of the applicant’s notice of prequalification status issued by the Michigan Marihuana Regulatory Agency of LARA pursuant to Rule 7 of the Adult-Use Marihuana Establishments Emergency Rules filed with the Michigan Secretary of State on July 3, 2019.

(25) An estimate of the number and type of jobs that the Marihuana Business is expected to create, the compensation expected to be paid for such jobs, and the projected annual budget and revenue of the Marihuana Business.

(26) A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana, growing, cultivation, possession, dispensing, testing, safety compliance, transporting, distribution, and use are currently subject to state and federal laws, rules, and regulations, and that the approval or granting of a license hereunder will not exonerate or excuse the applicant from abiding by the provisions and requirements and penalties associated therewith.

(27) Proof of insurance covering the business and naming the City of Berkley, its elected and appointed officials, employees, and agents, as additional insured parties, primary and non-contributory available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of:

   a. at least Two Million Dollars ($2,000,000) for property damage;
   b. at least Two Million Dollars ($2,000,000) for injury to one (1) person; and
   c. at least Two Million Dollars ($2,000,000) for injury to two (2) or more person resulting from the same occurrence. The insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of B+, consistent with state law. The policy shall provide that the City shall be notified by the insurance carrier thirty (30) days in advance of any cancellation or reduction in coverages.

(28) Any other information requested by the City considered to be relevant to the processing or consideration of the application.
Upon receipt of a completed Application and application fee, the Community Development Director shall refer a copy of the Application to appropriate City departments for their review.

An Application shall not be eligible to be considered for approval, until:

1. The Public Safety and Community Development Departments have inspected the proposed location for compliance with all laws for which they are charged with enforcement and for compliance with the requirements of this Article.

2. The Community Development Department verifies the proposed location of the marihuana business complies with the zoning code.

3. The Community Development Department confirms the proposed marihuana business meets applicable codes and this Article.

4. The City Treasurer confirms the applicant and each stakeholder and the proposed location of the Business are not in default to the City.

5. The Department of Public Safety determines the applicant meets the requirements of this Article with respect to the background check and security plan.

Sec. 30-904. – License application evaluation.

(a) The City will accept applications for a license(s) for a Marihuana Business over a fourteen (14) day period, as established by the City Manager after the effective date of this Article. At the end of the fourteen (14) day period, all properly submitted and complete Applications shall be subject to examination and review by the City. The City may, in its discretion, elect to issue or not issue licenses for any of the Marihuana Business types or issue licenses in any combination thereof, but in no instance shall issue more licenses than are permitted pursuant to the terms of this Article and State law.

(b) The City shall review all submitted applications for completeness. If an Application is found to be incomplete, it will not be further considered until made complete. The Community Development Department shall send a letter to the applicant explaining the omitted information or defect in the application. The applicant shall have two (2) weeks from the date of the letter to correct the defect or provide the required information to the City. If the correction or additional information is not provided within two (2) weeks of the letter, the application will be deemed abandoned and will no longer be considered.

(c) Application evaluation criteria shall include:

1. The content and sufficiency of the information contained in the application.

2. Whether the proposed plan has received approval from the Public Safety Department, Community Development Department, and all other appropriate departments.
(3) Whether the proposed facility will revitalize or redevelop property that has been vacant or unused for an extended period of time.

(4) Planned outreach on behalf of the proposed Business, and whether the applicant or its stakeholders have made, or plan to make, significant physical improvements to the building housing the Marihuana Business, including plans to control traffic, noise, and odor effects on the surrounding area.

(5) Whether the applicant or any of its stakeholders have a record of acts detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application; and whether the applicant or any of its stakeholders have ever been convicted of operating an illegal business enterprise of any kind.

(6) Whether the applicant has reasonably and tangibly demonstrated it possesses adequate resources and experience to implement the submitted business plan.

(7) Whether the proposed location in the City in relation to its proximity to other locations for Marihuana Businesses represents a reasonable and harmonious dispersion of Marihuana Businesses.

(8) The proximity of the business to a school.

(9) Whether adequate off street parking is provided or available.

(10) Whether the size and nature of the use in relationship to previously approved and issued Marihuana Business licenses is reasonable.

(11) Whether the applicant has business experience previously in the City and demonstrates that the applicant has sufficient business experience to operate the proposed Marihuana Business.

(12) Whether the proposed plan incorporates sustainable infrastructure and energy efficient elements and fixtures.

(13) Whether the proposed plan incorporates infrastructure that adequately addresses stormwater drainage.

(14) Whether the proposed plan incorporates odor control systems to prevent odor dispersion to neighboring properties.

(15) Whether an applicant has applied for a co-location of equivalent licenses at one location.

(16) Other criteria as indicated important for consideration by any appropriate department of the City administration.

(d) The City may engage professional expert consultant assistance in performing any of the duties and responsibilities under this Article.
The City shall use a point-based merit system, which shall be approved, and may be modified from time to time, by City Council resolution to provide objective review and selection. The merit system shall incorporate the evaluation criteria outlined within this article, and may include additional criteria intended to select licensees that provide the best outcome for the community as determined by the City.

1. In the event of a tie among applicants through the merit system which would result in more approvals than available licenses, the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval.

2. Any application receiving less than seventy (70) per cent of possible points outlined within the point-based merit system shall be automatically denied license approval.

3. Applications and evaluation points yielded from a point-based merit system shall be considered for up to one hundred eighty (180) days following the close of the application period. The effective applications and points shall be used to recommend license approval should prior recommendations be declined or fail to receive license. Applications within the process may receive a one time extension not to exceed three (3) months, approved by the City Manager with proper display of good cause shown.

Within ninety (90) days of receiving the last completed application, the City Manager shall recommend applications for site plan approval to the Planning Commission. The City Manager may only recommend a number of applications for consideration equal to or less than the number of remaining licenses available for issuance. All other applicants shall be sent a written notice of rejection setting forth specific reasons why the City Manager did not recommend their application for City Council approval.

Upon receiving site plan approval from the Planning Commission, applicants shall move forward for final license approval from the City Council as recommended by the City Manager.

Upon submittal of the City Manager’s recommended applications to the City Council, the City shall publish and provide public notice of the City Council meeting when the City Council will consider the license applications. Notice shall be given not less than fourteen (14) days prior to the City Council meeting. All written feedback shall be presented to the City Council.

The public notice shall be published in a newspaper of general circulation and posted at City Hall. The notice shall be sent by mail or personal delivery to the owners and occupants of property within 300 feet of the proposed marihuana business site. The public notice must include at minimum the following:

1. Proposed location of the marihuana business; and

2. Name of the applicant(s) or organization; and
(3) Intended marihuana business use; and

(4) Information pertaining to methods of accepting public feedback; and

(5) Location, date, and time of the meeting in which City Council will consider license approval.

(i) All Marihuana Business licenses shall be effective for one (1) year following its original issuance date. Annual renewal of the license shall follow the process as outlined within this Article.

**Sec. 30-905. – License limit.**

(a) The City Council finds and determines that it is in the public interest and serves a public purpose to limit the maximum number of licenses that the City may issue to three (3) Marihuana Business locations, with the acceptable uses as follows:

(1) Adult Use Marihuana Retail establishments;

(2) Medical Marihuana Provisioning Center establishments;

(b) The City Council finds and determines that it is in the public interest and serves a public purpose to prohibit the following marihuana business uses from receiving a license from the City:

(1) Adult Use and Medical Marihuana Secured Transporter establishments; and

(2) Designated Consumption Establishments; and

(3) Marihuana Event Organizer; and

(4) Temporary Marihuana Events; and

(5) Adult Use and Medical Marihuana Growing Facility establishments; and

(6) Adult Use and Medical Marihuana Processing establishments, and

(7) Adult Use and Medical Marihuana Safety Compliance facilities; and

(8) Adult Use Marihuana Microbusiness establishments.

(c) Should a license for a Marihuana Business become available due to expiration, revocation, or non-renewal, the City Manager shall set an application period and receive Applications for a license(s) for a Marihuana Business over a fourteen (14) day period. At the end of the fourteen (14) day period, all properly submitted and complete Applications shall be subject to examination and review by the City. The City may elect to issue or not issue licenses for any of the permitted uses or issue licenses in any combination thereof, but in no instance shall issue more licenses than are permitted pursuant to the terms of this Article.
Sec. 30-906. – Marihuana facility co-location and stacking.

Separate Marihuana Business uses, under common ownership, and with proper licensing issued by LARA for each use, shall be permitted to operate at the same location with license approval from City. Co-locating establishments must have license approval for each Marihuana Business type and use.

Sec. 30-907. – License renewal application

(a) Application for License Renewal shall be made in writing to the Community Development Director at least thirty (30) days prior to the expiration of an existing license.

(b) An Application for a License Renewal shall be made under oath on forms provided by the City.

(c) An Application for a license renewal shall be accompanied by a renewal fee in an amount of Five Thousand Dollars ($5,000), of which half will be returned if the license is not renewed. The renewal fee is established to defray the costs of the administration of this Article.

(d) Upon receipt of a completed Application for a License Renewal meeting the requirements of this Article and the license renewal fee, the Community Development Director shall refer a copy of the Renewal Application to appropriate City departments and officials for review.

(e) An Application for a license renewal shall be not be considered for approval unless:

(1) The Fire Inspector has inspected the proposed location for compliance with all laws for which they are charged with enforcement within the past calendar year;

(2) The Community Development Department has confirmed that the location complies with the zoning code and this Article, at the time a license is granted;

(3) The Building Official has confirmed that the Marihuana Business meets the City building code requirements;

(4) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant and the location of the Marihuana Business are not currently in default to the City;

(5) The Department of Public Safety has reviewed the Application and determined that the applicant has satisfied the requirements of this Article with respect to the background check and security plan;

(6) The applicant possesses the necessary state licenses or approvals, including those issued pursuant to the MMFLA;
(7) The applicant has operated the Marihuana Business in accordance with the conditions and requirements of this Article;

(8) The Marihuana Business has not been determined to be a public nuisance; and

(9) The applicant is operating the Marihuana Business in accordance with applicable federal, state, and local laws and regulations.

(f) If written approval is given by each individual, department, or entity identified in Subsection (e), and the Renewal Application is found to be compliant with this Article by the Community Development Director, the Community Development Department shall issue a license renewal to the applicant. If no renewal license is issued, half of the renewal fee shall be returned. The renewal shall be deemed approved if the City has not issued formal notice of denial within sixty (60) days of the filing date of the application, unless the applicant is advised of non-compliance with this Article or incompleteness of information or any required inspection during such period.

Sec. 30-908. – Transfer of ownership, licenses generally.

(a) Licensees shall report any change in the required information to the Community Development Department within ten (10) business days of the change. Failure to do so may result in suspension or revocation of the license.

(b) A license approval shall not be effective, and no Marihuana Business may operate, unless the Marihuana Business has obtained a State License and the site of the proposed use and proposed structure for the Marihuana Business is properly zoned for such use, and the proposed site plan has received approval from the Planning Commission.

(c) Licensees may transfer a license issued under this Article to a different location upon receiving written approval from the City and LARA or the board pursuant to the MMFLA and rules promulgated by LARA. In order to request City approval to transfer a permit location, the licensee must make a written request by submitting a transfer application to the Community Development Director, indicating the current license location and the proposed license location, along with any proposed development to the site. Upon receiving the written request, the Community Development Director shall refer a copy of the written request to all appropriate departments and officials including but not limited to the Department of Public Safety, the Treasury Department, the Building Official, and the Fire Inspector. All location transfers shall be subject to review using the merit point system in effect at the time of submission. No permit location transfer shall be approved unless the newly proposed location garners at least seventy (70) per cent of the points available under the effective merit point system, each such City department or official gives written approval, following any necessary inspections, that the proposed new location meets the standards identified in this Article, MRTMA, MMMA, MMFLA, and LARA.

(d) Licensees may transfer a license issued under this Article to a different individual or entity upon receiving written approval from the City and LARA. In order to request City approval to transfer a permit to a different individual or entity, the licensee must make a written request by submitting a transfer application to the Community Development Director,
indicating the current licensee, the proposed licensee, and all required information needed to demonstrate proper qualifications as determined by the City. The City shall grant the request so long as LARA authorizes the transfer pursuant to the MRTMA, MMFLA, MMMA, and rules promulgated by LARA, and the proposed licensee meets all requirements outlined in this Article. The City reserves the right to decline any transfer of license which occurs within the first year of its original issuance.

(e) With submission of a complete transfer application, the proposed licensee shall pay a nonrefundable application fee of Two Thousand Five Hundred Dollars ($2,500.00) for ownership transfer or Five Thousand Dollars ($5,000.00) for location transfer, as a means to offset costs associated with review of the proposed licensee’s qualifications for marihuana business operation or the development of a new location.

Sec. 30-909. – Minimum operational standards of marihuana business.

Except as may conflict with State law or regulation the following minimum standards apply to all Marihuana Businesses:

(1) The entire parcel where the Marihuana Business will be located must be properly zoned for that type of use, and the Marihuana Business operations must be entirely contained within the building.

(2) The Marihuana Business shall be operated in compliance with the MMMA, the MMFLA, the MTA, MRTMA, and the State’s administrative rules. Any violation of such laws or rules shall be deemed a violation of this Article.

(3) On-premises consumption of marihuana shall be prohibited at any Marihuana Business except testing standards as outlined by LARA.

(4) In addition to security requirements pursuant to State laws and regulations and any other applicable City Ordinances, the Marihuana Business shall continuously monitor the entire premises, interior and exterior, with surveillance systems that include security cameras operating twenty-four (24) hours a day, seven (7) days a week. The video recordings shall be maintained in a secure, off-site location for a period of one hundred eighty (180) days.

(5) The Marihuana Business shall be contained within a lockable Facility, including all interior doors, all windows and points of entry and exits with commercial grade non-residential locks and with an alarm system monitored. Marihuana shall not be permitted to be stored in trailers or sheds or other accessory structures to the principal building. Storage shall further be in accordance with the MRTMA, MMMA, MMFLA, MTA, and promulgated rules as amended.

(6) A locking safe or secure locking cabinet system permanently affixed to the permitted premises that shall store any marihuana and all cash remaining in the Facility overnight shall be used. For Marihuana-infused products that must be kept refrigerated or frozen, the Facility may lock the refrigerated container or freezer in
a manner authorized by the MRTMA and promulgated rules as amended in place of the use of a safe so long as the container is affixed to the building structure.

(7) No Marihuana Business shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property where the Marihuana Business is operated; or any other nuisance adverse to the public health, safety and welfare of the residents of the City.

(8) All activity related to the provisioning, transferring, testing, or transportation of all marijuana shall be done indoors and fully compliant with State law so that it is not visible to the public.

(9) All Marihuana Businesses shall maintain an inventory and record keeping system and/or database identifying the amount of Marihuana on the premises in accordance with the MRTMA, the MTA and the rules and regulations, as amended from time to time. This log shall be available to law enforcement personnel at anytime.

(10) All Marijuana located on premise shall be inventoried and tagged with unique RFID tag as required by MTA and promogulated rules as amended from time to time.

(11) The State License and the City license required by this Article shall be conspicuously displayed on the premises of a Marihuana Business.

(12) All Marihuana Facilities shall apply for and obtain from the City, or other applicable government authority, all necessary building, mechanical, electrical, plumbing, sign, fence, soil erosion and City zoning compliance permits.

(13) Floors, walls, and ceilings shall be constructed in such a manner that they may be kept adequately cleaned and in good repair.

(14) There shall be adequate screening or other protection against the entry of pests. Waste shall be disposed of so as to minimize the development of odor and minimize the potential for waste development and minimize the potential for waste becoming an attractant, harborage or breeding place for pests.

(15) Venting of marihuana odors into the areas surrounding the Marihuana Business is prohibited and deemed and declared to be a public nuisance. All facility ventilation methods shall comply with the MRTMA and administrative rules promogulated, as amended from time to time.

(16) Waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where Marihuana is exposed. Disposal systems for spent water and spent soil shall be approved by the City and byproduct materials, soils, plant materials, and other materials shall be stored indoors until pickup for disposal and shall not be left outdoors for disposal pickup for longer than six (6) hours. Disposal of marihuana or marihuana waste or byproducts by on-site burning or introduction into the sewer system is prohibited.
(17) The interior and exterior of all buildings, fixtures and other accessories shall be maintained in a presentable and sanitary condition.

(18) Marihuana Businesses shall provide its occupants with adequate and accessible restroom facilities that are maintained in a sanitary condition and good repair.

(19) Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

(20) Marihuana Businesses shall be free from infestation by insects, rodents, birds, or vermin or any kind.

(21) All Marihuana shall be packaged and labeled as provided by MRTMA, MTA, and promulgated rules as amended.

(22) The premises shall be open for inspection during hours of operation and as such other times as anyone is present on the premises.

(23) No other accessory uses are permitted within the same facility other than those associated with the retailing of marihuana.

(24) Advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors is prohibited.

Sec. 30-910. – Additional operational standards for marihuana retail establishments.

Except as may conflict with state law or regulation, the following minimum standards for Marihuana Retail establishments shall apply:

(1) Marihuana Retail and Medical Marihuana Provisioning Center establishments may be open to the public only between 8:00 AM to 10:00 PM.

(2) Unless permitted by the MRTMA, public or common areas of the Marihuana Retail establishment must be separated from restricted or non-public areas of the retail establishment by a permanent barrier. Unless permitted by the MMMA, MMFLA, or the MRTMA, no Marihuana may be stored, displayed, or transferred in an area accessible to the general public.

(3) All Marihuana storage areas within Marihuana Retail and Medical Marihuana Provisioning Center establishments must be separated from any customer/patient areas by a permanent barrier. Unless permitted by the MMMA, MMFLA, or MRTMA, no Marihuana is permitted to be stored in an area accessible by the general public or registered customers/patients. Marihuana may be displayed in a sales area only if permitted by the MRTMA.

(4) Drive-thru windows on the premises of a Marihuana business establishment shall not be permitted.
Sec. 30-911. – License revocation, suspension and denial; basis for action; appeal.

(a) Any City license issued under this Article may be revoked or suspended by the City after written notice and an administrative hearing if a City official finds and determines that grounds for revocation or suspension exist. Any grounds for revocation or suspension must be provided to the licensee at least ten (10) days prior to the date of the hearing by first class mail to the address given on the License Application or any address provided to the Community Development Department in writing subsequent to the filing of an application.

(b) A license applied for or issued may be denied, revoked or suspended on any of the following grounds:

1. A violation of any provision of this Article, including, but not limited to, the failure to provide the information required by this Article;

2. Any conviction of a felony or any misdemeanor involving controlled substances, theft or dishonesty by the licensee, stakeholder, or any person holding an ownership interest in the license;

3. Commission of fraud or misrepresentation or the making of a false statement by the applicant, licensee, or any stakeholder of the applicant or licensee while engaging in any activity for which this Article requires a license;

4. Failure to obtain site plan approval from the Planning Commission;

5. Failure to obtain or maintain a license or renewed license from the City pursuant to this Article;

6. Failure of the licensee or the Marihuana Business to obtain or maintain a State license or approval pursuant to the MRTMA, MMMA, or MMFLA;

7. The Marihuana Business is determined by the City to have become a public nuisance or otherwise is operating in a manner detrimental to the public health, safety or welfare;

8. Any default in the payment of any charges, taxes, or fees, to the City if not cured upon forty-five (45) days following notice sent by electronic means or mail to the address of the Marihuana Business;

9. Violation of any State law applicable to Marihuana Businesses.

(c) Appeal of denial of an Application, or revocation or suspension of a license: the Community Development Department shall notify an applicant of the reason(s) for denial of an Application for a license or license renewal or for revocation or suspension of a license or any adverse decision under this Article and provide the applicant with the opportunity to be heard. Any applicant aggrieved by the denial or revocation or suspension of a license or adverse decision under this Article may appeal to the City Council, who shall appoint a hearing officer to hear and evaluate the appeal and make a report and
recommendation to the City Council. Such appeal shall be taken by filing with the Community Development Department, within fourteen (14) days after notice of the action complained of has been mailed to the applicant’s last known address on the records of the Community Development Department, a written statement setting forth fully the grounds for the appeal. The City Council shall review the report and recommendation of the hearing officer and make a decision on the matter.

(d) Following the denial of a license and any subsequent appeal during the recommendation and issuance process, the City may move to recommend the application with the next highest number of merit points as determined in the application process.

Sec. 30-912. – Penalties; temporary suspension of a license.

(a) The City may require an applicant or licensee of a Marihuana Business to produce documents, records, or any other material pertinent to the investigation of an Application or alleged violation of this Article. Failure to provide the required material may be grounds for application denial, or license revocation.

(b) Any person in violation of any provision of this Article, including the operation of a Marihuana Business without a license shall be responsible for a misdemeanor and shall be subject to a civil fine and costs. Increased civil fines may be imposed for a repeat violation. As used in this Section “repeat violation” shall mean a second or any subsequent infraction of the same requirement or provision committed by a person or Facility within any twenty-four (24) month period. Unless otherwise specifically provided in this Article, the penalty schedule is as follows:

(1) Seven Hundred Fifty Dollars ($750), plus costs, for the first violation;

(2) One Thousand Dollars ($1,000), plus costs, for a repeat violation;

(3) Three Thousand Dollars ($3,000), plus costs per day, plus costs for any violation that continues for more than one day.

(c) The City may temporarily suspend a Marihuana Business license without a prior hearing if the City finds that public safety or welfare requires emergency action affecting the public health, safety, or welfare. The City shall cause the temporary suspension by issuing a suspension notice in connection with institution of proceedings for notice and a hearing.

(d) If the City temporarily suspends a license without a prior hearing, the licensee is entitled to a hearing within thirty (30) days after the suspension notice has been served on the licensee or posted on the licensed premises. The hearing shall be limited to the issues cited in the suspension notice.

(e) If the City does not hold a hearing within thirty (30) days after the date the suspension was served on the licensee or posted on the licensed premises, then the suspended license shall be automatically reinstated and the suspension vacated.
(f) The penalty provisions herein are not intended to foreclose any other remedy or sanction that might be available to, or imposed by the City, including criminal prosecution.

Sec. 30-913. – Disclaimer.

(a) Nothing in this Article shall be construed to authorize any person to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marihuana for lawful purposes or allow any other activity relating to cultivation, growing, distribution or consumption of marihuana that is otherwise illegal.

(b) Except as may be required by law or regulation, it is not the intent of this Article to diminish, abrogate, or restrict the protections for individual use of marihuana found in the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, the Marihuana Tracking Act and the Michigan Regulation and Taxation of Marihuana Act.

SECTION 2: 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 3: Effective Date

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

SECTION 4: 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.

____________________________________
Dan Terbrack
Mayor

Attest:____________________________
Victoria Mitchell
City Clerk
November 14, 2019

Community Development
The City of Berkley
Building Department
3338 Coolidge
Berkley, MI 48072

Re: City Planning Commission for Marihuana building Permit for 3387-3391 W. 12 Mile

Dear Matt Baumgarten / Erin Schlutow:

It was brought to my attention that city is planning to meet on Nov. 26, 2019 to decide about issuing license for Medical Marihuana permit for retail and provisioning center.

As you may know, we are Michigan Physicians Group (Dr. Dinesh M. Shah & Dr. Rita P. Shah) serving Berkley patients over 50+ years, DBA “Berkley Clinic”. We need your help to align our goals with city’s vision to develop the community and life better for every patients & senior community.

Our mission, vision and values are listed below:

1. Help city for its economic growth through local development of businesses
2. Help patients through our doctors to improve and give better CARE to all
3. Help residents by investing into real estate through commercial & residential properties that further increases all the neighborhoods values for entire community
4. Create new facility at 3387-3391 W. 12 Mile building investing 1M+ to further revive that building and stretch city boundaries through Medical Marihuana as part of complimentary services to further help our patients
5. Last but not least – create strategically extra tax revenue through property taxes bringing more businesses & jobs to compliment DDA.

As per my broker, city has some kind of merit point system and proposed site for above purpose is on Twelve mile between Coolidge to Woodward only. This would be unfair downtown limits to further restrict downtown growth & new development. We would like to stretch downtown boundaries, if possible, for obvious reasons.

Please kindly do necessary giving us extra points issuing the city permit so that together we can serve community better accomplishing all of the above goals.

As always, we are committed to city of Berkley for rest of our LIFE.

Thank you.

RECEIVED - City of Berkley

NOV 1 4 2019

City Manager’s Office
Sincerely,

Paresh M Shah
Chief Information Officer

Michigan Physicians Group, P.C.
DBA Berkley Clinic
2905 W 12 Mile Road
Berkley, MI 48072

Clinic: (248) 541-0770
Cell (248) 935-1005
Email: kdipal@comcast.net
DRAFT Merit System Point Criteria

<table>
<thead>
<tr>
<th>Requirements*</th>
<th>Pass/Fail</th>
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<tbody>
<tr>
<td>Applicant has submitted all required materials</td>
<td>P/F</td>
</tr>
<tr>
<td>Subject Parcel falls outside of designated proximity to a school</td>
<td>P/F</td>
</tr>
<tr>
<td>Proposed Use complies with Existing Zoning</td>
<td>P/F</td>
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<tr>
<td>Adequate off street parking</td>
<td>P/F</td>
</tr>
<tr>
<td>Odor control system preventing dispersion in neighborhood</td>
<td>P/F</td>
</tr>
<tr>
<td>All stakeholders are clear of recorded detrimental acts to public good</td>
<td>P/F</td>
</tr>
<tr>
<td>Subject parcel falls outside of designated proximity to a major intersection</td>
<td>P/F</td>
</tr>
</tbody>
</table>

*These items must all be satisfied to be considered for the point evaluation.

<table>
<thead>
<tr>
<th>Merit Based Criteria</th>
<th>Point Value**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Proposes the Redevelopment of Vacant or Underused building or property. (Defined as a structure or property that has been at least 50% vacant for a period of 4 months or longer)</td>
<td>20</td>
</tr>
<tr>
<td>Proposed redevelopment includes additional, non-marijuana business. Must have separate means of ingress/egress from marihuana business. Not accessory use to marihuana business, but separate entity</td>
<td>19</td>
</tr>
<tr>
<td>Proposed Site is located in the following areas, as permitted by the Zoning Ordinance: Eleven Mile Road, Woodward Ave, Twelve Mile Road (Coolidge to Woodward)</td>
<td>18</td>
</tr>
<tr>
<td>Applicant has successfully operated state regulated retail businesses in Michigan (less than 5 offenses in three years and all offenses have been corrected within state mandated timeline)</td>
<td>17</td>
</tr>
</tbody>
</table>
| Applicants plans to make physical improvements to the area around the property or other areas contiguous to the property:  
  - Trees (Sub score: 4)  
  - Plazas (Sub score: 4)  
  - Green Space (Sub score: 4)  
  - Public areas such as alleyways, parking areas, sidewalks (Sub score: 4) | 16 (Total dependent on satisfaction of sub scoring) |
| Proposed redevelopment is projected to add 15 or more new jobs, with a majority of the jobs being full time. (Includes cannabis and non-cannabis uses) | 15            |
| Property will be owner occupied                                               | 14            |
| Application incorporates Green Infrastructure into Stormwater management plan   | 13            |
| Applicant demonstrates experience operating marihuana business, providing business, occupation, employment of applicant and all partners for three years immediately preceding date of application | 12            |
| Application does not displace existing operational business in Berkley         | 11            |
| Sustainable building materials and energy efficient elements will be used during construction and/or renovation of the structure | 10            |
| Applicant is a commercial or residential property owner in Berkley             | 9             |
| Applicant is a majority owner or stakeholder of an existing Business           | 8             |
| Applicant demonstrates benefits to the community other than an increase in taxable value | 7             |
| Applicant has disclosed 100% of owners and stakeholders, including those with less than 10% stake. | 5             |

**These points are allocated on an all-or-nothing approach.
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: 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

Representative:
Name: John DePorre Title: 

Description of Property for Review:
Lot Number 12, 13, 14, 15 Subdivision Denlet Acres
Street Address: 2219 Coolidge Highway, Berkley, MI

Reason for Review by Planning Commission: New multi-family residential development

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

Signature of Applicant 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.

Received 8-23-19 Receipt # Hearing Date 9-24-19 Case # PSP-06-19

City Planning Commission Disposition: 

January 2017
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: PSP-06-19; La Salette – Multiple-Family Residential Redevelopment
Revised Site Plan Dated October 31, 2019
Date: November 10, 2019

Dear Planning Commission:

The applicant, 2219 Coolidge LLC, is proposing to redevelop the existing and currently vacant Our Lady of La Salette Catholic School and Academy located on Coolidge Hwy, between Oxford Road and Harvard Road. The proposed redevelopment of the 22,923 sq. ft. building will include converting the former school to multiple family residential with 55 dwelling units on three (3) floors.

The proposed redevelopment will include studio, one-bedroom, and two-bedroom apartments. The structure will maintain the existing footprint and will not be expanding in area or increasing in height. The façade of the building will include additional windows on each side of the northern part of the building, that was formerly occupied as the gymnasium.

EXISTING ZONING / LAND USE

The subject property is zoned RM, Multiple Family Residential. The applicant requested the property to be rezoned from Office District to Multiple Family Residential (RM) in order to redevelop the existing property as multiple family apartments. The Planning Commission held the required public hearing on July 23, 2019 and recommended approval of the conditional rezoning to the City Council.

City Council had the first reading of the conditional rezoning at the August 12, 2019 meeting and the second reading at the September 9, 2019 meeting. Both were approved unanimously. The rezoning of the property to RM, Multiple Family Residential is conditional upon the agreement that was signed by the applicant and the City of Berkley. If the applicant cannot satisfy the conditions of the rezoning agreement by the agreed upon deadline, the zoning classification of the property will revert back to Office District and any development must adhere to the ordinance regulations and requirements of that district.
SURROUNDING ZONING / LAND USE

<table>
<thead>
<tr>
<th>North</th>
<th>Coolidge District Commercial Businesses – Berkley Plaza</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>Office District</td>
</tr>
<tr>
<td></td>
<td>Our Lady of La Salette Catholic Church</td>
</tr>
<tr>
<td>East</td>
<td>Coolidge District</td>
</tr>
<tr>
<td></td>
<td>Commercial Businesses – The Wedding Shoppe, Taco Bell</td>
</tr>
<tr>
<td>West</td>
<td>RM, Multiple Family Residential District Parking</td>
</tr>
</tbody>
</table>

BACKGROUND

As noted above, the property was conditionally rezoned to RM, Multiple Family Residential District after the recommendation of Planning Commission and the approval of City Council. The applicant submitted the first site plan intended to be reviewed by the Planning Commission at the September 24, 2019 meeting. Upon initial review, it was noted by HRC, Berkley's engineering consulting firm, that there were significant engineering issues that needed to be addressed prior to being submitted to the Planning Commission. The applicant met with HRC, the DPW Director, and the Community Development Director in order to address the outstanding issues on the site plan.

As part of the overall redevelopment of the property, the applicant applied for and was granted two dimensional variances for side yard setback and height of the nonconforming structure by the Berkley Zoning Board of Appeals on September 9, 2019. While the proposed redevelopment does not include expanding the footprint or height of the building, it was necessary to bring the existing structure into compliance before moving forward with site plan approval.

STANDARDS FOR REVIEW

Division Seven of Chapter 138 details the applicability of site plan review and the standards by which the site plan review is conducted. The Planning Commission shall review site plan for any development in the R-M Multiple-family residential district, as well as developments that include, (1) Construction of a building; (2) Structural alteration of a building that includes adding floor area or height to the building; (3) Additional parking; (4) Façade alterations that include any change in the exterior surface material or changes in the size or number of windows.

The proposed redevelopment of La Salette includes structural alterations of the interior of the building, as well as façade alterations that include changes in the exterior surface material and changes in the number of windows. Additionally, the scope and scale of the project was deemed to be significant to the character of the City of Berkley.
Section 138-679 of the Zoning Ordinance, the site plan shall be reviewed and approved by the planning commission upon finding that:

(1) *The site meets the requirements of this Code.*

The proposed site is located within the RM, Multiple Family Residential District, which does permit multiple-family dwelling units as a principal use.

**Setback**

The existing facility received side yard and height setback variances from the Zoning Board of Appeals at the September 9, 2019 meeting. The side yard on the north of the property is located less than the required 10 ft. from the property line, and the height of the structure exceeds the maximum 30 ft. height requirements. The proposed redevelopment does not propose to expand the footprint or height of the existing structure; therefore, all other setback, height and lot coverage requirements comply with the standards of the RM District.

**Parking**

Section 138-219 of the Zoning Ordinance states that the parking requirement for multiple-family residential is two (2) parking spaces per dwelling unit. The site plan shows 55 dwelling units, which would require 110 parking spaces. The applicant has proposed to provide four (4) bicycle spaces to be located at the rear of the building. The inclusion of bicycle parking allows for a parking credit of up to two (2) vehicular parking spaces. This will reduce the parking requirement to 108 parking spaces.

Per Section 138-267(b) of the Zoning Ordinance, bicycle racks shall be visible from a main entrance of the structure of facility. The site plan shows the proposed bicycle parking located at the rear of the building, tucked in the corner and out of visible range from any rear building entrance. The Planning Commission has the authority to approve alternate locations of the bicycle parking area, if deemed appropriate. The applicant should provide a rendering of the proposed bicycle rack to ensure compliance with the design aesthetics in Section 138-267(e) of the Zoning Ordinance.

Sheet C-3 shows that there is a total of 109 parking spaces provided for the multi-family residential use. The applicant has proposed 88 standard parking spaces, measuring 9 ft. by 20 ft., five (5) barrier-free parking spaces, measuring 8 ft. by 20 ft., and 16 compact parking spaces, measuring 8 ft. by 16 ft. Per Section 138-220(b), compact parking spaces are permitted, provided that they do not account for more than 30 percent of the total parking requirement. The proposed 16 compact parking spaces does not exceed that maximum. Sheet C-3 notes that the parking spaces designated for compact cars will be clearly signed for as “Compact Car Parking Only.”

Based on the above, the parking requirement for multiple family residential developments has been met.
(2) *The proposed development does not create adverse effects on public utilities, roads or sidewalks.*

The proposed development will require additional public utilities and will increase traffic on public roads and sidewalks. The sidewalk along Coolidge Hwy, on the east side of the property, is in need of maintenance or replacement. Sheet C-3 notes that sidewalk flags are to be replaced as necessary within Oxford and Coolidge Hwy right-of-way. We recommend the applicant to provide a timeline for replacement to be approved by City staff.

(3) *Pedestrian and vehicular areas are designed for safety, convenience, and compliment adjacent site design.*

The revised site plan includes a pedestrian walkway that extends along the rear of the building from Oxford Road to Coolidge Hwy and will connect to the existing sidewalks along Coolidge Hwy. This revision reflects the pedestrian friendly character of the community.

The Fire Marshal noted the turn radius of the ingress/egress from Oxford Rd. into the parking area of the subject site is too tight and will prohibit a fire truck from entering the site. The raised landscaped islands, located at the ingress/egress near Oxford Rd. should be reduced or reconfigured so as to allow access for emergency vehicles. The modification of the parking island can be reviewed and approved administratively, if deemed appropriate by the Planning Commission.

The existing parking and vehicular areas are proposed to be redesigned and constructed with asphalt pavement and six raised parking islands. The revised site plan includes landscaping in each of the parking islands. As noted above, the parking island that is at the ingress/egress of the site from Oxford Rd. will require minor modification for the ease of site access for emergency vehicles. As such, the landscaping in the affected parking island will need to be removed or changed.

The traffic lanes and means of ingress and egress are shown to be painted with traffic control signs, as appropriate on the subject site. This will provide ease of maneuvering the parking area for residents and visitors.

(4) *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.*

The proposed redevelopment includes occupation of the former La Salette elementary school. Facing Coolidge Hwy, the southern front façade of the building will remain as existing. The applicant is proposing to replace windows, but the overall design will not be changed. The northern façade of the building, which was formerly the gymnasium, will be redesigned with new windows, new synthetic plaster, and replacement windows, as needed. The façade material will remain brick and the overall character of the building will not change.
The landscaping plan includes a proposed ground sign at the northeast corner of the subject site, located within the community wildflower garden. Building or ground mounted permanent signs will require a separate sign permit to be submitted and reviewed by the Building Department.

Per Section 138-336(5), where the RM district is contiguous to a residentially zoned district, a masonry wall six (6) feet in height shall be required on, or adjacent to the property line between the multiple and residential zoned property. The submitted site plan does not include a masonry wall to separate such land uses. We recommend the revised plans to include the masonry wall to provide the separation buffer between the land uses.

(5) Landscaping, lighting, dumpster enclosures and other site amenities are provided where appropriate and in complementary fashion.

The submitted package includes a landscaping plan that will include plantings along the perimeter of the building, as well as dense planting areas at the northwest corner of the site and along the front entranceway. Additional trees are included to provide screening for the fenced and gated dog run, as well as landscaping in the parking islands. The Planning Commission has the authority to modify or increase proposed landscaping to benefit the site and surrounding neighborhood.

The applicant is proposing to include a dog run in the front of the property along Coolidge Hwy. If the Planning Commission approves the dog run in the front yard, we recommend additional dense screening along the north, east, and west of the area to prevent pedestrians, bicyclists, or motorists from view of animal activities. We would request to know who would be responsible for the maintenance of the dog run area.

The proposed café tables along the entrance walk to the building will provide a place of relaxation for residents. We would request additional details of the café tables, including materials, color, and how they will be secured.

The applicant has submitted a photometric plan for the subject site and the proposed illumination levels meet the maximum requirement on site. The site plan shows light poles will be installed on the poles at the subject site, not to exceed 20 ft. in height. The proposed light poles meet the height requirement. All light fixtures shall be shielded in such a way as to direct all light towards Earth’s surface, away from reflective surfaces and away from residential properties.

The double dumpster enclosure is proposed to be located at the southeast corner of the subject site, north of the ingress/egress driveway from Coolidge Hwy. Three sides of the enclosure will be six-foot-high masonry wall and black vinyl PVC coating doors on the fourth wall. The enclosure opening will face south, towards the service drive and the church.
(6) Site engineering has been provided to ensure that existing utilities will not be adversely affected. We defer to the comments and recommendations of the City Engineer and Department of Public Works.

Summary

The La Salette multiple family residential development will include the redevelopment of an existing structure that has been vacant for several years, as well as will fulfill a housing need in the City of Berkley. Based on the above comments and the reviews from City Engineer and Fire Marshal, we recommend approval of PSP-06-19 on the following conditions:

1. The Planning Commission approves the design and location of the bicycle rack on the subject site.
2. Submission of detailed summary of flags of sidewalk to be replaced along Oxford Rd and Coolidge Hwy during construction.
3. Modifications of the parking island at the ingress/egress from Oxford Rd to accommodate emergency vehicles to the satisfaction of the Fire Marshal.
4. Construction of masonry wall to separate the La Salette multiple family residential development from adjacent residential property located to the west of the subject site.
5. Review and approval of the landscaping and fenced dog run on the subject site.
6. Final review and approval by City Engineer and Department of Public Works.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Erin Schlutow
Community Development Director

Cc: Matthew Baumgarten, City Manager
    Victoria Mitchell, City Clerk
    John Staran, City Attorney
    Derrick Schueller, DPW Director
    Pete Kelly, Fire Marshal
    Matt Koehn, DPS Director
    Eddie Zmich, HRC, City Engineer
    John DePorre, john@deporrebuilding.com
    Mitchell Harvey, mharvey@stonefieldeng.com
November 18, 2019

City of Berkley
3338 Coolidge Highway
Berkley, Michigan 48072

Attention: Ms. Erin Schlutow, Community Development Director
Mr. Matthew Baumgarten, City Manager

Re: Proposed Residential Community - “The Berkley”
2219 Coolidge Highway
Engineering Site Plan – Review No. 2
City of Berkley, MI

Dear Ms. Schlutow and Mr. Baumgarten:

As Consulting Engineers for the City of Berkley, and in accordance with your request, we have completed the Engineering Site Plan review of the proposed subject development for compliance with the City of Berkley’s engineering and site plan requirements. The plans were prepared by Stonefield Engineering and Design, LLC of Royal Oak, Michigan with a revised issue date of October 31, 2019. The proposed project scope includes the conversion of the existing La Salette school building into a multi-family dwelling and the removal and replacement of the adjacent school parking lot. The site is a 3.3-acre parcel of land located on the southwest corner of Oxford Road and Coolidge Highway. We hereby offer the following comments:

General:

1. The plans indicate that a geotechnical investigation was performed for this site. The soil logs from that investigation must be shown on the plans, including the elevation of the groundwater table, soil types encountered, and the written report indicating the design recommendations or comments on the proposed stormwater collection system. This item has been satisfactorily addressed.

2. The existing sewers in the right-of-way of Harvard and Coolidge must be identified as “COMBINED” since the City’s sewer system is combined. This item has been satisfactorily addressed.

3. In addition, the utility plan calls out sanitary lines within the site that appear to be storm or combined sewer pipes. The terminology and types of lines must be clarified. It must be noted that future sanitary flow will not be allowed through the new detention system as the plans currently indicate. This item has been satisfactorily addressed.

4. The Demolition Plan sheet must show all removal quantities including pavement, curb, sidewalk/ramp, utilities, trees, and landscape features. This item has been satisfactorily addressed.

5. The proposed limits of sidewalk removal and replacement must be extended to include all of the sidewalk areas on the property in order to address the current deteriorated conditions. At a minimum, the sidewalk replacements must be expanded to address the areas with faulting or with other conditions that could present a trip hazard. This item has been satisfactorily addressed.
6. All lighting structures and electrical conduit for the proposed site must be shown on the Site Plan in relation to the other proposed site utilities. Comments on lighting will be deferred to the City and the Planning Commission. This item has been satisfactorily addressed.

7. A Soil Erosion and Sedimentation Control (SESC) Plan sheet must be included showing the sequence of construction (including the installation timing of SESC measures) and construction phasing. The Oakland County Water Resources Commission’s (OCWRC) SESC Detail Sheet must be included and a soil erosion permit may be required from the OCWRC. The above comment has been satisfactorily addressed. The Applicant must be aware that a permit may be required from OCWRC and must inquire directly.

8. The legal descriptions for the proposed lot splits must be provided for review and approval at the time of final engineering plan submittal. The proposed legal description has been provided for “Parcel A”, the area to be redeveloped into the multi-family dwelling; however, a description has not been provided for “Parcel B”, the outlot that will be produced by the proposed split. Both legal descriptions will need to be submitted for review at the time of final engineering plan submittal as previously stated.

9. Both proposed parcels share a stormwater collection and detention system which will require an easement for stormwater drainage as well as a maintenance agreement in perpetuity for the proposed underground stormwater detention system being filed for each parcel. In addition, the existing combined sewers on both proposed parcels extend onto the parcel to the south; these will also need to have easements recorded for them. The City’s Attorney must be consulted to confirm which specific easements and/or agreements will be required to be prepared. All required easements and agreements must be submitted for review at the time of final engineering plan submittal. After being reviewed and approved by the City’s Attorney they must be recorded simultaneously with the Oakland County Register of Deeds.

Water and Fire Protection Services:

1. Permits may be required from the Department of Environment, Great Lakes, and Energy (EGLE) for the installation and connection of the new sanitary sewer and water main utilities. The above comment is no longer applicable to the current plan submittal.

2. The plans must include calculations for the new Residential Equivalent Unit (REU) value of the existing structure with the change in use to multi-family residential. These calculations must also support that the proposed water service lead is sufficiently sized for the new REU value and that the existing sanitary lead is also of sufficient size. This item has been satisfactorily addressed.

3. The plans indicate that two (2) connections are proposed to be made to the existing water main in the Coolidge Highway right-of-way (ROW). The City’s Department of Public Works (DPW) requires a tapping sleeve, valve, and well be used for the connection at Coolidge. The plans must reflect this type of connection. This item has been satisfactorily addressed.

4. Where the water service lead connection is proposed the existing pavement cross-sections will need to be sawcut, removed, and replaced in kind. The plans must indicate the pipe bedding and type of backfill to be used in the development roadway as well as in the street excavation areas for the new pipe installation. The plans include a detail for utility trenching; however, there are no notes on the detail or on the Utility Plan (Sheet C-8) pertaining to the existing pavement being removed and replaced in kind.

5. The existing fire hydrant on Oxford is called out to be removed and replaced to make room for a new drive entrance. The hydrant relocation would require a public water shutdown and would impact approximately fifty (50) homes. As per the City DPW, in order to avoid a shutdown of this magnitude, the existing hydrant
should remain in place and the new drive entrance location modified. The above comment is no longer applicable to the current plan submittal as the existing hydrant will not be disturbed or relocated as part of this project.

6. Proposed finished grades for hydrants and gate wells must be provided in addition to hydrants being located at least four (4') feet from the edge of pavement or protected with bumper posts or bollards. The above comment is no longer applicable to the current plan submittal.

7. Proposed gate valves must be housed in wells per the OCWRC standard details. This item has been satisfactorily addressed.

8. A detail sheet for the proposed water service leads must be provided and include details for fire hydrants and gate wells that meet City and Oakland County Standards. This item has been satisfactorily addressed.

Storm Drainage and Detention/Sanitary Sewer:

1. This office recommends that an alternative stormwater detention method is considered for the underground detention areas. The currently proposed system does not appear to be suitable for southeastern Michigan soils that are predominantly clay and may pose a potential risk to the parking areas by reducing the subgrade’s ability to support the pavement. The system is also susceptible to pollution from backflow from the combined sewer in a large rainfall event. The previous design has been withdrawn and replaced with a new closed pipe system. This item has been satisfactorily addressed.

2. The stormwater detention system notes call for the subgrade to be inspected by a licensed geotechnical engineer to confirm that it is in compliance with the design infiltration rates as per New Jersey’s Department of Environmental Protection’s Best Management Practices (BMP). The proposed design and associated notes on the plans must be revised to reflect Michigan (Oakland County) design standards and not those of other regions. The above comment is no longer applicable to the current plan submittal.

3. The type of cover to be utilized on the proposed drainage structures must be indicated on the plans. Restricted covers may need to be utilized if required by the City’s DPW being that the City’s sewer system is combined. The Applicant must inquire directly with the DPW. Efforts must be made to avoid overtaxing the system with additional drainage from the development. This item has been satisfactorily addressed.

4. Details of the outlet control structure, the connection the existing combined system, and any BMPs for stormwater treatment that are proposed must be shown on the plans. This item has been satisfactorily addressed.

5. The storm sewer system is proposed to be HDPE pipe and the underground detention system is proposed to be corrugated metal pipe (CMP). HRC typically recommends that C76 CL-IV concrete pipe be utilized underneath paved areas to provide extra protection against crushing.

6. The plans indicate detention calculations for a 100-year storm for the proposed development. Although they appear to follow Oakland County’s design method, the calculations will be reviewed at the time of final engineering plan submittal. The volume of any proposed detention system must meet or exceed the required detention volume. The notes included on Sheet C-6 indicate that additional detention volume is proposed in order to provide adequate capacity for the future outlot development. The calculations provided on the plans have been reviewed to confirm their accuracy and a minor error was discovered. The required detention volume listed on the plans is 70 ft$^3$ smaller than it should be. The
Applicant must revise the calculations and the plans and include in the final engineering plan submittal.

7. The Applicant must provide calculations demonstrating that post-development drainage volume and conditions do not exceed per-development volume and conditions. Additional calculations must be submitted indicating the map and computation of design, including drainage sublets, that support the stormwater pipes were sized for a ten-year storm event using the Rational Method. This item has been satisfactorily addressed.

8. The Applicant must verify that the grading for the proposed development will not cause potential flooding, runoff, and/or soil erosion issues for the neighboring properties. This item has been satisfactorily addressed.

9. The developer will be required to complete a perpetuity maintenance agreement with the City for the proposed private stormwater systems. The above comment is still applicable and can be addressed at the time of final engineering plan submittal.

10. The existing stormwater system’s outlet must be shown with the existing conditions provided on sheet C-2. This item has been satisfactorily addressed.

11. The plans must show locations of all existing/proposed roof downspouts. Roof downspouts are not permitted to discharge directly into the combined sewer system and must be directed onto grass, landscape or other green space area (or directed through the new detention system) to prevent ponding of water on the property or from being directed towards adjacent properties. This item has been satisfactorily addressed.

12. A note indicates the existing building sanitary lead will remain in place and be re-utilized. Given the age of the facility, a new sanitary sewer lead will be required unless the applicant can provide video evidence that the existing line and connection are in good condition. The current site plans indicate that the existing sanitary lead will be televised to determine the feasibility of reuse. The findings in the videos must be provided to the City’s DPW so the determination can be made as to whether the sanitary lead can be reused or needs to be replaced. The Applicant must provide calculations to confirm that the sanitary lead (existing or new) is appropriately sized to handle the proposed 33 REUs. If during the inspection of the existing sewer lead it is determined that there is insufficient capacity (i.e., the lead is found to be smaller than anticipated), a new lead will be required. The new sewer lead connection and the abandonment of the existing lead, if required, must be made in accordance with the standards of the City’s DPW.

13. Detail sheets for the proposed storm and sanitary sewers must be provided with structures, covers, pipe requirements/cross sections and connection/tap details in accordance with City and County Standards. In addition, shop drawings for the said appurtenances will be required to be reviewed by the City and HRC. This item has been satisfactorily addressed. The site-specific construction plans and details for the underground detention system, as prepared by the system’s manufacturer, have been provided in the site plans. These sheets include the pipe depth, material, pipe cover/bedding details, rim elevations, and pipe inverts for the system which appear to accurately reflect the proposed site conditions.

14. At the time of final engineering plan review sanitary and storm sewers must be shown in both plan and profile view. In addition, the plans must clearly indicate the size, material, slope, inverts, and elevations of all existing and proposed pipes and structures. The trench backfill detail, existing and proposed ground surface elevations, and the locations of porous backfill materials, if proposed, must be clearly indicated in
the profile views. This item has been satisfactorily addressed.

15. Upon the completion of construction, the City will revise and adjust the storm water fixed charge to reflect the pervious/impervious changes and lot adjustments. In addition, the sanitary sewer quarterly utility charges will be adjusted to reflect the new REU value.

Paving, Grading and Traffic Flow:

1. Cross-sectional details for all proposed pavement, driveways, curbs, sidewalks, and sidewalk ramps must be provided on the plans. This item has been satisfactorily addressed.

2. All new sidewalk ramps must be designed and shown on the plans in accordance with current ADA standards. The submitted plans contain notes and details that appear to indicate that the site has been designed to comply with the current ADA standards. The Applicant is responsible for verifying that the design is in accordance with the ADA standards. This item has been satisfactorily addressed.

Recommendation:

Based on our aforementioned comments, we recommend approval of the proposed Site Plan subject to the outstanding items being addressed as well as the following items being submitted to the City Planning Department prior to the preconstruction meeting:

- Written confirmation and video footage of the existing sanitary sewer lead confirming that it has been inspected and is suitable for reuse (both size and condition).
- Proof of insurance with the City of Berkley and HRC named as additional insured.
- A $5,000 right-of-way restoration bond shall be posted with the Planning Department to cover all proposed right-of-way activities.
- A traffic control plan/diagram is required for the open cut installation of the water service and/or sanitary sewer service leads within Coolidge Highway. Details for restoration of the roadway must also be submitted for review.
- The City must receive copies of each approved permit prior to job commencement.

Upon project completion, record drawings must be submitted to the City for their records.

If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Edward D. Zmich
Project Manager
EDZ/rjk
pc: City of Berkley; Mr. Derrick Schueller, Mr. Shawn Young, Ms. Kim Anderson
HRC; R. Alix, R. Koch, File
Ms. Erin Schlutow – Community Development Director
Mr. Jonathon Istrank, Design Engineer

RE: Plan Review #19-19, 2219 Coolidge Hwy

Dear Interested Parties;

I have received and reviewed the modified plans for “The Berkley” development proposed for the above address. There is still an issue with fire apparatus access. While relocation of the entrance to the east does facilitate fire apparatus making the turn from W/B Oxford into the parking lot, it does not permit access the eastern most north/south lane adjacent to the building with a 45’ vehicle.

Please contact me if you have any questions regarding this communication.

Sincerely,

Pete Kelly
Fire Inspector
1. All dimensions to be verified in field. Built conditions to be compared to drawn conditions. If discrepancies exist, consult architect.
2. Do not scale from drawings. Architect to provide dimensions as requested.
3. Refer to enlarged floor plans for wall types.

Berkley School Apartments
2219 Coolidge Hwy / Berkley / Michigan / 48072
Brad Friedman

General notes:

- 3/32" = 1'
- Lower level plan / overall
- Design development set
- 10/31/2019

Lower level plan / overall
1. all dimensions to be verified in field. built conditions to be compared to drawn conditions. if discrepancies exist, consult architect.
2. do not scale from drawings. architect to provide dimensions as requested.
3. refer to enlarged floor plans for wall types.
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2. Do not scale from drawings. Architect to provide dimensions as requested.
3. Refer to enlarged floor plans for wall types.

Floor plan / Second Floor
Design Development Set
10/31/2019

General Notes / Floor Plan

Berkley School Apartments
2219 Coolidge Hwy / Berkley / Michigan / 48072
Brad Friedman
October 31, 2019

Erin Schlutow
City of Berkley
Building and Planning Department
3338 Coolidge Highway
Berkley, MI 48072

RE: Community Development Site Plan Review
PSP-06-19
Proposed Residential Community
2219 Coolidge Highway
City of Berkley, Oakland County, MI

Erin:

Stonefield Engineering & Design, LLC is pleased to submit documents to address the comments contained in the Site Plan Review Letter dated October 1, 2019. Please find the following items enclosed for review:

<table>
<thead>
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<th>ITEM DESCRIPTION</th>
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<tr>
<td>Site Development Plans</td>
<td>10-31-2019</td>
<td>15</td>
<td>Stonefield Engineering &amp; Design</td>
</tr>
<tr>
<td>Architectural Plans</td>
<td>10-31-2019</td>
<td>15</td>
<td>Five/Eighths</td>
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<tr>
<td>Landscape Plan</td>
<td>10-31-2019</td>
<td>15</td>
<td>Five/Eighths</td>
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The following is an itemized response to the comments contained within the Site Plan Review Letter dated October 1, 2019:

1. Planning Comment #1
   a. There is a discrepancy of the total number of units on the plans that will need to be addressed on revised plans.
      
      **Number of units has been revised to 55 units on Sheet C-3.**

   b. Parking spaces designated for compact cars must be clearly signed for “small cars only.” This should be noted on the revised site plan.

      **Compact car parking space signage has been proposed. Location and detail shown on Sheet C-3 and C-11.**

2. Planning Comment #2
   a. We recommend the applicant to address the condition of the sidewalk to the satisfaction of the Planning Commission.

      **Sidewalk flags along Oxford and Coolidge have been proposed to replace as necessary as requested on Sheet C-3.**
3. **Planning Comment #3**

a. We recommend to continue the pedestrian walkway along the south property line of the subject site to connect with Coolidge Hwy.

   **Sidewalk to Coolidge Highway around south side of building has been provided as requested.**

b. We recommend each island to have some landscaping in order to provide aesthetic appeal to the site. This should be revised on the landscaping plan.

   **Landscaping has been revised as requested on landscaping plan.**

c. Additionally, the traffic lanes and means of ingress and egress should be painted with traffic control signs, as appropriate on the subject site.

   **Traffic flow arrows have been included on Sheet C-3 as requested.**

4. **Planning Comment #4**

a. We recommend incorporating similar stone coping or marble panels on northeastern façade of the building facing Coolidge Hwy so as to continue the aesthetic character along the entire exterior.

   **We do not feel this is the correct approach from an architectural standpoint. Although the two volumes (school and gym) share a similar material palette, they were built at different times for different purposes and therefore we feel they should be treated differently. The articulation of the school facade is more detailed than the gym, and we feel if we try to mimic the original details on the newer volume, it will feel forced and reduce the uniqueness of the original structure. More generally, our design philosophy is that additions should not try to match original buildings perfectly but should reflect the programmatic conditions that necessitated the addition while referencing the original portion of the building more abstractly.**

b. Building or ground mounted permanent signs will require a separate sign permit to be submitted and reviewed by the Building Department.

   **Noted.**

c. The submitted site plan does not include a masonry wall to separate such land uses. We recommend the revised plans to include the masonry wall to provide the separation buffer between the land uses.

   **A masonry wall will be provided as part of the future development of the west property along the Western most property line along the zoning separation line.**

5. **Planning Comment #5**

a. The submitted landscape plan is missing key information that needs to be included on the revised site plan. Sheet C1.40 does not include a legend for proposed plantings, diameter at breast height, and method of irrigation. All must be included on the revised site plan. Additionally, given that there the proposed parking layout exceeds the parking requirement, we recommend revision to the southeast parking area to preserve as much greenspace and vegetation as possible.

   **Noted. See Sheet C1.40 of the attached Landscape Plan.**

b. Sheet C-7 of the site plan shows illumination levels that exceed the maximum five foot-candle intensity. The lighting plan should be revised to conform with the maximum lighting requirement.
Lighting plan (Sheet C-8) has been revised as requested.
Should you have any questions, please do not hesitate to contact our office.

Best regards,

Mitchell Harvey
mharvey@stonefieldeng.com
Stonefield Engineering and Design, LLC

Michael Gold
mgold@stonefieldeng.com
Stonefield Engineering and Design, LLC
October 31, 2019

Erin Schlutow
City of Berkley
Building and Planning Department
3338 Coolidge Highway
Berkley, MI 48072

RE: Engineering Site Plan Review
HRC Job No. 20190914.02
Proposed Residential Community
2219 Coolidge Highway
City of Berkley, Oakland County, MI

Erin:

Stonefield Engineering & Design, LLC is pleased to submit documents to address the comments contained in the Engineering Site Plan Review Letter dated September 23, 2019. Please find the following items enclosed for review:

<table>
<thead>
<tr>
<th>ITEM DESCRIPTION</th>
<th>DATED</th>
<th>COPIES</th>
<th>PREPARED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Development Plans</td>
<td>10-31-2019</td>
<td>15</td>
<td>Stonefield Engineering &amp; Design</td>
</tr>
<tr>
<td>Geotechnical Investigation Report</td>
<td>09-12-2019</td>
<td>1</td>
<td>PEA, Inc.</td>
</tr>
</tbody>
</table>

The following is an itemized response to the comments contained within the Engineering Site Plan Review Letter dated September 23, 2019:

**General**

1. The plans indicate that a geotechnical investigation was performed for this site. The soil logs from that investigation must be shown on the plans, including the elevation of the groundwater table, soil types encountered, and the written report indicating the design recommendations or comments on the proposed stormwater collection system.

   Soil boring locations have been shown on Sheet C-18. The Geotechnical report has been included within the submission.

2. The existing sewers in the right-of-way of Harvard and Coolidge must be identified as “COMBINED” since the City’s sewer system is combined.

   Existing sewers in the right-of-way’s have been identified as “combined” on the attached survey as requested.

3. In addition, the utility plan calls out sanitary lines within the site that appear to be storm or combined sewer pipes. The terminology and types of lines must be clarified. It must be noted that future sanitary flow will not be allowed through the new detention system as the plans currently indicate.

   All existing combined structures have been disconnected from the proposed storm system on site. Proposed sanitary for future development has been removed.

4. The Demolition Plan sheet must show all removal quantities including pavement, curb, sidewalk/ramp, utilities, trees, and landscape features.

   Demolition quantities have been included on Sheet C-2 as requested.
5. The proposed limits of sidewalk removal and replacement must be extended to include all of the sidewalk areas on the property in order to address the current deteriorated conditions. At a minimum, the sidewalk replacements must be expanded to address the areas with faulting or with other conditions that could present a trip hazard.

All sidewalk on the site has been proposed to be removed and replaced as necessary.

6. All lighting structures and electrical conduit for the proposed site must be shown on the Site Plan in relation to the other proposed site utilities. Comments on lighting will be deferred to the City and the Planning Commission.

Proposed area lights have been shown in relation with proposed utilities on Sheet C-8.

7. A Soil Erosion and Sedimentation Control (SESC) Plan sheet must be included showing the sequence of construction (including the installation timing of SESC measures) and construction phasing. The Oakland County Water Resources Commission’s (OCWRC) SESC Detail Sheet must be included and a soil erosion permit may be required from the OCWRC.

Soil Erosion and Sediment Control Plan has been included as Sheet C-10 and OCWRC SESC Details have been included within the Site Development Plans.

8. The legal descriptions for the proposed lot splits must be provided for review and approval at the time of final engineering plan submittal.

Legal description for proposed lot split has been included on the survey.

Water and Fire Protection Services

1. Permits may be required from the Department of Environment, Great Lakes, and Energy (EGLE) for the installation and connection of the new sanitary sewer and water main utilities.

No sanitary or water main have been proposed part of this development.

2. The plans must include calculations for the new Residential Equivalent Unit (REU) value of the existing structure with the change in use to multi-family residential. These calculations must also support that the proposed water service lead is sufficiently sized for the new REU value and that the existing sanitary lead is also of sufficient size.

REU calculations per Oakland County’s determination have been included on Sheet C-8 as requested.

3. The plans indicate that two (2) connections are proposed to be made to the existing water main in the Coolidge Highway right-of-way (ROW). The City’s Department of Public Works (DPW) requires a tapping sleeve, valve, and well be used for the connection at Coolidge. The plans must reflect this type of connection.

Tapping sleeves, valves, and wells have been proposed for the domestic and fire suppression lines as requested.

4. Where the water service lead connection is proposed the existing pavement cross-sections will need to be sawcut, removed, and replaced in kind. The plans must indicate the pipe bedding and type of backfill to be used in the development roadway as well as in the street excavation areas for the new pipe installation.

Sidewalk and pavement have been proposed to be replaced in-kind for utility trench area. Utility trench detail has been included on Sheet C-12.
5. The existing fire hydrant on Oxford is called out to be removed and replaced to make room for a new drive entrance. The hydrant relocation would require a public water shutdown and would impact approximately fifty (50) homes. As per the City DPW, in order to avoid a shutdown of this magnitude, the existing hydrant should remain in place and the new drive entrance location modified.

   Drive entrance has been relocated and fire hydrant is to remain and be protected throughout construction.

6. Proposed finished grades for hydrants and gate wells must be provided in addition to hydrants being located at least four (4') feet from the edge of pavement or protected with bumper posts or bollards.

   No new hydrants are being proposed.

7. Proposed gate valves must be housed in wells per the OCWRC standard details.

   Notes for gate valves housed in wells have been provided as requested.

8. A detail sheet for the proposed water service leads must be provided and include details for fire hydrants and gate wells that meet City and Oakland County Standards.

   Oakland county WRC Water Main Details Sheets 1 thru 3 have been included within the Site Development Plans for connection, bedding, and general details.

**Storm Drainage and Detention/Sanitary Sewer:**

1. This office recommends that an alternative stormwater detention method is considered for underground detention areas. The currently proposed system does not appear to be suitable for southeastern Michigan soils that are predominantly clay and may pose a potential risk to the parking areas by reducing the subgrade’s ability to support the pavement. The system is also susceptible to pollution from backflow from the combined sewer in a large rainfall event.

   The underground detention system has been revised as requested and no stone storage is being provided.

2. The stormwater detention systems notes calls for the subgrade to be inspected by a licensed geotechnical engineer to confirm that it is in compliance with the design infiltration rates as per New Jersey’s Department of Environmental Protection’s Best Management Practices (BMP). The proposed design and associated notes on the plans must be revised to reflect Michigan (Oakland County) design standards and not those of other regions.

   Notes have been removed for infiltration BMPs.

3. The type of cover to be utilized on the proposed drainage structures must be indicated on the plans. Restricted covers may need to be utilized if required by the City’s DPW being that the City’s sewer system is combined. The Applicant must inquire directly with the DPW. Efforts must be made to avoid overtaxing the system with additional drainage from the development.

   All manhole covers shall be EJIW 1040C or an approved alternative per Berkley DPW.

4. Details of the outlet control structure, the connection the existing combined system, and any BMPs for stormwater treatment that are proposed must be shown on the plans.

   All requested structure details have been included on Sheets C-12 and C-13.
5. The plans indicate detention calculations for a 100-year storm for the proposed development. Although they appear to follow Oakland County’s design method, the calculations will be reviewed at the time of final engineering plan submittal. The volume of any proposed detention system must meet or exceed the required detention volume.

**Calculations for underground detention based on Oakland County’s Design Method have been provided on Sheets C-6 and C-13**

6. The Applicant must provide calculations demonstrating that post-development drainage volume and conditions do not exceed per-development volume and conditions. Additional calculations must be submitted indicating the map and computation of design, including drainage sublets, that support the stormwater pipes were sized for a ten-year storm event using the Rational Method.

**Pre vs. post-development calculations and stormwater conveyance pipe calculations for 10-year storm event have been included as requested on Sheets C-5 and C-7.**

7. The Applicant must verify that the grading for the proposed development will not cause potential flooding, runoff, and/or soil erosion issues for the neighboring properties.

**Proposed grading will not cause any above issues for neighboring properties.**

8. The developer will be required to complete a perpetuity maintenance agreement with the City for the proposed private stormwater systems.

**Maintenance agreement for stormwater systems will be handled under a separate cover.**

9. The existing stormwater system’s outlet must be shown with the existing conditions provided on sheet C-2.

**Existing outlet for existing storm system has been included as requested on Sheet C-2.**

10. The plans must show locations of all existing/proposed roof downspouts. Roof downspouts are not permitted to discharge directly into the combined sewer system and must be directed onto grass, landscape or other green space area (or directed through the new detention system) to prevent ponding of water on the property or from being directed towards adjacent properties.

**All existing downspout locations have been included as requested and shown as circles with half striping.**

11. A note indicates the existing building sanitary lead will remain in place and be re-utilized. Given the age of the facility, a new sanitary sewer lead will be required unless the applicant can provide video evidence that the existing line and connection are in good condition.

**Note regarding existing sanitary line to be televised to determine feasibility has been included on Sheet C-8.**

12. Detail sheets for the proposed storm and sanitary sewers must be provided with structures, covers, pipe requirements/cross sections and connection/tap details in accordance with City and County Standards. In addition, shop drawings for the said appurtenances will be required to be reviewed by the City and HRC.

**Details for corresponding sanitary and storm structures have been included as requested.**

13. At the time of final engineering plan review sanitary and storm sewers must be shown in both plan and profile view. In addition, the plans must clearly indicate the size, material, slope, inverts, and elevations of all existing and proposed pipes and structures. The trench backfill detail, existing and proposed ground surface elevations, and the locations of porous backfill materials, if proposed, must be clearly indicated in the profile views.

**Storm and sanitary profiles have been included as requested on Sheet C-7.**
Paving, Grading and Traffic Flow:

1. Cross-sectional details for all proposed pavement, driveways, curbs, sidewalks, and sidewalk ramps must be provided on the plans.

   Cross-sectional details have been included as requested on Sheets C-11 and C-12.

2. All new sidewalk ramps must be designed and shown on the plans in accordance with current ADA standards. The submitted plans contain notes and details that appear to indicate that the site has been designed to comply with the current ADA standards. The Applicant is responsible for verifying that the design is in accordance with the ADA standards.

Provided.

Should you have any questions, please do not hesitate to contact our office.

Best regards,

[Signatures]

Mitchell Harvey
mharvey@stonefieldeng.com
Stonefield Engineering and Design, LLC

Michael Gold
mgold@stonefieldeng.com
Stonefield Engineering and Design, LLC
Geotechnical Investigation
Proposed Townhome Development

SW Corner of Coolidge Hwy. and Oxford Rd.
Berkley, Michigan

Mr. John DePorre
DePorre Building, LLC
6400 Telegraph Road – Suite 2500
Bloomfield Hills, MI 48301

September 12, 2019

PEA Project No. 2019-366
September 12, 2019  
PEA Project No: 2019-366  

via email: john@deporrebuilding.com  

Mr. John DePorre  
DePorre Building, LLC  
6400 Telegraph Road  
Suite 2500  
Bloomfield Hills, MI 48301  

RE: Geotechnical Investigation  
Proposed Townhome Development  
Southwest Corner of Coolidge Highway and Oxford Road  
Berkley, Oakland County, Michigan  

Dear Mr. DePorre:  

PEA, Inc. has performed a geotechnical investigation for the proposed residential townhome development located in Berkley, Michigan. The purpose of our investigation was to determine the general subsurface conditions throughout the proposed development in order to provide foundation and related site preparation recommendations.  

Based on our investigation, the site soils generally consist of a pavement section of asphalt and aggregate base overlying native cohesive soils. Fill was encountered below the pavement section at one boring location, and extended to approximately 6 feet below the existing ground surface.  

A minimal amount of earthwork will be needed to achieve final design grades. We anticipate cuts and fills on the order of 4 to 5 feet. Following successful completion of earthwork operations, we recommend that the proposed buildings be supported by shallow foundations bearing on engineered fill or on the native soils. We recommend that earthwork be performed in the dry season. We caution that if site conditioning and earthwork operations are during wet or cold weather (i.e. any time other that late spring to early fall) significant difficulty should be anticipated.  

The data obtained during this investigation along with our evaluations, analysis and recommendations are presented in the subsequent portions of this report.  

SITE CONDITIONS AND PROPOSED CONSTRUCTION  

The site for the proposed townhome development is located at the southwest corner of Coolidge Highway and Oxford Road, and currently serves as the parking lot for the Our Lady of La Salette Roman Catholic Church in Berkley, Michigan.  

Underground storm sewers currently exist throughout the existing parking lot. The ground surface is generally flat in both the north-south and east-west directions. Refer to the Test Boring Location Plan for the existing site features.  

We understand present plans include constructing townhomes in the existing parking lot. No conceptual site plan has been provided, and no detailed information regarding the buildings is available at this time. Therefore, it has been assumed that the proposed structures will be two
stories, with slab on grade floors and no basements. We anticipate loads will not exceed 50 kips for interior columns(posts), and 3,000 pounds per lineal foot for walls. It has also been assumed that the finish grade elevations for the proposed structures will be at or near the existing site grade and that only modest cuts and fills (ie. on the order of 4 to 5 feet) will be required to establish the finished grade elevation.

REGIONAL GEOLOGY AND SEISMIC ACTIVITY

A review of available sources indicates that several ice sheets (i.e. glaciers) advanced and retreated over the site with the most recent being during the late Wisconsin period. Based on the 1982 Quaternary Geology Map of Southern Michigan and the Oakland County Surficial Geology Map, the site soils were generally deposited as lake or lacustrine sediments in areas formerly inundated by glacial great lakes. According to the 1981 Oakland County Bedrock Topography map, the top of rock is at about elevation 425 or about 250 feet below the surface. Any sand and gravel strata are generally attributed to a succession of gradually receding lakes creating beach ridges.

Southern Michigan and Berkley are considered to have a relatively low seismic risk. The appropriate geotechnical design considerations for seismic conditions should be applied based on the Michigan Building Code. Based on our interpretation of the test borings and understanding of the soil conditions below the depth of exploration, we recommend the site be classified as a Class D Site.

FIELD INVESTIGATION

We investigated subsurface conditions at the existing facility site by drilling six test borings designated TB-1 to TB-6. Strata Drilling Company drilled the test borings on September 10, 2019. Test borings TB-1 to TB-3 were all drilled within proposed townhome footprint, and TB-4 to TB-6 were drilled within planned pavement areas. The test borings were located in the field by measuring from existing surface features. The locations are shown on the Test Boring Location Plan. Ground surface elevations were estimated from Google Earth.

The test borings were extended to depths ranging from 10 to 25 feet. The borings were advanced with 4-inch nominal diameter solid stem augers. Soil samples were taken at intervals of generally 2.5 feet within the upper 10 feet and at 5-foot intervals below 10 feet. These test boring samples were taken by the Standard Penetration Test method (ASTM D-1586).

Geotechnical engineers generally accept that auto hammers are more efficient than the traditional manual hammer. Therefore, the “N” value obtained in the field by using the auto hammer will generally be 2/3 to ¾ of the blows using a manual hammer. The “N” values on the boring logs represent the actual blows from the auto hammer. However, the relative density description is based on both the auto hammer blow counts and an expected equivalent N from a manual hammer.

The soil samples obtained with the split-barrel sampler were sealed in containers and transported to our laboratory for further classification and testing. We will retain these soil samples for 60 days after the date of this report. At that time, we will dispose of the samples unless otherwise instructed.

PRESENTATION OF DATA

We evaluated the soil and groundwater conditions encountered in the test borings and have presented these conditions in the form of individual Logs of Test Borings on Figures 1 through 6. The nomenclature used on the boring logs and elsewhere are presented on the Soil Terminology sheet, Figure 7. The stratification shown on the test boring logs represents the soil conditions at the actual boring locations. Variations may occur between the borings. The stratigraphic lines
represent the approximate boundary between the soil types, however, the transition may be more gradual than what is shown. We have prepared the logs included with this report on the basis of field classification supplemented by laboratory classification and testing.

The thickness of existing pavements and base courses should be considered approximate. Mixing of these materials occur in the drilling process as well as deteriorated asphalt can appear as base. Pavement cores should be performed to obtain accurate thicknesses and condition of asphalt pavement and base courses, if needed. We have prepared the logs included with the report on the basis of field classification supplemented by laboratory classification and testing.

LABORATORY TESTING

The soil samples obtained from the test borings were also classified in our laboratory. Selected samples were tested to determine natural moisture contents. Testing was performed in accordance with current ASTM standards. The results of these tests are presented on the individual Logs of Test Borings.

In addition to the laboratory testing, pocket penetrometer measurements of the unconfined compressive strengths of cohesive soils were determined in the field. The strength values determined by the penetrometer are also presented on the test boring logs.

SOIL CONDITIONS AND EVALUATIONS

From the information developed during this investigation, subsoil conditions are generally similar throughout the site. Asphalt pavement overlies a layer of granular fill which in turns overlies native soils consisting of very stiff to hard silty clays.

The existing pavement section at the boring locations consists of approximately 4 inches of bituminous concrete over approximately 4 to 6 inches of brown gravelly sand base. The existing base material is considered suitable to support floor slabs and pavements, or for re-use as common fill.

At TB-4, within the planned parking lot for the townhome development, fill consisting of very loose silty sand extended to approximately 6 feet below the existing ground surface elevation. The silty sand fill encountered at TB-4 is not considered suitable for the support of building foundations. Providing that the procedures outlined in the section of "Recommended Earthwork Operations" are followed, and providing that some settlement can be tolerated, most of the existing fill may be left in place below interior floor slabs and pavement where encountered, or re-used as compacted fill.

Underlying the sand fill at TB-4, and below the pavement base material at the rest of the soil borings, native silty clay was encountered. The very stiff to hard native clays extended to the the termination depth at each boring location. The native soils underlying the pavement section, and existing fill are considered suitable for the direct support of foundations, floor slabs, and pavement.

SITE PREPARATION

On the basis of available data, we anticipate a minimal amount of earthwork will be required to achieve final design grades. We recommend that all earthwork operations be performed under adequate specifications and be properly monitored in the field. We expect the earthwork to consist of minimal cuts and fills to bring the site to grade preparing for floor slabs and pavement. We recommend the following earthwork operations be performed.

- Any surface vegetation should be cleared. Topsoil or any other organic soils, if encountered, should be removed in their entirety from the building and parking areas.
• The existing pavement should be removed in its entirety within the proposed building area.

• Abandoned utilities inside the proposed buildings should be removed in their entirety. Outside the buildings, the abandoned utilities should either be removed or plugged.

• Where cohesive soils are present prior to fill placement in fill areas, and after rough grade has been achieved in cut areas, the cohesive subgrade should be thoroughly proof-rolled. A heavy rubber-tired vehicle such a loaded dump truck should be used for proof-rolling.

• We expect that some areas of the site will not proof-roll satisfactorily. Any areas that exhibit excessive pumping and yielding during proof-rolling and compaction should be stabilized by aeration, drying, and compaction if weather conditions are favorable or removal and replacement with engineered fill (undercutting).

• Undercutting also can include the use of geotextiles and geogrids. In general, removing wet pumping soils to find suitable stable soil may not work on this site. Thus, in order to backfill an excavation, 1 by 3 concrete or a geogrid is recommended to stabilize the bottom and begin the refilling process.

• Following proof-rolling and repair of unsuitable areas, the upper foot of the subgrade should be compacted to 90 percent of the maximum dry density as determined by the Modified Proctor Compaction Test, (ASTM D-1557) prior to placement of fill.

We recommend materials meeting the following criteria be used for backfill or engineered fill to achieve design grades:

• The material should be non-organic and free of debris.

• Frozen material should not be used as fill nor should fill be placed on a frozen subgrade.

• The on-site soils may be used for engineered fill provided that they are approximately at the optimum moisture content. The silty clay soils encountered at the soil boring locations may require aeration and drying before they can be properly compacted.

• Free-draining granular soils should be used for trench backfill and in confined spaces.

• Pea gravel is not recommended as engineered fill. Although pea gravel can easily be compacted, since it is rounded and very narrowly graded, it is unstable under wheel loads. In order to support loads, it must be confined laterally.

• **Common Fill:** The on-site soils may be used for common fill material. Common fill should be used in large areas that can be compacted by large earth moving equipment.

• **Granular Fill:** Granular fill should be used in confined areas such as trenches and backfill around foundations. Granular fill should meet the following gradation:

<table>
<thead>
<tr>
<th>Sieve Size</th>
<th>Percent Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 inch</td>
<td>100</td>
</tr>
<tr>
<td>3 inch</td>
<td>95-100</td>
</tr>
<tr>
<td>Loss by Wash</td>
<td>0-15</td>
</tr>
</tbody>
</table>

*MDOT Class III meets the requirements for Granular Fill.*
Alternately the following also can be used:

<table>
<thead>
<tr>
<th>Sieve Size</th>
<th>Percent Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 inch</td>
<td>100</td>
</tr>
<tr>
<td>1 inch</td>
<td>60-100</td>
</tr>
<tr>
<td>No. 30</td>
<td>0-30</td>
</tr>
<tr>
<td>Loss by Wash</td>
<td>0-10</td>
</tr>
</tbody>
</table>

**MDOT Class II meets the requirements for Granular Fill. Some restriction apply to some applications**

- Sand-Gravel Fill: Sand-gravel fill should be used where free-draining material is required. Free-draining material is recommended for underfloor fill and retaining wall backfill. Sand and gravel fill should meet the following gradation:

<table>
<thead>
<tr>
<th>Sieve Size</th>
<th>Percent Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 inch</td>
<td>100</td>
</tr>
<tr>
<td>1/2 inch</td>
<td>45-85</td>
</tr>
<tr>
<td>No. 4</td>
<td>20-85</td>
</tr>
<tr>
<td>No. 30</td>
<td>5-30</td>
</tr>
<tr>
<td>Loss by Wash</td>
<td>0-5</td>
</tr>
</tbody>
</table>

**MDOT Class I material meets the requirements for sand and gravel.**

- Crushed Stone Fill: Crushed stone fill should be used for aggregate base and for any over-excavated foundations. Crushed stone should meet the following gradations:

<table>
<thead>
<tr>
<th>Sieve Size</th>
<th>Percent Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-1/2 inch</td>
<td>100</td>
</tr>
<tr>
<td>1 inch</td>
<td>85-100</td>
</tr>
<tr>
<td>1/2 inch</td>
<td>50-75</td>
</tr>
<tr>
<td>No. 8</td>
<td>20-45</td>
</tr>
<tr>
<td>Loss by Wash</td>
<td>0-10</td>
</tr>
</tbody>
</table>

**MDOT 21AA meets the gradation.**

The fill should be placed in uniform horizontal layers. The thickness of each layer should be in accordance with the following:

<table>
<thead>
<tr>
<th>Compaction Method</th>
<th>Maximum Loose Lift Thickness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hand-operated vibratory plate or light roller in confined areas</td>
<td>4 inches</td>
</tr>
<tr>
<td>Hand-operated vibratory roller weighing at least 1,000 pounds</td>
<td>6 inches</td>
</tr>
<tr>
<td>Vibratory roller drum roller, minimum dynamic force, 2,000 pounds</td>
<td>9 inches</td>
</tr>
<tr>
<td>Vibratory drum roller, minimum dynamic force, 30,000 pounds</td>
<td>12 inches</td>
</tr>
<tr>
<td>Sheeps-foot roller</td>
<td>8 inches</td>
</tr>
</tbody>
</table>
The vibrating roller thicknesses are for compacting granular soils. If vibrating drum rollers are used for cohesive soils, the recommended lift thickness is one-third the tabulated value. The lift thicknesses may be increased if field compaction testing demonstrate the specified compaction is achieved throughout the lift.

The fill should be compacted to achieve the specified maximum dry density as determined by the Modified Proctor compaction test (ASTM D-1557). The specified compaction for fill placed in various area should be as follows:

<table>
<thead>
<tr>
<th>Area</th>
<th>Percent Compaction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within building envelope</td>
<td>95</td>
</tr>
<tr>
<td>Below foundations</td>
<td>95</td>
</tr>
<tr>
<td>Pavement base</td>
<td>95</td>
</tr>
<tr>
<td>Within one foot of pavement subgrade</td>
<td>95</td>
</tr>
<tr>
<td>Below one foot of pavement subgrade</td>
<td>92</td>
</tr>
<tr>
<td>Landscaped area</td>
<td>88</td>
</tr>
</tbody>
</table>

Trench backfill shall be compacted to above standards. The building is considered to extend 10 feet beyond the foundations of the structure. Pavement is considered to extend 5 feet beyond the edge plus a one-on-one slope to the original grade.

The site conditioning procedures discussed above are expected to result in fairly stable subgrade conditions throughout most of the site. However, the on-site silty cohesive soils are sensitive to softening when wet or disturbed by construction traffic. Depending on weather conditions and the type of equipment and construction procedures used, surface instability may develop in parts of the site. If this occurs, additional corrective procedures may be required, such as in-place stabilization or undercutting. Surface instability during pavement preparation commonly results from poor surface water management as the building is constructed and underground utilities installed, and when sensitive subgrades are not protected from excessive construction traffic. Corrective procedures can be limited by careful attention to water management and construction traffic.

If site conditioning and earthwork operations are to be performed during wet or cold weather (i.e. any time other than late spring to early fall), significant difficulty should be anticipated in drying or stabilizing the on-site silty cohesive clay soils. Under such circumstances, it may become necessary to undercut the wet soils and backfill with clean granular soils to achieve proper stabilization. If site preparation operations are performed during the summer months, it may be possible to stabilize wet soils in place and to use cohesive soils as fill with proper conditioning and moisture control in the field.

**FOUNDATION RECOMMENDATIONS**

Based on an evaluation of the subsurface data developed and successful completion of the earthwork procedures previously outlined, we recommend that the proposed residential units be supported on shallow spread and/or strip footings. Foundation excavations adjacent to utilities, streets, driveways, and sidewalks require caution, and care shall be given.

Exterior footings should be founded at a depth of at least 3.5 feet below the exposed finished grade for protection against frost penetration. Interior footings not exposed to frost penetration during or after construction can be installed at shallower depths provided that suitable bearing soils are present. Also, footings cast against earthen sidewalls should be vertical and not allowed to be larger at the top to help mitigate frost heave.

Adjacent spread footings at different levels should be designed and constructed so that the least lateral distance between them is equivalent to or more than the difference in their bearing levels.
To achieve a change in the level of a strip footing, the footing should be gradually stepped at a grade no steeper than two units horizontal to one unit vertical.

We recommend a uniform net allowable soil bearing pressure of 3,000 pounds per square foot (psf) be used for the design of footings bearing on undisturbed native soil and engineered fill. In using a net allowable soil pressure, the weight of the footing, backfill over the footing, or floor slabs need not be included in the structural loads for sizing footings. For both the vertical load and the horizontal load, the allowable bearing may be increased by one third for transient loads resulting from wind or seismic loads. However, strip footings should be at least 12 inches in width, and isolated spread footings should be at least 18 inches in their dimension, regardless of the resulting bearing pressure. All foundation excavations should be observed and tested to verify that adequate in-situ bearing pressures, compatible with the design value, are achieved.

If the recommendations outlined in this report are adhered to, total and differential settlements for the completed structures should be within approximately 1 inch and 1/2 inches, respectively. We recommend that all strip footings be suitably reinforced to minimize the effects of differential settlements associated with local variations in subsoil conditions.

GROUNDWATER CONDITIONS AND CONTROL

Water level observations were made at each of the test borings during and following the completion of drilling operations. During drilling, groundwater was encountered at approximately 3.5 to 19 feet below the ground surface at four of the six boring locations. The 3.5 foot groundwater reading was obtained with the sandy fill at TB-4. At completion, water was noted at a depth of 9.6 feet below the ground surface at TB-4, while the other borings were dry at drilling completion. The results of the individual water level measurements are shown on the respective Logs of Test Borings. Fluctuations in groundwater levels should be anticipated due to the seasonal variations and following periods of prolonged precipitation or drought.

Groundwater observations during drilling operations in predominantly cohesive soils are not necessarily indicative of the static groundwater level. This is due to the low permeability of such soils and the tendency of drilling operations to seal off the natural paths of groundwater flow. Considering the predominantly cohesive character of the subsoils and groundwater levels about 10 feet below the ground surface, no significant groundwater accumulations are anticipated in construction excavations. We expect that accumulations of groundwater or surface runoff water in such excavations should be controllable with normal pumping from properly constructed sumps.

FLOOR SLABS

The subgrade resulting from the satisfactory completion of site preparation operations can be used for the support of concrete floor slabs. Based on the proposed / anticipated finish floor grade, the slab will likely be supported by native cohesive soils. A modulus of subgrade reaction, k, of 125 pounds per cubic inch may be used for design. We recommend that all concrete floor slabs be suitably reinforced and separated from the foundation system to allow for independent movement.

We recommend a porous granular blanket consisting of MDOT Class I sand at least 4 inches thick under the floor slab. We also recommend a vapor barrier as required by code in residential living areas.

PAVEMENT CONSIDERATIONS

The subgrade resulting from the satisfactory completion of site preparation operations can also be used for the support of pavements. The cohesive subgrade soils consist of low plasticity silty clays which can be classified as CL or CL-ML, according to the Unified Soil Classification System (USCS). Soils of these types tend to have poor drainage characteristics, are frost susceptible, and are generally unstable under repeated loading. Based on the results of our investigation and the
anticipated frost and moisture conditions, these soils may be assigned an estimated California Bearing Ratio (CBR) value of 3 for the design of pavements.

Criteria for an engineered design has not been furnished. In addition to traffic loads, required criteria also includes the design life, reliability and defining the condition at the end of the design period. We anticipate that both a light and heavy duty conventional pavement of asphalt with aggregate base will be used.

We understand the following to be the required pavement thicknesses for residential roads on granular subgrade in Oakland County:

- **Deep Strength Bituminous Asphalt:**
  - 1.5 inches of Asphalt Surface Course (1300T)
  - 3 inches of Asphalt 3C
  - 7 inches of 21AA Aggregate Base
  - OR
  - 1.5 inches of Asphalt Surface Course (1300T)
  - 3 inches of Asphalt (3C)
  - 1.5 inches of Asphalt (2C or 11A)
  - Existing subgrade

- **Portland Cement Concrete:**
  - 7 inches of Concrete
  - Existing subgrade

The Road Commission of Oakland County requires that the asphalt meet Michigan Department of Transportation (MDOT) specifications for the mixes listed above. The aggregate base is required meet criteria for RCOC Modified MDOT 21AA.

For pavements, we recommend that “stub” or “finger” drains be provided around catch basins and other low parts of the site to minimize the accumulation of water above and within the frost susceptible subgrade soils. We also recommend edge drains along parking perimeters where upgrade surface water can flow onto or under pavement. Consideration should also be given to providing sub-drains around the perimeter of any proposed landscaped islands within the parking area since they can become a source of water infiltration into the pavement. Such sub-drains could be connected to nearby catch basins. The pavement should be properly sloped to promote effective surface drainage and prevent water ponding.

The pavement recommendations provided in this report are intended to provide serviceable pavement for about 20 years. However, all pavements require regular maintenance and occasional repairs. The need for such maintenance is not necessarily indicative of premature pavement failure. If such activities are not performed in a timely manner, the service life of the pavement can be substantially reduced. Most pavements require preservation treatments about 15 years into their life from environmental causes.

In truck loading zones and trash dumpster pick-up areas within the asphalt pavement areas, heavy concentrated wheel loads will be subjected upon the pavement. This type of activity frequently results in rutting of asphalt pavement and ultimately can lead to premature failure. Therefore, we recommend that suitably reinforced concrete pavement at least 8 inches in thickness be given consideration in these areas.

**FIELD MONITORING**

Soil conditions at the site could vary from those generalized on the basis of test borings made at specific locations. We recommend that a qualified geotechnical engineer be retained to provide soil engineering services during the site preparation, excavation, and foundation phases of the
proposed project. This is to observe compliance with the design concepts, specifications, and recommendations. Also, this allows modifications to the made in the event that subsurface conditions differ from those anticipated prior to the start of construction.

GENERAL COMMENTS

We have formulated the evaluations and recommendations presented in this report, relative to site preparation and building foundations, on the basis of data provided to us relating to the location of the proposed building significant change is this data should be brought to our attention for review and evaluation with respect to the prevailing subsurface conditions.

The scope of the present investigation was limited to evaluation of subsurface conditions for the support of building foundations, pavements, and other related aspects of development. No chemical, environmental, or hydrogeological testing or analysis was included in the scope of this investigation.

If you have any questions regarding this report, or if we may be of further assistance to you in any respect, please feel free to contact us. We appreciate the opportunity to have been of service to you.

Sincerely,

PEA, Inc.

Rebecca Bentley, PE  
Project Manager

D. Jack Sattelmeier, PE  
Director of Geotechnical Engineering

Attachments:  
Log of Test Boring  
Soil Terminology  
Grain Size Distribution Curve  
Location Plan
## LOG OF TEST BORING NO. TB-1

**PROJECT NAME:** Coolidge Highway and Oxford Road  
**LOCATION:** Berkley, MI  
**PEA Job No.:** 2019-366  
**Reviewed by:** REB

---

### SUBSURFACE PROFILE

<table>
<thead>
<tr>
<th>GROUND SURFACE ELEVATION</th>
<th>SOIL SAMPLE DATA</th>
</tr>
</thead>
<tbody>
<tr>
<td>676.0</td>
<td></td>
</tr>
</tbody>
</table>

#### Asphalt Pavement

- **Brown, gravelly Sand pavement base**
  - Sample: 0.3

#### Hard, brown, silty Clay, little sand, trace gravel

- Wet, silty sand seam noted
- Sample: 2
- **SPT** "N": 12
- **Moisture Content (%):** 15.2
- **Dry Density (pcf):** *9000
- **Unconf. Comp. Str. (psf):** *
- **Failure Strain (%):** *

#### Hard, gray, silty Clay, little sand, trace gravel

- Sample: 10
- **SPT** "N": 24
- **Moisture Content (%):** 13.5
- **Dry Density (pcf):** *9000
- **Unconf. Comp. Str. (psf):** *
- **Failure Strain (%):** *

#### Very stiff, occasional wet sand partings noted

- Sample: 7
- **SPT** "N": 33
- **Moisture Content (%):** 14.8
- **Dry Density (pcf):** *9000
- **Unconf. Comp. Str. (psf):** *
- **Failure Strain (%):** *

#### Stiff, gray, silty Clay, little sand, trace gravel

- End of Boring
- Sample: 19
- **SPT** "N": 33
- **Moisture Content (%):** 12.6
- **Dry Density (pcf):** *9000
- **Unconf. Comp. Str. (psf):** *
- **Failure Strain (%):** *

---

### Notes

- **Water Level Observation:**
  - **During drilling:** During Drilling - 7.0 ft.
  - **After drilling:** At Completion - Dry
- **Drilling Date:** 09/10/19
- **Inspector:** Jonathan Andare
- **Plugging procedure:** Soil Cuttings
- **Client:** DePorre Building, LLC
- **Total Depth:** 25
- **Drilling Method:** 2 1/2" Solid Stem Augers
- **Plugging procedure:** Soil Cuttings

---

*Pocket Penetrometer*
Asphalt Pavement

Brown, gravelly Sand pavement base

Very stiff, brown, silty Clay, little sand, trace gravel

Hard, brown, silty Clay, trace sand and gravel

Very stiff, gray, silty clay, trace sand and gravel. Wet sand seam noted at 19.0 ft

End of Boring

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<th>SOIL SAMPLE DATA</th>
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</table>

Water Level Observation:
During drilling: During Drilling - 19.0 feet
After drilling: At Completion - Dry

Notes: * Pocket Penetrometer

Drilling Date: 09/10/19
Inspector: Jonathan Andare
Plugging procedure: Soil Cuttings
Client: DePorre Building, LLC

Total Depth: 25
Drilling Method: 2 1/2" Solid Stem Augers

Professional Engineering Associates, Inc. Figure 2
## LOG OF TEST BORING NO. TB-3

**PROJECT NAME:** Coolidge Highway and Oxford Road  
**LOCATION:** Berkley, MI  
**PEA Job No.:** 2019-366  
**Reviewed by:** REB

### GROUND SURFACE ELEVATION

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### SUBSURFACE PROFILE

**Asphalt Pavement**

- 0.3 ft
- Brown, clayey Sand pavement base
- Very stiff, brown, silty Clay, little sand, trace gravel, occasional sand partings

**Hard, brown, silty Clay, trace sand and gravel**

**Very stiff, gray, silty Clay, trace sand and gravel**

**End of Boring**

<table>
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<tr>
<th>DEPTH FEET</th>
<th>SAMPLE</th>
<th>BLOWS /&quot;N&quot;</th>
<th>SPT &quot;N&quot;</th>
<th>Moisture Content (%)</th>
<th>Dry Density (pcf)</th>
<th>Unconf. Comp. Str. (psf)</th>
<th>Failure Strain (%)</th>
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**Total Depth:** 25  
**Drilling Date:** 09/10/19  
**Drilling Method:** 2 1/2' Solid Stem Augers  
**Water Level Observation:**  
- During drilling: During Drilling - 19.0 ft  
- After drilling: At Completion - Dry  
**Inspector:** Jonathan Andare  
**Plugging procedure:** Soil Cuttings  
**Client:** DePorre Building, LLC  
**Notes:** * Pocket Penetrometer
LOG OF TEST BORING NO. TB-4

PROJECT NAME: Coolidge Highway and Oxford Road
LOCATION: Berkley, MI
PEA Job No.: 2019-366
Reviewed by: REB

LOG OF TEST BORING NO. TB-4

PROJECT NAME: Coolidge Highway and Oxford Road
LOCATION: Berkley, MI
PEA Job No.: 2019-366
Reviewed by: REB

GROUND SURFACE ELEVATION 676.0

Asphalt Pavement
Black, clayey Sand pavement base
Very loose, brown, silty Sand, little clay, trace to little gravel

675

670

End of Boring

Hard, brown, silty Clay, little to some sand, trace gravel

SOIL SAMPLE DATA

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<tr>
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<th>BLOWS /&quot;IN&quot;</th>
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<td></td>
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<tr>
<td>15</td>
<td>12</td>
<td>33</td>
<td>*9000</td>
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</table>

Total Depth: 10
Drilling Method: 201/2" Solid Stem Augers
Drilling Date: 09/10/19
Inspector: Jonathan Andare Plugging procedure: Soil Cuttings
Client: DePorre Building, LLC

Water Level Observation:
During drilling: During Drilling - 3.5 ft
After drilling: At Completion - 9.6 ft

Notes: * Pocket Penetrometer

Professional Engineering Associates, Inc.
# LOG OF TEST BORING NO. TB-5

**PROJECT NAME:**  
_Coolidge Highway and Oxford Road_  
_Berkley, MI_

**LOCATION:**  
_Berkley, MI_

**PEA Job No.:**  
_2019-366_

**Reviewed by:**  
_REB_

---

**GROUND SURFACE ELEVATION** | **676.0**
---|---

**Asphalt Pavement**

- Brown, clayey Sand pavement base
- Stiff, gray, silty Clay, little sand, trace gravel
- Hard, brown, silty Clay, trace sand and gravel

**End of Boring**

---

<table>
<thead>
<tr>
<th>DEPTH FEET</th>
<th>SAMPLE</th>
<th>BLOWS /&quot;N&quot;</th>
<th>SPT &quot;N&quot;</th>
<th>Moisture Content (%)</th>
<th>Dry Density (pcf)</th>
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<td>6</td>
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<td>14</td>
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**Total Depth:** 10  
**Drilling Method:**  
_2 1/2" Solid Stem Auger_

**Drilling Date:** 09/10/19

**Inspector:**  
_Jonathan Andare_

**Plugging procedure:**  
_Soil Cuttings_

**Client:**  
_DePorre Building, LLC_

**Water Level Observation:**  
_During drilling: During Drilling - Dry_

_After drilling: At Completion - Dry_

**Notes:**  
*_Pocket Penetrometer_

---

Professional Engineering Associates, Inc.  
_Figure 5_
**LOG OF TEST BORING NO. TB-6**

**PROJECT NAME:** Coolidge Highway and Oxford Road  
**LOCATION:** Berkley, MI  
**PEA Job No.:** 2019-366  
**Reviewed by:** REB

---

**GROUND SURFACE ELEVATION** 676.0

<table>
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<th>DEPTH FEET</th>
<th>SAMPLE</th>
<th>BLOWS /&quot;N&quot;</th>
<th>SPT &quot;N&quot;</th>
<th>Moisture Content (%)</th>
<th>Dry Density (pcf)</th>
<th>Unconf. Comp. Str. (psf)</th>
<th>Failure Strain (%)</th>
</tr>
</thead>
<tbody>
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<td>8</td>
<td>12</td>
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<tr>
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<td>4</td>
<td>6</td>
<td>10</td>
<td>16</td>
<td>*9000</td>
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<td></td>
</tr>
<tr>
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<td>8</td>
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<td>18</td>
<td>32</td>
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<td>*9000</td>
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</table>

---

Asphalt Pavement  
Brown, gravelly Sand pavement base  
Very stiff, brown and gray silty Clay, little sand, trace gravel  
Hard, brown, silty Clay, trace sand and gravel  
End of Boring

---

**Total Depth:** 10  
**Drilling Method:** 2 1/2" Solid Stem Augers  
**Drilling Date:** 09/10/19  
**Inspector:** Jonathan Andare  
**Plugging procedure:** Soil Cuttings  
**Client:** DePorre Building, LLC

---

**Water Level Observation:**  
During drilling: During Drilling - Dry  
After drilling: At Completion - Dry

**Notes:** * Pocket Penetrometer
SOIL TERMINOLOGY

Unless otherwise noted, all terms utilized herein refer to the Standard Definitions presented in ASTM D-653.

PARTICLE SIZES

Boulders - Greater than 12 inches (305 mm)
Cobbles - 3 inches (76.2 mm) to 12 inches (305 mm)
Gravel:
  - Coarse - 3/4 inches (9.05 mm) to 3 inches (76.2 mm)
  - Fine - No. 4 (4.75 mm) to 3/4 inches (19.05 mm)
Sand:
  - Coarse - No. 10 (2.00 mm) to No. 4 (4.74 mm)
  - Medium - No. 40 (0.425 mm) to No. 10 (2.00 mm)
  - Fine - No.200 (0.074 mm) to No. 40 (0.425 mm)
Silt - 0.005 mm to 0.074 mm
Clay - Less than 0.005 mm

CLASSIFICATION

The major soil constituent is the principal noun (i.e., clay, silt, sand, gravel). The minor constituents are reported as follows:

Modifiers to Main Constituent
(Percent by Weight)

- Trace - 01 to 10%
- Little - 10 to 20%
- Some - 20 to 30%
- Adjective - Over 30%

COHESIVE SOILS

If clay content is sufficient so that clay dominates soil properties, clay becomes the principal noun with the other major soil constituent as modifier (i.e., silty clay). Other minor soil constituents may be included in accordance with the classification breakdown for cohesionless soils (i.e., silty clay, trace of sand, little gravel).

Unconfined Compressive Strength (PSF) Approximate Range of N

<table>
<thead>
<tr>
<th>Consistency</th>
<th>Strength (PSF)</th>
<th>Approximate Range of N</th>
</tr>
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<tbody>
<tr>
<td>Very Soft</td>
<td>Below 500</td>
<td>0 to 2</td>
</tr>
<tr>
<td>Soft</td>
<td>500 to 1,000</td>
<td>3 to 4</td>
</tr>
<tr>
<td>Medium</td>
<td>1,000 to 2,000</td>
<td>5 to 8</td>
</tr>
<tr>
<td>Stiff</td>
<td>2,000 to 4,000</td>
<td>9 to 15</td>
</tr>
<tr>
<td>Very Stiff</td>
<td>4,000 to 8,000</td>
<td>16 to 30</td>
</tr>
<tr>
<td>Hard</td>
<td>8,000 to 16,000</td>
<td>31 to 50</td>
</tr>
<tr>
<td>Very Hard</td>
<td>Over 16,000</td>
<td>Over 50</td>
</tr>
</tbody>
</table>

Consistency of cohesive soils is based upon as elevation of the observed resistance to deformation under load and not upon the Standard Penetration Resistance (N).

COHESIONLESS SOILS

Relative Density of Cohesionless Soils is based upon the evaluation of the Standard Penetration Resistance (N), modified as required for depth effects, sampling effects, etc.

Relative Density Classification Approximate Range of N

<table>
<thead>
<tr>
<th>Density Classification</th>
<th>Relative Density %</th>
<th>Approximate Range of N</th>
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</thead>
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<td>0 to 15</td>
<td>0 to 4</td>
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<td>Loose</td>
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<td>Medium Compact</td>
<td>36 to 65</td>
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<td>Very Compact</td>
<td>86 to 100</td>
<td>Over 50</td>
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SAMPLE DESIGNATIONS

C - Core
D - Directly from Auger Flight or Miscellaneous Sample
S - Split Spoon Sample - ASTM D-1586
LS - S - Sample with liner insert
ST - Shelby Tube Sample - 3 inch diameter unless otherwise noted
PS - Piston Sample - 3 inch diameter unless otherwise noted
RC - Rock Core - NX core unless otherwise noted

STANDARD PENETRATION TEST (ASTM D-1586) - a 2.0-inch outside diameter, 1-3/8-inch inside diameter split barrel sampler is driven into undisturbed soil by means of a 140-pound weight falling freely.
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow; Community Development Director
Subject: Planning Commission Meeting Schedule 2020
Date: November 7, 2019

The Berkley Planning Commission is scheduled to meet on the fourth Tuesday of the month. The following schedule for the 2020 PC meetings is submitted for your consideration. Thank you.

Tuesday, January 28, 2020
Tuesday, February 25, 2020
Tuesday, March 23, 2020
Tuesday, April 28, 2020
Tuesday, May 26, 2020
Tuesday, June 23, 2020
Tuesday, July 28, 2020
Tuesday, August 25, 2020
Tuesday, September 22, 2020
Tuesday, October 27, 2020
Tuesday, November 24, 2020
Tuesday, December 22, 2020
At the September Planning Commission meeting, I discussed possible parking ordinance amendments that focused on marihuana businesses in the City. At that time, the Planning Commission requested that the entire Off-Street Parking Article be reviewed and discussed, rather than a piecemeal parking discussion and ordinance amendments.

I have provided the Planning Commission some preliminary materials on comparative communities for reference to show how other dense downtown communities address parking needs.

As we work through the Article, I would like to get direction from the Planning Commission for future ordinance review and possible amendments. Additionally, if there is a topic that Commissioner would prefer to review prior to parking regulations, we can alter the order of review.

Below are suggestions for ordinance amendment discussion. It would be beneficial to rate the importance of each and we can move forward with a consensus of what the Commission would like to tackle first.

1. **Signs**
   In response to the Reed v. Gilbert case, communities have revised their sign ordinance based on content neutrality. The Berkley Sign Ordinance has not been updated since the Supreme Court cast and it would be beneficial to revisit the City standards to prevent legal actions and to comply with best practices.

2. **Landscaping**
   The Zoning Ordinance does not include specific landscaping requirements for re-occupancy or development of a property. The standards for site plan approval, as noted in Section 138-679, requires that landscaping, lighting, dumpster enclosures and other site amenities are provided where appropriate and in a complementary fashion. This standard, with respect to landscaping requirements, needs attention to ensure that all developments are held to the same standard. While many parcels within the City do not have sufficient open or green space for the planting of
trees, bushes or other vegetation, it would be helpful to future applicants to have a guidepost for all required site improvements or amenities.

3. **Short-Term Rentals**
   It has been brought to my attention that there are short-term rental properties through such websites as AirBnb or Vrbo located within the City. Many communities have adopted ordinances that would prohibit the practice altogether, while others have decided to regulate them as rental properties. By classifying them as a rental property, they would be subject to registering with the Building Department and yearly inspections to ensure the properties are kept in a safe and habitable condition.

4. **Public Hearing Requirements**
   The Michigan Zoning Enabling Act stipulates specific requirements for public hearings and how they must be noticed in the newspaper and to all property owners within 300 ft. of the subject site. Communities can and have imposed additional requirements for such hearings, so as to inform as many residents or interested parties as possible to future development. The Public Participation Plan that was adopted by the Berkley Planning Commission in 2018 asserts the benefits to alerting the public to all public hearings that goes beyond the requirements of the MZEA. Currently, it is policy to post a temporary sign on the property that is subject to a public hearing; such as a special land use, rezoning, variance, etc. For purposes of continuity, it would be beneficial to have such ordinance adopted by the governing body.

5. **Projects requiring site plan approval**
   In 2018, the Planning Commission and City Council amended the Zoning Ordinance to permit administrative reviews for some projects that had previously required Planning Commission approval. However, there are consistency issues between Sections 138-677 and Section 138-678. In order to prevent confusion with developers and residents, this should be corrected.

I look forward to discussing with you at the November 26, 2019 meeting.
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: Community Development Department Monthly Report (October 2019)
Date: November 10, 2019

The following Community Development report will be provided each month to the Planning Commission and City Council. The staff is excited to report on the progress of existing development projects that have been reviewed by the PC, zoning administration, ordinance review and any proposed amendments, building permits, CDBG, etc.

The following report will cover activities that have occurred in October 2019:

1. Planning Activities, including a summary of applications currently with the Planning Commission and/or City Council
2. Zoning Administration, including business licenses and commercial renovation projects that do not require Planning Commission review and approval
3. Zoning Ordinance, including discussions for future ordinance amendments
4. Building Department, including permits issued, rental certificates, certificates of occupancy
5. Community Development Block Grant (CDBG) Program

<table>
<thead>
<tr>
<th>Name of Project or Topic</th>
<th>Project Number</th>
<th>Current Status and Progress Since Last Month (new items are underlined and bold)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yanke Art Studio</td>
<td>PSP-05-19</td>
<td>Proposed façade change received site plan approval with specific conditions at the August 27, 2019 Planning Commission meeting. Applicant is working with architect to address concerns and will submit revised plan to City staff for final approval.</td>
</tr>
<tr>
<td>3818 Twelve Mile</td>
<td></td>
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<tr>
<td>KinderCare</td>
<td>PSU-01-19</td>
<td>Day care facilities require special land use approval in the Office District. At the October 22, 2019 meeting the Planning Commission recommended approval of the special land use</td>
</tr>
<tr>
<td>1695 Twelve Mile</td>
<td>PSP-07-19</td>
<td></td>
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</tbody>
</table>
request to City Council. City Council approved the special land use request at the November 12, 2019 meeting.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Reference Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>KinderCare</td>
<td>PSP-07-19</td>
<td>At the October 22, 2019 meeting, the Planning Commission approved the site plan with conditions. The applicant has reached out to the Community Development Director to address the outstanding issues.</td>
</tr>
<tr>
<td>La Salette Multiple Family Redevelopment</td>
<td>PRZ-01-19</td>
<td>At the July 23, 2019 meeting, the Planning Commission recommended approval of the Rezoning of the property from Office District to RM, Multiple Family Residential. The City Council approved the conditional rezoning at the August meeting.</td>
</tr>
<tr>
<td>La Salette Multiple Family Redevelopment</td>
<td>PBA-03-19</td>
<td>At the September 9, 2019 meeting, the Zoning Board of Appeals granted two variances at 2219 Coolidge Hwy for height and side yard setback. The existing structure is proposed to be redeveloped as multiple family residential apartments and one of the conditions to approving the rezoning of the property included obtaining the variances from the ZBA.</td>
</tr>
</tbody>
</table>

2. **Zoning Administration**

In October, the Building Department issued two (2) business licenses in the City of Berkley.

1. MSU Federal Credit Union completed construction at 1833 Coolidge Hwy and held the Grand Opening on November 7, 2019.

2. The Detroit Dental Company at 1665 Twelve Mile transferred ownership and received the required business license for the office use.

3. **Zoning Ordinance**

   - **Day Care Facilities in the Office and Local Business District**
     - The Planning Commission held the required public hearing at the June 25, 2019 meeting and recommended approval of an ordinance amendment that would permit day care facilities in the Office and Local Business Districts. City Council adopted the ordinance amendment after two public readings.

   - **Misdemeanors to Municipal Civil Infractions**
     - The Planning Commission held the required public hearing at the September 24, 2019 meeting and recommended approval of the ordinance amendment to the City Council. City Council adopted the ordinance amendment after two public readings.

   - **Marihuana Businesses**
     - The City Manager, City Attorney and other department directors have drafted ordinance amendments that would permit marihuana businesses within the City of Berkley. The regulatory framework has been separated into two sections: licensing and zoning. The licensing component had its first reading at the November 18, 2019 City Council meeting. The second reading will take place at the December 2, 2019 meeting.
The Planning Commission will hold a public hearing on the zoning component at the November 26, 2019 meeting. Their recommendation will be delivered to City Council at the December 2, 2019 meeting with a second reading at the December 16, 2019 meeting.

<table>
<thead>
<tr>
<th>4. Building Department</th>
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</thead>
<tbody>
<tr>
<td>Permits Issued</td>
</tr>
<tr>
<td>Building</td>
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<tr>
<td>Electrical</td>
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<tr>
<td>Mechanical</td>
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<tr>
<td>Plumbing</td>
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<tr>
<td>Temporary Sign</td>
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<tr>
<td>Sewer</td>
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<tr>
<td>Sign</td>
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<tr>
<td>Zoning (Fence)</td>
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<tr>
<td>Rental Certificates</td>
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<tr>
<td>Vacant Property</td>
</tr>
</tbody>
</table>

5. Community Development Block Grant (CDBG) Program

The PY 2019 funds will be released to each qualified community within the coming weeks. City of Berkley will receive $33,419 that have been allocated for installing ADA compliant sidewalk ramps, lawn mowing and snow shoveling services for seniors, large print books for the Berkley Public Library, and HAVEN.

The City Council approved the City of Berkley to submit application for PY 2020, in which the City of Berkley is projected to receive $36,290. The application materials are due to Oakland County by December 13, 2019. The PY2020 funds will be released to communities December 2020.