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

Tuesday, March 22, 2022
7:00PM – City Hall Council Chambers
Information: 248-658-3320

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
APPROVAL OF AGENDA
APPROVAL OF MINUTES – Meeting minutes of February 22, 2022 and Work Session minutes of March 1, 2022
COMMUNICATIONS
CITIZEN COMMENTS

OLD BUSINESS

1. **DDA Guidelines**: Review of ordinance language to implement the DDA Guidelines, based on March 1, 2022 Work Session.

2. **Rules of Procedure**: Update from work session.

NEW BUSINESS

3. **Capital Improvements Plan**

4. **PSP-03-22: 1949 Twelve Mile – Lume**: Sketch Plan for the conversion of 6,764 square feet of the existing building to a retail marihuana dispensary and office use for the remaining 17,677 square feet.

5. **PSP-07-22: 3916 W. Eleven Mile – Quality Roots**: Sketch Plan for the renovation of the existing building to a retail marihuana dispensary and office tenant space.

6. **PSP-06-22: 3737 Twelve Mile – New Construction of Rowhomes**: Daniel Stakhiv, on behalf of Berkley Deal LLC, 3737 Twelve Mile Road, Parcel #25-18-126-020, is requesting site plan approval of a new seven-unit rowhomes development in the Twelve Mile District.

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.

You can watch the meeting on Channel 10 for both Comcast and WOW, at http://www.youtube.com/CityofBerkley or http://www.berkleymich.org/livestream.
THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:03 PM, FEBRUARY 22, 2022 AT BERKLEY CITY HALL BY CO-CHAIR MARTIN SMITH.

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
Lisa Kempner
Mark Richardson

ABSENT: Kristen Kapelanski (Excused)
Daniel Petrosky (Excused)
Julie Stearn (Excused)

ALSO, PRESENT: Megan Masson-Minock, Interim Community Development Director
Matthew Baumgarten, City Manager
Danny Amori, 3249 Wakefield Rd, Berkley
Teresa Forman, 2221 Princeton, Berkley
Mary Ann Noble, 2251 Princeton, Berkley
Paul Belleau, 2211 Princeton, Berkley

Motion by Commissioner Kempner to excuse the absences of Commissioner Kapelanski, Commissioner Petrosky, and Commissioner Stearn. Motion supported by Commissioner Patterson.

AYES: Bartus, Dahlin, Kempner, Patterson, Richardson, Smith
NAYS: NONE
ABSENT: Kapelanski, Petrosky, Stearn

MOTION CARRIED

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APPROVAL OF AGENDA
It was moved by Commissioner Richardson to approve the agenda and supported by Commissioner Kempner.

AYES: Bartus, Dahlin, Kempner, Patterson, Richardson, Smith
NAYS: NONE
ABSENT: Kapelanski, Petrosky, Stearn

MOTION CARRIED

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APPROVAL OF THE MINUTES
It was moved by Commissioner Kempner to approve the minutes from the regular Planning Commission meeting on January 25, 2022 and supported by Commissioner Bartus.

AYES: Bartus, Dahlin, Kempner, Patterson, Richardson, Smith
NAYS: NONE
ABSENT: Kapelanski, Petrosky, Stearn

MOTION CARRIED

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COMMUNICATIONS
Planning & Zoning News
Michigan Association of Planning Magazine
Letter from Five-Eighths on DDA Design Guidelines

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CITIZEN COMMENTS

NONE

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OLD BUSINESS

1. **PSP-02-21; 2400 Greenfield Rd - New Construction of Office Building: T. Fought & Associates, on behalf of 2400 Trust, 2400 Greenfield Rd, Parcel #25-18-301-031, is requesting site plan approval for the development of a new six-unit office building in the Greenfield District 2.**

Interim Community Development Director Mason-Minock reviewed the main changes that has happened since the initial review in October, it was previously proposed to be a medical office. The applicant has revised it an office use. Interim Community Development Director Mason-Minock gave an overview of the planning review from Carlisle Wortman & Associates, a letter from Hubbell Roth & Clark Inc. (HRC), and the letter from the Department of Public Works (DPW).

**Applicant Presentation**

Tim Fought  
T. Fought & Associates, Architect of Record  
30701 Barrington Street Suite 100  
Madison Heights, MI 48071

Petitioner, Mr. Fought, clarified that 50% of the building will be medical and 50% of it will be office to meet the requirements. Mr. Fought also clarified the issues that had been changed and how recommendations had been met from the last time this was presented to the Planning Commission.

There was no public comment.

The Commissioners discussed various aspects of the project, such as the parking, separation and setback, drainage, elevation, and building appearance.

The Commissioners also discussed that when the Zoning Ordinance is revising that the definitions and use of separation and setback requirements needs to be clarified.

Commissioners also commented on photometrics of the property and wanted to make sure the lights are not impacting anybody next door. Commissioners and Interim Community Development Director Mason-Minock had a discussion on the verbiage of the setback and separation for this distinction of the property.

Co-Chair Smith suggested that the dimensions be revisited, and suggested parking changes. He also asked other finite details on the building including stone finishes, landscaping and photometrics.

Commissioner Richardson moved to approve the site plan for agenda item PSP-02-21 as submitted, approving the transparency as proposed, with the following conditions:

- Requirements in letters from CWA, DPW, HRC, and Fire Inspector cited in the Staff Review are met.
- Approval by the Road Commission of Oakland County.
- Openings in the bottom of the screen wall.

The motion was seconded by Commissioner Kempner.

AYES: Bartus, Dahlin, Kempner, Patterson, Richardson, Smith
NAYS: NONE
ABSENT: Kapelanski, Petrosky, Stearn

**MOTION CARRIED**

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Interim Community Development Director Mason-Minock stated that the applicant is requesting site plan approval for the development of a new six-unit office building in the Greenfield District. Interim Community Development Director Mason-Minock gave a summary of this application and the areas that needed to be addressed. There was also a review of the letters from HRC, Carlisle Wortman & Associates, and DPW in terms of recommendations, including conditions for approval.

**Applicant Presentation**
Tim Fought
T. Fought & Associates, Architect of Record
30701 Barrington Street Suite 100
Madison Heights, MI 48071

Petitioner, Mr. Fought, gave a summary of the project, such as the stone and brick being used, landscaping, and transparency.

**PUBLIC COMMENT**
William Seaman, 3461 Ellwood - Wanted to know if the screening wall is going to match the wall that is there already. It would be nice to see the new wall match the current brick wall. Noted that drainage would be a big help, because there is a lot of water on that wall currently.

The commissioners discussed to add more landscaping to the building and inquired about snow removal from this property. The commissioners also suggested having security lighting for tenants in the office building. The commissioners also discussed the change in window transparency and the effort that was made.

The commissioners discussed in general parking that should happen in front of buildings or in the back of the buildings. In an ideal world, Commissioner Richardson would like to see buildings in the front and parking in the back, but the Planning Commission does not have the legal ability to make that demand.

**PUBLIC COMMENT**
Jarrett Sanders, 3493 Ellwood - Likes the idea of parking in the back would allow for landscaping. He has spent a bunch of money planting arborvitae to add privacy to his yard, and if the building backs up it will kill his trees. Between his fence and this wall, how does the maintenance work? Technically, that piece is their property so they have to maintain that property.

Commissioner Richardson moved to approve PSP-03-21 as submitted, approving the transparency as proposed, with the following conditions:

- Requirements in letters from CWA, DPW, HRC, and Fire Inspector cited in the Staff Review are met.
- Requirement to add vegetation along the northwest portion of the parcel staying out of sight vision line for the intersection.
- The screen wall needs to have a split face color to match close to the existing brick walls.
- One to two security lights must be added in the back.

The motion was seconded by Commissioner Kempner.

**AYES:** Bartus, Dahlin, Kempner, Patterson, Richardson, Smith
**NAYS:**
**ABSENT:** Kapelanski, Petrosky, Stearn

**MOTION CARRIED**
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3. **DDA Guidelines:**

Interim Community Development Director Mason-Minock stated that there will be a work session on March 1st at 7:00 p.m. This will be discussion to create DDA Design Overlay District and adopt ordinance language related to the DDA Guidelines, as well as discussion on the Architectural Design Checklist.

Commissioner Kempner reminded Interim Community Development Director Mason-Minock to invite DDA board member Matteo Passalacque to the work session.

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**NEW BUSINESS**


Interim Community Development Director Mason-Minock went over how this item is an informal discussion and the applicant can present and discuss the site plan. This is strictly a discussion of the site plan and not the use.

Interim Community Development Director Mason-Minock stated to the board that they will need to give input on the issue on the rear yard screen wall and design, as well as the sewer and easement in the northwest corner. She stated that the Huntington Woods Christian School was considered during the City Council review of the provisioning center license. Interim Community Development Director Mason-Minock stated that the meeting with the City Attorney determined that the preschool is not subject to the ordinance section 138-528c, which reflects the provisions of state law in terms of where marihuana provisions centers can be located.

**APPLICANT PRESENTATION:**

Grant Jeffries, Chris Klampkin, Founder of Operation Grow LLC, DBA Butter
Five/Eights Architecture, Architect
2321 Wolcott St
Ferndale, MI 48220

Dan Amori, Chief Executive Officer, Operation Grow LLC, DBA Butter

Mr. Jeffries gave an overview of the current building as well as the plans to renovate the building. Mr. Jeffries stated the changes for a pedestrian walkway, exterior materials, previous improvements, landscape, and roof changes were to meet the merit-based point system for the provisioning license. Mr. Jeffries stated that the letter from HRC stated specific details, which they intend to do during the building permit application.

**PUBLIC COMMENT**

Denise Losey, 2189 Princeton - Stated that she is concerned with what is going to happen right behind their house. There is a dead space behind their house between their fence and wall, since the space is not theirs, how is it going to be maintained? She stated that they will see the side of the building, and possibly have some trees to make it feel like they have some privacy in their yard.

David Losey, 2189 Princeton - Stated history of the last owner of the business about what was done on the sewer line that goes down the center of the alley. He stated that the sewer line goes down the alley, and he put his fence, when the city came out after to find a manhole. He wanted everyone to be aware of the issue of the sewer line that is there.

Theresa Foreman, 2221 Princeton - Wanted to know the hours of the operating business. Mr. Klampkin stated the hours will be 10 a.m. to 9 p.m. seven days a week. Ms. Foreman stated that her house is directly behind this business. She stated that her first issue is if the city or any big machinery has to get in the only way they can do that is through the residents' yards. The second issue is the hours of this operation. Ms. Foreman stated that she will have six LED lights on the west side that will illuminate her backyard, resulting in no privacy in the backyard and a lower quality of life, as well as five LED lights on the northside facing into her yard. Ms. Foreman stated the third issue is traffic. There are already issues on Henley because of Drought.

Jorge Martinez, 13125 W 11 Mile Rd Huntington Woods - Stated that he lives right across the street from this business. This is the first time he has been notified of the specifics of this business. Mr. Martinez stated that his quality of life will be going down, with the hours of operation and that traffic will be insane. Mr. Martinez stated that this is a huge concern especially with him having small children.
Paul Belleau, 2211 Princeton - Stated that his big concern is the wall that will be going up in their back yard, what is it going to be made of, how tall is it? With already having a fence in their backyard, will they be losing that?

Mary Ann Noble, 2251 Princeton - Expressed that she had spent $2,600 to put up a vinyl fence, and wants to know, with the additional parking in the Masonic Temple, will it cause a problem to her fence? Will there be a new wall built covering the existing fence? She does not have that kind of money to build a new fence.

Interim Community Development Director Mason-Minock clarified some things that were addressed in the public comment including drive through, fence, and parking. City Manager, Matt Baumgarten, clarified the timeline of notices and operations.

The Commissioners discussed the sewer line that is in the alley between residential and the property with the site plan. The Commissioners also discussed the traffic that would impact this site. There was mention of getting a TIA traffic analysis and enforcement issues would be the backup traffic.

Commissioner Kempner discussed her findings from driving around to other marihuana centers, specifically parking, the number of checkout stations and circulation of the properties. Commissioner Kempner stated that she can see traffic backing up on Eleven Mile from this facility and that the circulation for cars to get in and out is not great.

The commissioners and applicants discussed snow storage, the shared parking agreement, the tenant suites, parking spots, and dumpster location.

Commissioner Richardson asked the applicant if they have any empirical data on their facilities. The applicant stated there are resources out there to find that data, but they currently do not have anything on hand for their facilities. Commissioner Patterson asked about the lighting issue with this facility.

Mr. Jeffries addressed the questions from the commissioners, and some of the public comment concerns with the barrier wall and easement for sewer.

The commissioners discussed options of the screen wall, landscaping, snow removal, requiring traffic studies, green infrastructure and the roof. Mr. Jeffries addressed the commissioners' concerns with the clay, pavement, and roof renovation.

Co-Chair Smith commented on the accessible path that includes the bike racks, designate demolition sites on the site plans, and other specifics that are on the site plan.

Mr. Klampkin asked the commissioners specifics about what they can do with changing the site plan, what is allowed and what is not, as well as parking agreement questions.

Co-Chair Smith reiterated that this is a new thing coming to Berkley and everyone is on edge about the traffic and the resident’s comments on traffic do matter, wishing them all the success, but take the things stated tonight into consideration. Co-Chair Smith inquired more about how deliveries and products are brought to the store, as well as the roof and the plans with it, and the lighting especially since bleed over is not allowed for residential property. Traffic and parking are the board's biggest recommendations.

PUBLIC COMMENT
David Losey, 2189 Princeton - stated maybe the wall can be moved too. The prior business built the wall right where it was before.

Jorge Martinez, 13125 W 11 Mile Rd Huntington Woods - brought to the attention of commissioners that there at one point was a thought process on a bicycle lane on Eleven Mile, which may impact this as well, and that the road is a speed trap. Mr. Martinez also stated that emergency vehicles will have to travel that road and could be impacted with the traffic.

Theresa Foreman, 2221 Princeton - stated that she would like the board to look at an agreement with the Masonic Temple, how do you differentiate employee spaces versus overflow spaces.
Denise Losey, 2189 Princeton - stated that the fences that are currently present were allowed to go eight feet on them, not six feet, which could be a solution.

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LIAISON REPORTS

Commissioner Kempner stated that the DDA worked on revising their vision and mission statements. The DDA concluded they need someone who knows crosswalks and to help them keep Coolidge crosswalks safe. The mural funding has increased from $2,500 to $4,000. The DDA also started looking at pocket parks and funding for those locations.

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COMMISSIONER COMMENTS

Commissioner Patterson asked City Manager, Matt Baumgarten, about what the process is with the new marihuana centers coming to Berkley, what is the process if the board denies an application. City Manager Matt Baumgarten stated that the next eligible applicant with the next highest score would be able to apply.

Commissioner Kempner asked City Manager, Matt Baumgarten, how the decision was made to get to just the basic retail as the parking? Interim Community Development Director Mason-Minock stated that was made when the checklist started back in 2019 in terms of the method for calculating the required parking. City Manager, Matt Baumgarten, reiterated that during that time period, peer communities had further the same standard as the retail location.

Co-Chair Smith suggested that staff go back and alert other applicants about parking situations and circulation.

Commissioner Richardson stated a general comment that he would like to see the city do much more to encourage shared parking. If the city took more of a proactive role it could work better. Co-Chair Smith states that the city has several shared parking agreements that do work well.

Commissioner Dahlin stated that with the retail qualifications on parking, how they can order online and come to the parking lot and delivery of goods to your window, it is almost a drive-through setup. Just to consider the extra addition of people coming into the parking lot and leaving.

Co-Chair Smith commented on a prior comment that five facilities in the community that is Berkley’s size is quite a bit. He feels that this is not the right direction for the community.

Commissioner Bartus asked if the board has any input on hours of operation, the board can have limits, but cannot dictate it. If the use was a special land use, the Planning Commission would have more leeway to place conditions.

Co-Chair Smith commented that the notifications that are sent out to people are a good standard and relationship for the community.

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STAFF COMMENTS

Interim Community Development Director Mason-Minock provided the Community Development report. She also updated the Planning Commission; the city had just issued site plan number six for 2022.

Interim Community Development Director Mason-Minock suggested going over the rules and procedures during the March work session, suggesting that the board may want to put parameters on how long meetings will go or how many agenda items will be discussed during a meeting.

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ADJOURNMENT

Motion to adjourn by Commissioner Kempner. Motion supported by Commissioner Patterson.
AYES: Bartus, Dahlin, Kempner, Patterson, Richardson, Smith
NAYS:
ABSENT: Kapelanski, Petrosky, Stearn

With no further business, the meeting was adjourned at 10:04 p.m.
THE WORK SESSION OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, MARCH 1, 2022 AT BERKLEY CITY HALL BY CHAIR KRISTEN KAPELANSKI.

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

PRESENT: Kristen Kapelanski          Martin Smith
          Joe Bartus                   Daniel Petrosky
          Lisa Kempner                Greg Patterson
          Mark Richardson             Shiloh Dahlin
          Julie Stearn

ABSENT: NONE

ALSO, PRESENT: Megan Masson-Minock, Interim Community Development Director
               Ben Carlisle, Carlisle Wortman & Associates
               Matteo Passalacqua, DDA Board Member, 3609 Robina, Berkley

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COMMUNICATIONS

NONE

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CITIZEN COMMENTS

NONE

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1. DISCUSSION: Matter of discussing creation of DDA Design Overlay District and ordinance language related to the DDA Guidelines.

Planning Consultant Ben Carlisle reviewed the memorandum in the packet on the survey sent to the Planning Commission and DDA Board and an analysis of how the items in the Downtown Design Guidelines were ranked in importance by survey participants, whether or not the item was regulated currently in the Zoning Ordinance and recommendations. He laid out steps that could be implemented in the near term, mid term and long term.

Interim Community Development Director Mason-Minock led the Planning Commission and DDA Board Member Matteo Passalacqua in a group writing exercise to adapt the Troy Site Plan Review Design Standards.

The Planning Commission asked Carlisle Wortman Associates to draft Zoning Ordinance amendments based on the discussion at the work session for the next Planning Commission meeting.

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2. DISCUSSION: Matter of discussing rules of procedure.

Interim Community Development Director Mason-Minock reviewed the previous changes to the by-laws. She suggested that with the number of site plans submitted already this year, the Planning Commission may wish to amend the by-laws to limit the length of meetings, the number of agenda items, etc. The Planning Commission discussed the by-laws and meeting length. It was the general consensus that limits on meeting were not necessary. Planning Commissioners asked that staff inquire as to whether the excusing of absences was a required City policy. Many felt uncomfortable making that decision. Interim Community Development Director Mason-Minock said she would research that item and report back.

ADJOURNMENT

With no further business, the meeting was adjourned at 8:30 p.m.
TO: City of Berkley Planning Commission

FROM: Ben Carlisle, AICP
       Megan Masson-Minock, AICP

DATE: March 17, 2022

RE: Site Plan Design Standards

_____________________________________________________________________________________

Thank you for your contributions at the March 1st Planning Commission work session. Based on your discussion, we have updated the proposed Site Plan Review Design Standards, as shown below with tracked changes for the text shared with you previously. Please come prepared to the regular March 22 Planning Commission to offer any changes.

**Revised Site Plan Design Standards**

*Proposed to be inserted as part of Sec. 138-679 Standards in Division 7. Site Plan Review*

1. Development shall ensure compatibility to with existing commercial districts and provide include a transition between land uses through application of the following requirements:
   a. Building design shall enhance-improve the character of the surrounding area in relation to building placement, and parking placement, landscape and streetscape features, and architectural design.
   b. Street fronts shall provide a variety of architectural expression that is appropriate in its context and prevents-monotony creates variety and enhances visual interest.
   c. Building design shall achieve a compatible transition between areas with different height, massing, scale, and architectural style.
   d. For proposals in the Downtown Development District, the applicant shall explain, and the Planning Commission should consider how the proposal implements the site design elements in Chapter II and character areas in Chapter V of the Berkley Downtown Design Guidelines. The Planning Commission may require changes to the site plan based on the Berkley Downtown Design Guidelines.

2. Development shall incorporate the following recognized best architectural building design practices:
   a. Foster a lasting impact on the community through the provision of high quality design, construction, and detailing.
   b. Provide high quality, durable materials, such as but not limited to stone, brick, and glass, and metal. E.I.F.S., metal or material equivalent shall only be used as an accent material.
   c. Develop buildings with creativity that includes balanced compositions and forms.
d. Design roofs that are appropriate to the architectural style of the building and create an appropriate visual exterior mass of the building and contextual to the surrounding area, given the context of the site.

e. For commercial buildings, incorporate clearly defined, highly visible customer entrances that face the street, using features such as canopies, porticos, arcades, arches, wing walls, ground plane elements, and/or landscape planters.

f. New development or site redevelopment shall incorporate community amenities that add value to the development such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located in areas accessible to the public. Such improvements shall be proportionate to the proposed scope of site work.

g. Buildings shall be designed to fit the character and architectural style of the community.

h. For proposals in the Downtown Development District, the applicant shall explain, and the Planning Commission should consider how the proposal implements the character areas in Chapter V of the Berkley Downtown Design Guidelines and the provisions of the following:

i. Chapter III of the Berkley Downtown Design Guidelines for new construction; or

ii. Chapter IV of the Berkley Downtown Design Guidelines for renovations or façade alterations.

The Planning Commission may require changes to the site plan based on the Berkley Downtown Design Guidelines.

3. Enhance the character, environment, safety, and access for motorized and non-motorized transportation and safety for pedestrians and motorists through the following requirements:

a. Provide elements that define and distinguish the street and the pedestrian realm (area from the back of the street curb to the building front).

b. Create a non-motorized pedestrian connection between the public right of way and ground floor activities.

c. Create a safe environment by employing design features to reduce vehicular and pedestrian conflict, while not sacrificing design excellence.

d. Enhance the pedestrian realm by framing the sidewalk area with trees, awnings, and other features.

e. Improve safety and access for pedestrians through site design measures, elements, and lighting.

f. For proposals in the Downtown Development District, the applicant shall explain, and the Planning Commission should consider how the proposal implements the site design elements in Chapter II and character areas in Chapter V of the Berkley Downtown Design Guidelines. The Planning Commission may require changes to the site plan based on the Berkley Downtown Design Guidelines.
Based on your feedback, we will then put the Site Plan Review Design Standards and the following changes in Ordinance amendment format for your review:

- Establish build-to-line for Coolidge
- Permit greater setbacks based on first floor use
- Strengthen requirements for pedestrian connection from parking to front building entrance.
- Require parking only behind front building Allow parking only in side and rear yards
- Require parking lots that are adjacent to roadway to be screened via screen wall or landscaping
- Require “activity” to be visible from the street
- Reduce height adjacent to residential
- Limit window signage
- Insert specific requirements of awning and canopies
- Strengthen exterior lighting requirements especially for the pedestrian realm
- Work with City Engineer to incorporate stormwater management best practices
- Strengthen material requirements

Please consider whether you would like to review the proposed amendment at your next regular meeting or at a work session. Let us know if you have any questions or concerns!

Sincerely,

Carlsil/woRTMAN ASSOC., INC.
Benjamin R. Carlisle, LEED AP, AICP

Carlsil/woRTMAN ASSOC., INC.
Megan Masson-Minock, AICP
Planner
MEMORANDUM

To: Berkley Planning Commission

From: Megan Masson-Minock, Interim Community Development Director

Subject: PC Rules of Procedure - Excusing of Absences

Date: March 16, 2022

At the March 1, 2022 work session, Planning Commissioners asked if the agenda item and requirements in the by-laws to require excusing of absences would be possible. I consulted the City Attorney who said that City Code sec. 2-178(b), which relates to board and commission attendance requirements and seems to require that for an absence to be excused, it must be done “by the members of the board and the reasons therefore entered into the official record and minutes of the board.” Therefore, the by-laws must remain as written on this item,

If there are other suggestions to the Rules of Procedure, please do not hesitate to contact me. If you do not instruct me at the meeting to update any other portion of the by-laws, we will consider your annual review of the Rules of Procedure to be complete.

Thank you.
March 2, 2022

City of Berkely
Attn: Community Development Director
3338 Coolidge Hwy
Berkley, MI 48072

Re: Request for Sketch Plan Review for March 22, 2022 Planning Commission Meeting

Dear Community Development Director:

Per our architect’s, Chris Enright, discussion with the interim Community Development Director, Meagan Masson-Minock, Attitude Wellness LLC is requesting to be considered for a Sketch Plan Review at the March 22, 2022 City of Berkley Planning Commission meeting for its proposed marihuana facility at 1949 W. 12 Mile Road, Berkley, MI, 48072.

Thank you for your time. We look forward to presenting to the Planning Commission on March 22, 2022.

John Abbo
John Abbo, Counsel for Attitude Wellness LLC
APPLICATION FOR SITE PLAN REVIEW

NOTICE TO APPLICANT: Applications for Site Plan review by the Planning Commission must be submitted to the City of Berkley Building Department in *substantially complete form* at least 30 days prior to the Planning Commission’s meeting at which the application will be considered. The application must be accompanied by the data specified in the Zoning Ordinance, including fully dimensioned site plans, plus the required review fees.

The Planning Commission meets the fourth Tuesday of the month at 7:00pm in the Council Chambers at the City of Berkley City Hall, 3338 Coolidge Hwy, Berkley, MI 48072.

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TO BE COMPLETED BY APPLICANT:

I (We), the undersigned, do hereby respectfully request Site Plan Review and provide the following information to assist in the review:

**Project Name:** Lume Berkley Provisioning Center

**Applicant:** Christopher Enright

**Mailing Address:** 626 East Parent Ave, Suite 106, Royal Oak, MI 48067

**Telephone:**

**Email:** cenright@enrightarchitects.com

**Property Owner(s), if different from Applicant:** David Farbman

**Mailing Address:** 28400 Northwestern Highway Fourth Floor, Southfield, MI 48034

**Telephone:** 248.353.0500

**Email:** dfarbman@farbman.com david@dfarbman.com

**Applicant’s Legal Interest in Property:**

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LOCATION OF PROPERTY:

**Street Address:** 1949 Twelve Mile Road

**Nearest Cross Streets:** Woodward Ave. / Rosemont Road

**Sidwell Number(s):** 25-17-126-002, 25-17-126-003
PROPERTY DESCRIPTION:

Provide lot numbers and subdivision: 32 to 43, inclusive and 44 to 55 inclusive

Stephenson-Barbara Roseland Subdivision

Property Size (Square Feet): 1,487,647,795 (Acres): 1.487

EXISTING ZONING DISTRICT (please check):

- R-1A Local Business
- R-1B Office
- R-1C Community Centerpiece
- R-1D Woodward
- RM Eleven Mile
- RMH Twelve Mile

Present Use of Property:
Medical Office Building

Proposed Use of Property:
Marihauna Provision Center and Office Lease Space

Is the property located within the Downtown Development Authority? ☑ Yes ☐ No

PROJECT DESCRIPTION:

Existing building partially converted to Marihauna Provisioning Center with the remainder of building to be office space available for lease.

Does the proposed project / use of property require Special Land Use approval? ☑ Yes ☐ No

Does the proposed project require Variance(s) from the Zoning Board of Appeals? ☐ Yes ☑ No

If yes, please describe Variances required:
PLEASE COMPLETE THE FOLLOWING CHART:

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Number of Units</th>
<th>Gross Floor Area</th>
<th>Number of Parking Spaces On Site</th>
<th>Number of Employees on Largest Shift</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>3</td>
<td>17,677 SF</td>
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<td>Other</td>
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</tbody>
</table>

PROFESSIONALS WHO PREPARED PLANS:

A. Name: Stucky Vitale Architects
   Mailing Address: 626 East Parent Ave, Suite 106, Royal Oak, MI 48067
   Telephone: [Redacted]
   Email: mdragan@suckyvitale.com
   Design Responsibility (engineer, surveyor, architect, etc.): Architect

B. Name: PEA GROUP
   Mailing Address: 7927 Nemco Way, Suite 115, Brighton, MI. 48116
   Telephone: 517-546-8583
   Email: speruski@peagroup.com
   Design Responsibility: Surveyor   Civil Engineer

SUBMIT THE FOLLOWING:

1. Fifteen (15) individually folded copies of the site plans, measuring 24” x 36”, sealed by a registered architect, engineer, or surveyor.
2. A pdf file of the site plans, submitted to the Community Development Director.
3. Proof of property ownership (title insurance policy or registered deed with County stamp).
4. Review comments or approval received from County, State or Federal agencies that have jurisdiction over the project, including, but not limited to:
   - Road Commission for Oakland County
   - MI Dept. of Transportation
   - Oakland County Health Division
   - MI Dept. of Environment, Great Lakes & Energy
PLEASE NOTE: The applicant, or a designated representative, MUST BE PRESENT at all scheduled meetings, or the Site Plan may be tabled due to lack of representation.

Failure to provide true and accurate information on this application shall provide sufficient grounds to deny approval of a Site Plan Application or to revoke any permits granted subsequent to the site plan approval.

We encourage applicants to make a presentation of the proposed project to the Planning Commission and City Council, as appropriate. To assist in this effort, we have available for your use at meetings a projector, laptop computer and screen. This will allow the Planning Commission and audience to be fully engaged so they can give your project the attention it deserves. Planning Commission meetings are recorded and televised.

PROPERTY OWNER’S APPROVAL: (Initial each line)

I hereby authorize the employees and representatives of the City of Berkley to enter upon and conduct an inspection and investigation of the above-referenced property.

APPLICANT’S ENDORSEMENT: (Initial each line)

All information contained therein is true and accurate to the best of my knowledge.

I acknowledge that the Planning Commission will not review my application unless all information in this application and the Zoning Ordinance has been submitted. I further acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing or approval of this site plan application.

I hereby acknowledge that if engineering or other reviews are required, additional fees 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.

If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.
Signature of Applicant

Date

Applicant Name (Print)

Signature of Applicant

Date

Applicant Name (Print)

7-14-21

Signature of Property Owner Authorizing this Application

Date

David Farbman, Manager of Monarch Acquisitions LLC

Property Owner Name (Print)

OFFICE USE ONLY

Received _________ Receipt # __________ Meeting Date __________ Case # __________

Fees:

Site Plan Review $350

Façade Change: $200

Revision: $100

Engineering TBD
APPLICATION FOR SPECIAL LAND USE REVIEW

NOTICE TO APPLICANT: Applications for Special Land Use review by the Planning Commission must be submitted to the City of Berkley Building Department in substantially complete form at least 30 days prior to the Planning Commission’s meeting at which the application will be considered. The application must be accompanied by the data specified in the Zoning Ordinance, including fully dimensioned site plans, plus the required review fee.

The Planning Commission will hold the required public hearing and will make a recommendation to the City Council. Special Land Use approval shall be obtained from the City Council.

The Planning Commission meets the fourth Tuesday of the month at 7:00pm in the Council Chambers at the City of Berkley City Hall, 3338 Coolidge Hwy, Berkley, MI 48072. The City Council meets the first and third Mondays of the month at 7:00pm in the Council Chambers at the City of Berkley City Hall, 3338 Coolidge Hwy, Berkley, MI 48072.

TO BE COMPLETED BY APPLICANT:

I (We), the undersigned, do hereby respectfully request Special Land Use Review and provide the following information to assist in the review:

Project Name: Lume Berkley Provisioning Center
Applicant: Christopher Enright
Mailing Address: 626 East Parent Ave, Suite 106, Royal Oak, MI 48067
Telephone: [Redacted]
Email: cenright@enrightarchitects.com
Property Owner(s), if different from Applicant: David Farbman
Mailing Address: 28400 Northwestern Highway Fourth Floor, Southfield, MI 48034
Telephone: 248.353.0500
Email: dfarbman@farbman.com david@dfarbman.com
Applicant’s Legal Interest in Property: Architect
LOCATION OF PROPERTY:

Street Address: 1949 Twelve Mile Road
Nearest Cross Streets: Woodward Ave/Rosemont Road
Sidewell Number(s): 25-17-126-002 25-17-126-003

PROPERTY DESCRIPTION:
Provide lot numbers and subdivision: 32 to 43, inclusive and 44 to 55 inclusive
Stephenson-Barbara Roseland Subdivision
Property Size (Square Feet): 64,795 (Acres): 1.487

EXISTING ZONING DISTRICT (please check):

☐ R-1A ☑ Local Business ☐ Coolidge
☐ R-1B ☑ Office ☐ Downtown
☐ R-1C ☐ Community Centerpiece ☐ Industrial
☐ R-1D ☐ Woodward ☐ Cemetery
☐ RM ☐ Eleven Mile ☐ Parking
☐ RMH ☐ Twelve Mile

Present Use of Property: Medical Office Building
Proposed Use of Property: Marihuana Provision Center and Office Lease Space
Is the property located within the Downtown Development Authority? ☑ Yes ☐ No

PROJECT DESCRIPTION:
Existing building partially converted to Marihuana Provisioning Center with the remainder of building to be office space available for lease.

Does the proposed project / use of property require Site Plan Approval? ☑ Yes ☐ No
Does the proposed project require Variance(s) from the Zoning Board of Appeals? ☐ Yes ☑ No

Updated 02.21.2021
If yes, describe the variances that will be required: _______________________________________
__________________________________________

PLEASE COMPLETE THE FOLLOWING CHART:

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Number of Units</th>
<th>Gross Floor Area</th>
<th>Number of Parking Spaces On Site</th>
<th>Number of Employees on Largest Shift</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Residential</td>
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<tr>
<td>Office</td>
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STANDARDS FOR SPECIAL LAND USE APPROVAL:

To be considered for Special Land Use approval, the Planning Commission and City Council shall consider the following standards. Please address how the proposed use satisfies each standard, as specified in Section 138-653.

1. The proposed use will promote the use of land in a socially and economically desirable manner.
   The proposed use will bring an economically viable business to a soon to be vacant building provide prime office space for lease in an newly renovated structure.

2. The proposed use is necessary for the public convenience at that location.
   Project is located within the designated "Green Zone" as shown on the City of Berkley - Marihuana Business Allowable Location Map

3. The proposed use is compatible with adjacent land uses.
   The office use complies with existing zoning and the Marihuana Provisioning Center is located within the designated "Green Zone" and its use is consistent with the existing Local Business Zone

4. The proposed use is designed so that the public health, safety and welfare shall be protected.
   This project is designed in accordance with all public health, safety, and welfare requirements as set forth by the Marijuana Regulatory Agency and the Bureau of Fire Safety of the State of Michigan.
5. The proposed use will not cause injury to other property in the neighborhood.

The proposed use revitalizes a currently vacant building, and is located in a designated "Green Zone"

PROFESSIONALS WHO PREPARED PLANS:

A. Name: Stucky Vitale Architects
   Mailing Address: 27172 Woodward Ave, Royal Oak, MI 48067
   Telephone: [redacted]
   Email: mdragan@suckyvitale.com
   Design Responsibility (engineer, surveyor, architect, etc.): Architect

B. Name: PEA Group
   Mailing Address: 7927 Nemco Way, Suite 115, Brighton, MI 48116
   Telephone: 517-546-8583
   Email: speruski@peagroup.com
   Design Responsibility: Surveyor, Civil Engineer

SUBMIT THE FOLLOWING:

1. Ten (10) individually folded copies of the site plans, measuring 24" x 36", sealed by a registered architect, engineer, or surveyor. If copies are submitted simultaneously for Site Plan Review, then submittal of ten (10) additional copies is not necessary.

2. A pdf file of the plan and any supporting documents, emailed to the Community Development Director.

3. Proof of property ownership (title insurance policy or registered deed with County stamp).
PLEASE NOTE: The applicant, or a designated representative, MUST BE PRESENT at all scheduled meetings, or the Special Land Use request may be tabled due to lack of representation.

Failure to provide true and accurate information on this application shall provide sufficient grounds to deny approval of a Special Land Use application or to revoke any permits granted subsequent to the Site Plan Approval.

We encourage applicants to make a presentation of the proposed project to the Planning Commission and City Council, as appropriate. To assist in this effort, we have available for your use at meetings a projector, laptop computer and screen. This will allow the Planning Commission and audience to be fully engaged so they can give your project the attention it deserves. Planning Commission and City Council meetings are recorded and televised.

PROPERTY OWNER’S APPROVAL: (Initial each line)

__________________________ I hereby authorize and give permission for the City of Berkley to install one or more temporary signs on my property, in order to notify the public of the required public hearing related to the Special Land Use request.

__________________________ I hereby authorize the employees and representatives of the City of Berkley to enter upon and conduct an inspection and investigation of the above referenced property in relation to the above request.

APPLICANT’S ENDORSEMENT: (Initial each line)

__________________________ All information contained therein is true and accurate to the best of my knowledge.

__________________________ I acknowledge that the Planning Commission will not review my application unless all information in this application and the Zoning Ordinance has been submitted.

__________________________ I acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing or approval of this Special Land Use application.

If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.
April 23, 2021

Signature of Applicant

Christopher Enright

Applicant Name (Print)

Signature of Applicant

Date

Applicant Name (Print)

Signature of Property Owner Authorizing this Application

David Farbman, Manager of Monarch Acquisitions LLC

Property Owner Name (Print)

7-13-2021

July 13, 2021

Signature

OFFICE USE ONLY

Received ___________ Receipt # _____________ Meeting Date _____________ Case # _____________

Fee: Special Land Use $400
# Letter of Transmittal

**Date:** July 15, 2021

**To:** Erin Schlutow, Director, Community Development  
City of Berkley  
3338 Coolidge Hwy  
Berkley, MI 48072

**Re:** Lume Berkley Provisioning Center  
1949 Twelve Mile Road  
Site Plan Review (SPA)  
Special Land Use (SLU)

We are transmitting to you via:

- [x] Hand Delivery

The Following Items:

- [x] Drawings
- [x] Files on Disk
- [x] Other:
- [ ] Shop Drawings
- [ ] Sketches
- [ ] Change Order
- [ ] Files on Disk
- [ ] Specifications
- [ ] Samples

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<th>Dated</th>
<th>Description</th>
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<tbody>
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<tr>
<td>1</td>
<td>07/15/2021</td>
<td>Lume – Application for Special Land Use Review + $400 fee</td>
</tr>
<tr>
<td>1</td>
<td>07/15/2021</td>
<td>Lume – USB Thumb Drive with Electronic copies</td>
</tr>
<tr>
<td>1</td>
<td>07/15/2021</td>
<td>Lume – Deed 1949 Twelve Mile Rd.</td>
</tr>
<tr>
<td>25</td>
<td>07/15/2021</td>
<td>Lume – Set of (21) Sheets of 24&quot; x 36&quot; Drawings</td>
</tr>
</tbody>
</table>

These are transmitted: ____________________  Received: ____________________

Christopher Enright, NCARB  
President  
Received By
NOT  FOR  CONSTRUCTION

TROY    WASHINGTON TWP
BRIGHTON    DETROIT

t: 844.813.2949

PROJECT TITLE

CLIENT

REVISIONS

CAUTION!!

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

ORIGINAL ISSUE DATE:

DRAWING NUMBER:

PEA JOB NO.

JUNE 24, 2021

SAP

DES.

SAP

DRAWING TITLE

NORTH

2020-0224

LUME

DEVELOPMENT

1949 12 MILE ROAD

BERKLEY, MICHIGAN

STUCKY VITALE

ARCHITECTS

27172 WOODWARD AVENUE

ROYAL OAK, MICHIGAN 48067

C-1.0

TOPOGRAPHIC SURVEY

ASPHALT

GUARD RAIL

POST INDICATOR VALVE

MAILBOX, TRANSFORMER, IRRIGATION CONTROL VALVE

WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF UNDERGROUND CABLE TV, CATV PEDESTAL

CONCRETE

SIGN

STREET LIGHT

FENCE

CONTOUR LINE

SPOT ELEVATION

COMBINED SEWER & MANHOLE

STORM SEWER, CLEANOUT & MANHOLE

SANITARY SEWER, CLEANOUT & MANHOLE

WATERMAIN, HYD., GATE VALVE, TAPPING SLEEVE & VALVE

GAS MAIN, VALVE & GAS LINE MARKER

ELECTRIC U.G. CABLE, MANHOLE, METER & HANDHOLE

TELEPHONE U.G. CABLE, PEDESTAL & MANHOLE

ELEC., PHONE OR CABLE TV O.H. LINE, POLE & GUY WIRE

CALCULATED

MEASURED

RECORDED

MONUMENT SET

MONUMENT FOUND

NAIL FOUND

NAIL & CAP SET

IRON SET

IRON FOUND

SEC. CORNER FOUND

UNIDENTIFIED STRUCTURE

GRAVEL SHOULDER

BRASS PLUG SET

LEGEND

SQUARE, ROUND & BEEHIVE CATCH BASIN, YARD DRAIN

REFERENCE DRAWINGS

CABLE

AT&T MAP A1, DATED 10/29/2020

123.NET MAP, EMAIL DATE 1/28/2020

ELECTRIC

DTE ELECTRIC FACILITY MAP #310-366, DATED 11/3/2020

GAS

CONSUMERS QUARTER SECTION MAP 01-61-17-2M DATED 02-22-2019

STORM SEWER

CITY OF BERKLEY GIS MAPS, EMAIL DATED 10/29/2020

WATER MAIN

CITY OF BERKLEY GIS MAPS & SKETCHES, EMAIL DATED 10/29/2020

SCALE: 1" = 20'
NOT FOR CONSTRUCTION
NOT  FOR  CONSTRUCTION

TROY    WASHINGTON TWP
BRIGHTON    DETROIT
t: 844.813.2949

PROJECT TITLE

CLIENT

REVISIONS

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ORIGINAL ISSUE DATE:

DRAWING NUMBER:

PEA JOB NO.

JUNE 24, 2021

SAP

DES.

DRAWING TITLE

NORTH

2020-0224

SCALE: 1" = 10'

LUME

DEVELOPMENT

1949 12 MILE ROAD
BERKLEY, MICHIGAN

ASPHALT
GUARD RAIL
POST INDICATOR VALVE
MAILBOX, TRANSFORMER, IRRIGATION CONTROL VALVE
WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
FIBER OPTIC
CONCRETE
SIGN
STREET LIGHT
FENCE
CONTOUR LINE
SPOT ELEVATION
STORM SEWER, CLEANOUT & MANHOLE
SANITARY SEWER, CLEANOUT & MANHOLE
WATERMAIN, HYD., GATE VALVE, TAPPING SLEEVE & VALVE
GAS MAIN, VALVE & GAS LINE MARKER
ELECTRIC U.G. CABLE, MANHOLE, METER & HANDHOLE
TELEPHONE U.G. CABLE, PEDESTAL & MANHOLE
OVERHEAD ELECTRIC, POWER POLE, GUY ANCHOR

CALCULATED
MEASURED RECORDED MONUMENT SET MONUMENT FOUND NAIL FOUND NAIL & CAP SET IRON SET IRON FOUND SEC. CORNER FOUND UNIDENTIFIED STRUCTURE

BRASS PLUG SET

LEGEND

STD
DUTY
STDDUTY
HEAVYDUTY

SQUARE, ROUND & BEEHIVE CATCH BASIN, YARD DRAIN

PREVIOUS PAVERS

ROADWAY
WALKWAY

C-3.0

PRELIMINARY GRADING PLAN

NOT FOR CONSTRUCTION
NOT FOR CONSTRUCTION
NOT FOR CONSTRUCTION

Project Title: LUME DEVELOPMENT

Legend:
- STD: Standard Duty
- DTD: Duty Duty
- STD: Heavy Duty

Legend:
- C-5.1: Storm Water Management Plan (West)

Scale: 1" = 10'

Locations and Elevations of Existing Underground Utilities as shown on this drawing are only approximate. No guarantee is either expressed or implied as to the completeness or accuracy thereof. The contractor shall be exclusively responsible for determining the exact utility locations and elevations prior to the start of construction.
CAUTION!!

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

NOT FOR CONSTRUCTION
Caution!!
The locations and elevations of existing underground utilities as shown on this drawing are only approximate. No guarantee is either expressed or implied as to the completeness or accuracy thereof. The contractor shall be exclusively responsible for determining the exact utility locations and elevations prior to the start of construction.
PROJECT TITLE
2020-0224
LUME
DEVELOPMENT
1949 12 MILE ROAD
BERKLEY, MICHIGAN

CLIENT
STUCKY VITALE
ARCHITECTS
27172 WOODWARD AVENUE
ROYAL OAK, MICHIGAN 48067

REVISIONS

CAUTION!!
The locations and elevations of existing underground utilities as shown on this drawing are only approximate. No guarantee is either expressed or implied as to the completeness or accuracy thereof. The contractor shall be exclusively responsible for determining the exact utility locations and elevations prior to the start of construction.

OVERALL SITE AMENITIES PLAN

TREVIE HOMES

NOT FOR CONSTRUCTION
L-1.0
PROJECT TITLE: 2020-0224 LUME DEVELOPMENT
CLIENT: STUCKY VITALE ARCHITECTS

TENEMENTS: DRAWS

CR: CR
JE: JE

DURING CONSTRUCTION DRAWINGS

KEY:
= GREENBELT TREE
= REPLACEMENT TREE
= EXISTING TREES TO REMAIN WITH TREE PROTECTION FENCE
= SHRUBS
= IRRIGATED SOD LAWN
= RAIN GARDEN TO BE DETAILED
= ORNAMENTAL GRASS
= GENERAL TREES
= PERENNIALS
= ROCK MAINTENANCE EDGE
= BRANCHING
= PERENNIALS
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PROJECT TITLE: LUME DEVELOPMENT
1949 12 MILE ROAD
BERKLEY, MICHIGAN

CLIENT: STUCKY VITALE ARCHITECTS
27172 WOODWARD AVENUE
ROYAL OAK, MICHIGAN 48067

NOTES:
- The locations and elevations of existing underground utilities as shown on this drawing are only approximate. No guarantee is either expressed or implied as to the completeness or accuracy thereof.
- The contractor shall be exclusively responsible for determining the exact utility locations and elevations prior to the start of construction.

ORIGINAL ISSUE DATE: JUNE 24, 2021
DRAWING NUMBER: 2020-0224
PEA JOB NO.: DN.

TROY    WASHINGTON TWP
BRIGHTON    DETROIT
t: 844.813.2949

NOT FOR CONSTRUCTION
L-1.2
SPECIAL LAND USE/ SITE PLAN APPROVAL

JULY 14, 2021

LUME - BERKLEY - PROVISIONING CENTER
1949 12 MILE ROAD,
BERKLEY, MI

C O N C E P T U A L  D E S I G N  P A C K A G E
**THE PROPOSED USE DOES NOT REQUIRE ANY ZONING MAP AMENDMENTS OR VARIANCES AT THE TIME OF APPLICATION**

- **Address:**
  - 2020.154 LUME - BERKLEY - PROVISIONING CENTER
  - 1949-12 MILE ROAD, BERKLEY, MI

- **Conceptual Design Package:**
  - Sheet: CONCEPTUAL DESIGN PACKAGE
  - Sheet: 1
  - Date: JULY 14, 2021

**Project Site:**
- **City:** BERKLEY
- **Proposed Use:** Marijuana Dispensary
- **Address:** 1949 12 MILE ROAD, BERKLEY, MI

**Special Land Use/ Site Plan Approval**
- **Date:** JULY 14, 2021
- **Municipal Permits Available:** (222) 555-1234

**CITY OF BERKELEY - MARIJUANA BUSINESS LICENSE APPLICATION EVALUATION REPORT**

**Summary:**
- The proposed use does not require any zoning map amendments or variances at the time of application.
- The project site is within the City of Berkley, within the City's Zoning Map Area.
- The project site is within the City's Proximity Map Area.

**MARIJUANA BUSINESS LICENSING:**
- The City of Berkley has aMarijuana Business Licensing Program.
- The application must be submitted to the City's Licensing Department.
- The application must include the following:
  - Business plan
  - Financial statement
  - Bond or insurance
  - Zoning map
  - Proximity map
  - Special land use/approval

**Proximity Map:**
- The project site is located within the Proximity Map Area.
- The map shows the distances from the project site to public and private schools.

**Zoning Map:**
- The project site is located within the Zoning Map Area.
- The map shows the permitted land use and prohibited land use.

**Adopted by City Council Resolution R-05-20 on February 3, 2020**
LUME MAIN ACCESS

PROPOSED RAIN GARDEN 'A'

EXISTING AREA

PERMEABLE PAVING

EXISTING CMU BLOCK SCREEN WALL TO REMAIN.

EXISTING DUMPSTER PAD AND ENCLOSURE

PROPOSED RAIN GARDEN 'B'

FIRST FLOOR PLAN

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

TOTAL GROSS FLOOR AREA 8,119 SF

LUME TENANT SPACE 581 SF

BEAUMONT HEALTH: 7,357 SF

LOWER LEVEL TENANT ACCESS: 181 SF

2020.154

LUME - BERKLEY - PROVISIONING CENTER

1949 12 MILE ROAD,

BERKLEY, MI

A1.1

SPECIAL LAND USE/ SITE PLAN APPROVAL

JULY 14, 2021

CONCEPTUAL DESIGN PACKAGE
NEW ROOF ASSEMBLY.
ROOF TO BE 60MIL WHITEDURO-LAST PVC MEMBRANE
METAL COPING DETAIL TO MATCH EXISTING.
LOCATION OF SCUPPER FOR NEW RAIN BARRELS
2' x 1' GREEN ROOF LIVE ROOF TRAY
SOLAR PANEL AND ROOF MOUNTED SYSTEM
WIND TURBINE
LOCATION OF SCUPPER FOR NEW RAIN BARRELS
EXISTING ROOF TOP HATCH
EXISTING ROOF SUMP (TYP.)
EXISTING MECHANICAL ENCLOSURE
EXISTING MECHANICAL UNITS

TOTAL ROOF AREA: 8,607 SF
LIVE ROOF AREA: 3,864 SF
SOLAR PANEL INSTALLATION: 4 PANELS @ 170 SF = 680 SF
EXISTING MECHANICAL ENCLOSURE: 1,236 SF

SOLAR PANEL AND ROOF MOUNTED SYSTEM

21'-4"  31'-0"
19'-10"  8'-8"
71'-0"  98'-0"

TOTAL ROOF AREA: 8,607 SF
LIVE ROOF AREA: 3,864 SF
SOLAR PANEL INSTALLATION: 4 PANELS @ 170 SF = 680 SF
EXISTING MECHANICAL ENCLOSURE: 1,236 SF
NOTE:
THE IMAGERY ON THIS SHEET IS STRICTLY FOR GRAPHICAL REPRESENTATION & MEANT TO CONVEY OVERALL DESIGN INTENT.

REFER TO SHEET A3.2 FOR FURTHER INFORMATION ON EXTERIOR ELEVATIONS AND EXTERIOR MATERIALS

GREEN ROOF:
· SOLAR PANELS
· WIND TURBINES
· WATER COLLECTION TO RAIN BARRELS AT RAIN GARDENS BELOW

24” WIDE ARCHITECTURAL / GRAPHIC ACCENT PANELS (TBD) / INSTALLED ON EXISTING FACADE WITH STAINLESS STEEL FASTENERS

REFER TO SHEET A3.2 FOR FURTHER INFORMATION ON EXTERIOR ELEVATIONS AND EXTERIOR MATERIALS

PROJECT AREA:
REFER TO ENLARGED SITE PLAN SHEET C2.0

KEY PLAN
SCALE NOT TO SCALE

01 - CONCEPTUAL STREETVIEW PERSPECTIVE

02 - CONCEPTUAL BIRDSEYE AERIAL

JULY 14, 2021
SPECIAL LAND USE/ SITE PLAN APPROVAL
BERKLEY TWELVE ASSOCIATES II, L.L.C., a Michigan limited liability company ("Grantor"), whose address is 28400 Northwestern Highway, 4th Floor, Southfield, Michigan 48034, hereby sells, conveys, grants, and bargains to MONARCH ACQUISITIONS LLC, a Michigan limited liability company ("Grantee"), whose address is 28400 Northwestern Highway, 4th Floor, Southfield, Michigan 48034, the property situated in the City of Berkley, County of Oakland, State of Michigan, more specifically described in Exhibit A attached hereto and made a part hereof (the "Property"), for the sum set forth on the Real Estate Transfer Tax Valuation Affidavit filed herewith.

Grantor, for itself, its successors and assigns, hereby covenants, grants, bargains, and agrees to and with Grantee, its successors and assigns, that subject to the exceptions set forth on Exhibit B hereto, Grantor has not done, committed, knowingly suffered to be done, or committed any act, matter, or thing whatsoever, whereby the premises hereby granted, or any part thereof, is, or shall or may be, charged or encumbered in title, estate or otherwise.

[Remainder of page intentionally left blank; signature page follows.]
SIGNATURE PAGE
TO
COVENANT DEED

Dated as of October 28, 2019

GRANTOR:

BERKLEY TWELVE ASSOCIATES II, L.L.C.,
a Michigan limited liability company

By: __________________________

Name: Andrew L. Gutman
Its: Authorized Signatory

STATE OF MICHIGAN )
) SS.
COUNTY OF Oakland )

This instrument was acknowledged before me on this 25th day of October, 2019, by Andrew L. Gutman, the Authorized Signatory of BERKLEY TWELVE ASSOCIATES II, L.L.C., a Michigan limited liability company, on behalf of such limited liability company.

Sandy Eisho
Print Name of Notary Public: Sandy Eisho
Notary Public, State of Michigan, County of Oakland
My commission expires: July 22, 2021
Acting in the County of Oakland

Drafted by: Jonathan S. L. Demers
Honigman LLP
660 Woodward Avenue
2290 First National Building
Detroit, MI 48226-3506

Send recorded deed, subsequent tax bills to:
Monarch Acquisitions LLC
28400 Northwestern Highway, 4th Floor
4th Floor
Southfield, Michigan 48034

Recording Fee: $35.00

See Real Estate Transfer Tax Valuation Affidavit for County and State Transfer Tax

Return Recorded Documents To:

A.S.K. Services, Inc.
40600 Ann Arbor Rd E, Ste 200
Plymouth, MI 48170

32428625.1
EXHIBIT A

Legal Description

LAND SITUATED IN THE CITY OF BERKLEY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

LOT 32 THROUGH 55, INCLUSIVE, STEPHENSON-BARBERS ROSELAND SUBDIVISION, AS RECORDED IN LIBER 31 OF PLATS, PAGE 5, OAKLAND COUNTY RECORDS. ALSO, ALL OF THE EAST-WEST 20 FOOT WIDE PUBLIC ALLEY ABUTTING ON THE SOUTH SIDE OF SAID LOTS.

APN: 04-25-17-126-002 AND 04-25-17-126-003

Lots 32 to 43
EXHIBIT B

Permitted Exceptions

1. Real estate property taxes and assessments which are a lien but not yet due and payable.

2. Any laws, regulations, or ordinances regarding the use, occupancy, subdivision, or improvements of the Property.

3. Rights of tenants, as tenants only, in possession under unrecorded lease agreements, without any rights or options of purchase, first offer, or first refusal.

4. Easements and the terms, conditions, and provisions thereof which are recited in the Reciprocal Easement Agreement recorded in Liber 10944, Page 508, as amended and restated in Liber 22233, Page 706.

5. Easements and the terms, conditions, and provisions thereof which are recited in the Reciprocal Easement Agreement recorded in Liber 21555, Page 815.

6. Any easements or rights of way for existing utilities or other rights of way over those portions of said Land laying within the public right of way as recited in the following:

   Recording No: Liber 22038, Page 177

7. Right(s) of Way and/or Easement(s) and rights incidental thereto, as granted in a document:

   Granted to: Detroit Edison Company
   Recording No: Liber 23955, Page 428

8. Matters shown and reserved pertain to the Michigan Right to Farm Act as described by that Quit Claim deed recorded in Liber 22038, Page 177, Oakland County Records.

9. All matters as would be shown on a current, accurate survey of the Property.

10. Any laws, regulations, or ordinances regarding the use, occupancy, subdivision, or improvement of the Property, or the effect of any non-compliance with or any violation thereof.

11. Covenants, restrictions, easements, and other matters that do not materially impair the value or use of the Property.
MEMORANDUM

To: Planning Commission

From: Megan A. Masson-Minock, Interim Community Development Director

Subject: PSP-03-22, Sketch Plan for Lume Provisioning Center at 1949 Twelve Mile

Date: March 16, 2022

The applicant has asked for a sketch plan review for the conversion of 6,764 square feet of the existing building at 1949 Twelve Mile to a retail marihuana dispensary and office use for the remaining 17,677 square feet. Section 138-681 – Approval Process allow sketch plan review by the Planning Commission as follows:

“Sketch plan (optional). An item may be submitted to the planning commission for informal discussion. No approval shall be granted. However, the applicant may wish to present and discuss a proposed project and any anticipated problems before applying for site plan approval.”

The applicant filed a site plan review application on February 2, 2022. The site plan was sent for review and comments to HRC, Carlisle Wortman Associates, DPW and the Fire Inspector. Their review letters are included in the packet. With the exception of the Fire Inspector, none of the reviewers recommended the site plan for approval by the Planning Commission.

The Zoning Ordinance and state law requires that marihuana businesses “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.” Staff and the City Attorney have researched whether the KinderCare child care center, located at 1695 Twelve Mile, would qualify as a school requiring the 1,000-foot separation. As confirmed by a telephone call with the Center’s Director, the Berkley Kinder Care child care center offers pre-kindergarten classes and the separation requirement does not apply.

Please come prepared to share your questions and concerns about the sketch plan.

Thank you.

Cc: Matt Baumgarten, City Manager
    John Staran, City Attorney
    Christopher Enright, applicant’s representative
Site Plan Review
For
City of Berkley, Michigan

Applicant: Monarch Acquisitions LLC

Project Name: Lume Berkley Provisions

Plan Date: July 14, 2021

Location: 1949 Twelve Mile Road

Zoning: Local Business District

Action Requested: Site Plan Approval

SITE DESCRIPTION

The subject site is on the south side of Twelve Mile, south of Roseland Park Cemetery, between Henley Avenue and Brookline Street. The building includes a basement and two stories above grade. The applicant proposes to remodel the existing 24,000 sq/ft and two small staircase, and vestibule additions to the existing office building.

One small addition is located at the northwest corner (adjacent to Twelve Mile) of the building and at the southeast corner of the building. The propose uses include a mix of commercial uses in a marihuana provisioning center. There are no proposed changes or enlargement to the existing building. Site improvements include:

- Removal of existing asphalt and replacement with pervious pavers
• Installation of rain gardens, and rain cisterns
• Decorative bike rake
• Installation of benches
• Increased landscaping
• Quality architecture improvements
• Green roof:
  o Solar system
  o Wind system
  o Rain capture

The site is zoned Local Business District. Marihuana use is a permitted use but must meet the zoning requirements set forth in Section 138-528 Marihuana Business Regulations.

Site Location:

Proposed Use of Subject Parcel:
24,000 sq/ft mixed tenant commercial building including a marihuana provisioning use.

Current Use of Subject Property:
24,000 sq/ft mixed tenant commercial building
Surrounding Property Details:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Cemetery District</td>
<td>Roseland Park Cemetery</td>
</tr>
<tr>
<td>South</td>
<td>R1-C, Single Family Residential</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>Office District</td>
<td>Medical Office</td>
</tr>
<tr>
<td>West</td>
<td>Local Business District</td>
<td>Institutional (Legions Club)</td>
</tr>
</tbody>
</table>

*Items to be addressed: None.*

**NATURAL FEATURES**

The site has been graded for an office building and parking lot. There are no existing natural resources.

**BUILDING ARRANGEMENT AND SITE DESIGN**

The site and building layout will remain in its current configuration. The square foot arrangement of the building is as follows:

<table>
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<tr>
<th>Floor</th>
<th>Tenant/Use (square feet)</th>
<th>Total Square Footage</th>
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</thead>
<tbody>
<tr>
<td>Lower Level</td>
<td>Lume: 1,075 Vacant: 6,506 Utility Area: 475</td>
<td>8,056</td>
</tr>
<tr>
<td>First</td>
<td>Lume: 581 Beaumont Health: 7,357 Utility Area: 475</td>
<td>8,413</td>
</tr>
<tr>
<td>Second</td>
<td>Lume: 5,108 Vacant: 2,977</td>
<td>8,085</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>24,554</strong></td>
</tr>
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</table>

*Items to be addressed: None*
AREA, WIDTH, HEIGHT, SETBACKS

Sec. 138-526. - Schedule of regulations of the Zoning Ordinance establishes the dimensional requirements for the Local Commercial District.

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<th>Required / Allowed</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front (Twelve Mile)</td>
<td>0-feet setback based upon adjacent building to east</td>
<td>5-feet</td>
<td>Complies</td>
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<tr>
<td>Front yard setbacks</td>
<td>shall be ten feet or equal to the setback of the adjacent buildings, whichever is less.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side (east and west)</td>
<td>0-feet</td>
<td>Greater than 0 feet</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear (South)</td>
<td>10-foot minimum setback</td>
<td>20 feet</td>
<td>Complies</td>
</tr>
<tr>
<td>Building Height</td>
<td>40-feet maximum height</td>
<td>35-8 feet</td>
<td>Complies</td>
</tr>
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</table>

**Items to be addressed:** None

PARKING

The applicant did not provide a parking table or confirm onsite dedicated parking spaces to confirm if parking is sufficient. This is information is required in order to complete the review. Ensuring parking is an important zoning standard that needs to be confirmed.

**Items to be Addressed:** Provide parking table and confirm amount of dedicated parking spaces

SITE ACCESS AND CIRCULATION

Site access and circulation remain as currently situated. There are two points of access off Twelve Mile, and cross-access with adjacent parcels. Furthermore, there is 20-foot alley that runs behind the building. There is an existing 10-foot sidewalk on Twelve Mile and there is direct pedestrian access from Twelve Mile to front entrances.

**Items to be Addressed:** None
LANDSCAPING AND SITE AMENITIES

A landscaping plan has been provided on sheet L-1.1 and L-1.2. The applicant is proposing a robust plan which includes building planting, ROW planting, parking lot planting, and a green roof. As set forth in section 130-37, when the development of any property requiring site plan approval occurs, the City Planning Commission shall review landscaping plans and may require additional landscaping to be planted on or near the site consistent with the elements of the adopted city master plan.

Trash Enclosure:

The existing trash enclosure to remain.

**Items to be Addressed:** Planning Commission to review landscaping.

GREEN ROOF

The applicant is proposing a green roof, which includes

- Solar panels
- Wind turbines
- Water collection

We support the sustainable and creative use of the green roof. Wind turbines are regulated by Section 138-99. Requirements include:

<table>
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<th>Maximum Height from Roof</th>
<th>Setback</th>
<th>Other Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 feet</td>
<td>No portion of the system’s blades, rotor or other exposed moving part shall extend beyond the edge of the building line to which it is attached</td>
<td>Wind energy systems with a rated capacity of up to 2 kilowatts (2 kW) and solar energy systems shall be allowed as an accessory use subject to the required standards of this section; provided they are incidental and subordinate to a use on the same parcel, and shall supply electrical power exclusively for on-site consumption</td>
</tr>
</tbody>
</table>

**Items to be Addressed:** Confirm that requirements of Section 138-99 are met.
PHOTOMETRICS

A photometric plan was not provided. Building and site lighting information should be provided.

*Items to be Addressed:* Provide photometric plan

EXTERIOR APPLIANCES

Applicant has shown exterior appliances (air conditioners, generators, etc.) on site plan to ensure that they are in compliance with Sec. 138-73.

*Items to be Addressed:* None

FLOOR PLAN AND ELEVATIONS

Floor plans and elevations have been provided. The applicant is making significant elevation improvements to the existing building including stairwell addition, new stain existing brick, new sign lettering (reviewed under separate sign permit), green roof, public art mural, landscape growing cable system, and architectural accent fins.

*Items to be Addressed:* None

MARIHUANA BUSINESS REGULATIONS

Section 138-528 Marihuana Business Regulations, the site plan shall be reviewed and approved by the Planning Commission upon finding that:

a) A marihuana business must front on a major thoroughfare with the primary ingress/egress onto a major thoroughfare.

   CWA Response: The marihuana business fronts on Twelve Mile Road, with ingress/egress onto a major throughfare.

b) The marihuana business must have all applicable state and local licenses and approvals to operate.

   CWA Response: The marihuana business will be required to obtain all applicable state license prior to any final approvals.

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.
CWA Response: The marihuana business will not be located with 1,000 feet of any pre-existing public or private school.

**d)** Notwithstanding any other provision in the zoning ordinance, a marihuana business must operate within a fully enclosed building.

CWA Response: The marihuana business will operation 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:

i. Public notice requirements as outlined in section 30-806; and

ii. 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 section 30-813.

CWA Response: 1). Public notice requirement was met; and 2). The applicant is seeking site plan approval from the Planning Commission. If granted site plan approval, the applicant would then seek license approval from the City Council.

**Items to be Addressed:** None

**RECOMMENDATION**

Overall the applicant is making a significant investment into the site as noted in our report. However prior to placement on the Planning Commission agenda, we request the following information:

1. Provide parking table and confirm amount of dedicated parking spaces
2. Confirm that requirements of Section 138-99 are met
3. Provide photometric plan including building and site lighting
Transmittal Memo

To: Megan Masson-Minock, Interim Community Development Director (via email)
Cc: Kim Anderson, Community Development Department (via email)
    Shawn Young, DPW Foreman (via email)
    Eddie Zmich, HRC (via email)

From: Derrick Schueller, DPW Director

Date: February 14, 2022

Subject: Lume Provisioning Center
1949 12 Mile
Site Plan Review #1

We have reviewed the site plans provided by the Community Development Department on February 2 and prepared by Stucky Vitale Architects and PEA Group. Please find below our initial comments:

1. The site plans will be reviewed by the City's engineering consultant, Hubbell, Roth & Clark (HRC). Among other things, HRC will review the geotechnical report, storm water detention calculations and grading.
2. A parcel combination will be required as part of this project. We defer to Community Development on the process and procedure for joining parcels.
3. A Design Miss Dig ticket number shall be indicated on the Topographic Survey.
4. A Demolition Sheet shall be added to the plan set indicating all removals, including pavement and pipe.
5. We recommend the existing sanitary lead be examined by a licensed plumber prior to site plan resubmittal. The replacement of this pipe, due to condition, may impact site layout and scope.
6. The existing public water main easement shall be shown on the drawings or a new one proposed at this time (south hydrant).
7. The relocated water main for the south hydrant will require a new live tap and a straight alignment with minimal bends.
8. Detention in accordance with current standards must be provided for the full site.
9. A new outlet control structure shall be constructed for the east detention system.
10. Please note the proposed stormwater management system will be a private system under the maintenance of the property owner. A template approved by the City Attorney is attached for use. Exhibits will need to be prepared by the applicant and included with the document.
11. The applicant shall verify the new development will not negatively impact the adjacent properties and existing drainage conditions.
12. Note the Community Development Department will review the striping plan for verification of number of stalls required, sizing, handicap considerations and general site circulation.
13. A traffic control plan shall be added to the plan set to account for the proposed work in the 12 Mile roadway.
14. A Storm Water Service Fixed Charge will be assessed upon completion of construction. This charge will be reflected on the regular utility bill and is based on an Equivalent Residential Units (impervious area).

A response letter from the applicant to the comments noted above would be helpful in subsequent reviews.

Feel free to call with any questions or concerns. Thank you.
AGREEMENT FOR
STORM WATER SYSTEM MAINTENANCE

This Agreement is made on __________, by ________________, (“Developer”), a (corporation, limited liability company, partnership) whose address is ______; and the CITY OF BERKLEY (the “City”), whose address is 3888 Coolidge Hwy, Berkley, MI 48079.

WHEREAS, Developer owns and proposes to develop the Property described in attached Exhibit A; and

WHEREAS, the proposed development of the Property will alter the natural flow of surface and storm water drainage; and

WHEREAS, Developer has proposed, and the City has approved, a storm water management system (the “System”) as described and depicted in the plan attached as Exhibit B; and

WHEREAS, the parties will benefit from the proper operation, use, and maintenance of the System and enter into this agreement to provide for the same.

THEREFORE, the parties agree:

1. Use of the System:

Components of the System, including any and all water conveyance, detention and water quality treatment facilities and devices, pumping system, storm sewer pipe, catch basins, manholes, end-sections, ditches, swales, open water courses and rip-rap, shall be used solely for the purpose of conveying, detaining and treating storm and surface drainage on the property until such time as: (i) The City determines and notifies Developer or Developer’s successors, grantees or assigns, in writing, that it is no longer necessary to convey, detain or treat the storm and surface drainage; and (ii) An adequate alternative for conveying, detaining and treating storm and surface drainage has been provided which is acceptable to the City and which includes the granting of any easements to the City or third parties as may be required or necessary for the alternative drainage system.

2. Maintenance:

A. Developer shall be responsible for the proper maintenance, repair and replacement of the System and all parts thereof as detailed in the Maintenance Plan attached as Exhibit C.
B. Proper maintenance of the System shall include, but is not limited to: (i) Removing accumulated sediment, trash and debris from the detention basin and at inlet pipes; (ii) Managing deleterious vegetative growth; (iii) Maintaining storm sewer, structures, end-sections and safety features; (iv) Controlling the effects of erosion; (v) Inspection and cleaning of the water quality treatment device; (vi) Inspection of inlet and outlet pipes for structural integrity; (vii) Inspection and replacement of riprap at inlet pipes; (viii) Inspection and cleaning of the storm sewer and catch basins upstream from the detention basin; (ix) Inspection and replacement of stone around the outlet pipe; and (vi) Any other maintenance that is reasonable and necessary to facilitate and continue the proper operation and use of the System.

3. **Action by City:**

If, at any time, Developer or Developer's successors, grantees or assigns neglect or fail to properly maintain the System or any part thereof, the City may notify Developer or Developer's successors, grantees or assigns. The notice shall be in writing and shall list and describe maintenance deficiencies and demand that they be corrected within thirty (30) days.

The notice shall further specify a date and place for a hearing to be held at least fourteen (14) days after the date of the notice before the City Council, or such other board or official as the City Council may designate. At the hearing, the City Council (or other designated board or official) may affirm or modify the list and description of maintenance deficiencies and, for good cause shown, may extend the time for the deficiencies to be corrected.

Thereafter, if the maintenance deficiencies are not corrected within the time allowed, the City may undertake the necessary corrective actions, and the City may maintain the System for up to one (1) year. Such maintenance of the System by the City shall not be construed to be a trespass or a taking of the Property, nor shall the City's actions vest in the public any right to enter or use the Property. Thereafter, if Developer or Developer's successors, grantees or assigns do not properly maintain the System, the City may, after providing similar written notice, schedule and hold another hearing to determine whether the City should maintain the System for another year, and subject to a similar notice, hearing and determination, in subsequent years.

In the event the City determines an emergency or public nuisance condition caused by or relating to the System threatens the public health, safety or general welfare, the City shall have the right to immediately and without notice enter the Property and undertake appropriate corrective action.

4. **Charges:**

The City shall charge to the current owner of the Property the cost of maintenance or other corrective action undertaken by the City under this agreement, plus a ten percent (10%) administrative fee. If not timely paid, the City may place the charges on the City's tax roll, which charges shall be a lien on the Property and shall be collectable and enforceable in the same manner general property taxes are collected and enforced.

5. **Notice:**

Any notices required under this agreement shall be sent by certified mail to the address for each party set forth below, or to such other addresses as such party may notify the other parties in writing:

To ____________________________:

________________________________
To the City:

City Manager
City of Berkley
3888 Coolidge Hwy
Berkley, MI 48879

6. **Successors and Assigns:**

This agreement shall bind and inure to the benefit of the parties and their respective successors, grantees and assigns. The benefits, burdens, rights, obligations and responsibilities hereunder shall run with the land and shall bind all current and future owners of the Property and any divisions thereof.

7. **Recording of Agreement:**

This agreement shall be recorded at the Oakland County Register of Deeds.

By: ____________________________

Its: ____________________________

CITY OF BERKLEY

By: ____________________________
Matthew Baumgarten, City Manager

STATE OF MICHIGAN
COUNTY OF ________

This agreement was acknowledged before me on ________, by ____________________________________________ of ____________________________________________ on behalf of the ____________________________________________.

____________________________________________ Notary public
County, Michigan

My commission expires: __________________________

STATE OF MICHIGAN
COUNTY OF OAKLAND

This agreement was acknowledged before me on ________, by Matthew Baumgarten, City Manager, of the City of Berkley, on behalf of the City.

____________________________________________ Notary public
County, Michigan

My commission expires: __________________________

Drafted by:
John D. Staran, Esq.
2055 Orchard Lake Road
Sylvan Lake, MI 48320

When Recorded Return to:
City Clerk
City of Berkley
3888 Coolidge Hwy.
Berkley, MI 48879
TO: John Vitale, Architect  
    John Lipchick, Building Official  
    Monarch Acquisitions, Owner  

RE: 1949 W. Twelve Mile Rd.  

Dear Interested Parties:  

2/3/2022  

I have received and reviewed the site plan/conceptual design package for the above address, and approved them subject to the following:  

1) Sprinkler system modifications not shown, must be submitted for review.  
2) Existing/new fire extinguishers not shown.  
3) Note that no processing of marijuana is permitted in the City in buildings within 300' of residential property.  

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

Respectfully,  

Pete Kelly  
Fire Inspector
February 16, 2022

City of Berkley
3338 Coolidge Highway
Berkley, Michigan 48072

Attention: Ms. Megan Masson-Minock, Community Development Director
Mr. Matthew Baumgarten, City Manager

Re: Lume
1949 Twelve Mile Road
Engineering Site Plan – Review No. 1
City of Berkley, MI

Dear Ms. Masson-Minock 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 located at 1949 Twelve Mile Road for compliance with the City of Berkley’s engineering and site plan requirements. The plans were prepared by Stucky-Vitale Architects of Royal Oak, Michigan with the engineering site plan created by PEA Group of Brighton, Michigan. The plans have an issue date of February 7, 2022. The proposed project scope includes the renovation of the existing building and replacement of the existing parking lot and other site features. We hereby offer the following comments:

General:

1. A Road Commission for Oakland County (RCOC) permit will be required for proposed work within the 12-Mile Road right-of-way as well as for construction signage.

2. A traffic control, or Maintenance of Traffic (MOT), plan and sequence of construction must be added to the plans, including an estimated duration for any lane closures that may be required.

3. A separate demolition sheet must be provided in the plan set that shows all site demolition work including any exterior building work which may impact the site.

4. The extent of curb, sidewalk, and pavement removal and replacement must be clearly shown on the plans. In addition, the City may require additional sections of existing curb and gutter and sidewalks along 12 Mile Road to be removed and replaced as part of the proposed project in order to address the current deteriorated conditions and will defer comment to the City.

Water and Fire Protection Services:

1. The proposed 8” water main has a note stating “connect to existing water service into building”. It appears that this connection would be to the existing 8” main for the south hydrant, not for the building service, and the note must be updated to reflect this.
2. The relocation of the 8” water main will require a new connection with a new tapping sleeve, valve and well.

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

1. Stormwater runoff calculations are provided using a 100-year, 24-hour storm event and show the required storage volume for the proposed site. Calculations and details must also be added to the plans demonstrating that the storage volume provided by the proposed stormwater management system meets or exceeds this requirement. Further, sources for the values of the runoff coefficients must be cited on the plans for the proposed permeable pavement areas.

2. A geotechnical investigation must be performed to evaluate the feasibility of the proposed stormwater management system. The report and soil logs must be submitted along with the plans, including the elevation of the groundwater table, soil types encountered, and the design recommendations or comments on the proposed stormwater collection system.

3. Grades must be provided for inverts of proposed storm sewer and structures.

4. Details of the proposed outlet control structure and diversion manholes must be shown on the plans.

5. Cross-sectional details and proposed composition of the rain gardens must be shown on the plans.

6. The types of pre-treatment proposed for each area of collection must be specified.

7. The developer will be required to prepare and enter into a perpetuity maintenance agreement with the City for the proposed private stormwater systems. The Applicant must contact the City DPW regarding this item prior to commencing construction.

8. A note indicates the existing building sanitary lead will remain in place and be re-utilized. The applicant must have the sanitary lead inspected by a licensed contractor/plumber and the video footage submitted to the City verifying the lead is suitable for re-use prior to construction.

**Recommendation:**

Based on our aforementioned comments, we do not recommend approval of the proposed Site Plan at this time. The plans must be revised to address all of the above comments and resubmitted to the City of Berkley for further review.

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

HUBBELL, ROTH & CLARK, INC.

Edward D. Zmich            Mitch Stark
Project Manager            Review Engineer

EDZ/MAS/mas
pe:  City of Berkley; Mr. Derrick Schueller, Mr. Shawn Young
     HRC; R. Alix, File
     PEA Group; S. Peruski
     Stucky-Vitale; M. Dragan
Residents objection and comments regarding application PSP -03-22

Bill Scarmeas
To: comdirector@berkleymich.net
Cc: Jackie

Dear Berkley planning commission,

I would like offer my comments and objection to the purposed marihuana provisioning center located at 1949 Twelve mile road.

Since my Rosemont property backs the commercial use property just East of the purposed dispensary at 1949 Twelve Mile Road, I formally object to this provisioning location, and encourage the planning commission NOT to approve this location based the observation that this dispensary appears to be within 1000 feet from a pre-existing private educational center known as KinderCare, located at 1695 Twelve mile Rd.

According to their website, KinderCare provides multiple programs from infant day care for children 6 weeks to 1 year and multiple educational programs such as Pre-Kindergarten to Kindergarten for older children ages 5 to 6.

Reviewing the Berkley Ordinance governing marihuana provisioning centers, it states in Section 8 Sec. 138-528. Marihuana Business Regulations: “The Property where the Marihuana Business will be located must not be within 1,000 feet of a pre-existing public or Private school providing education in Kindergarten or any grades 1-12.

KinderCare appears to be within the 1000 foot of the proposed provisioning center and offers said educational programs for children.

I do not speak on behalf of KinderCare, nor do I have any personal or vested interest in this company, I am however a concerned homeowner who lives in the neighborhood and strongly object to a marihuana provisioning center so close to a child educational center.

Looking at the site plan, I also see the potential where patrons of the provisioning center could potential share a common parking area of KinderCare. Additionally, children in the center who will play outside in their designated protected area as well as parents who pick up their children will be within sight and unfortunately, walking distance to a marihuana dispensary.
I have other concerns about the site plan that I will address at meeting, however at this time I ask the planning commission to take my concerns into consideration and review this application carefully.

As it appears, the close proximity of a child educational center could disqualify 1949 Twelve Mile road for a licensed marihuana provisioning center.

Kind regards,

Bill and Jackie Scarmeas

1878 Rosemont Rd, Berkley
Residents objection and comments regarding application PSP -03-22

Bill Scarmeas
To: comdirector@berkleymich.net
Cc: Jackie

Dear planning commission,

Following up on my previous email, kindly see the screen shot below from KinderCare website with description of educational options provided by KinderCare including Kindergarten program.

![KinderCare screenshot](https://mail.google.com/mail/u/0/?ik=9aa63f6f70&view=pt&search=all&permmsgid=msg-f%3A1727454254783394871&simpl=msg-f%3A17274542547...)

**Programs by Age**

**Early Education Programs Overview**

Infant Daycare (6 weeks to 1 year)

Toddler Daycare (1 to 2)

Discovery Preschool (2 to 3)
Bill Scarmeas

On Mar 15, 2022, at 10:03 PM, Bill Scarmeas wrote:

Dear Berkley planning commission,

[Quoted text hidden]
NOTICE OF PUBLIC MEETING
BERKLEY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN, in accordance with Section 138-528 and Section 30-806 of the Berkley City Code, that there will be a meeting of the Berkley Planning Commission to be held at the City of Berkley in the Council Chambers, 3338 Coolidge Hwy, Berkley Michigan, on **Tuesday, March 22, 2022** at 7:10 pm, or as near thereto as the matter may be reached.

**APPLICATION PSP-03-22**

Christopher Enright, on behalf of David Farbman, 1949 Twelve Mile Rd., Parcels #25-17-126-002 and #25-17-126-003, is requesting a sketch plan for the conversion of 6,764 square feet of the existing building to a retail marihuana dispensary and office use for the remaining 17,677 square feet.

Complete application information is available for review at [www.berkleymich.org/urbanplanning](http://www.berkleymich.org/urbanplanning).

Comments regarding the request may be made in person on the night of the meeting or may be made in writing. All written comments must be submitted to the Building Department or email to comdirector@berkleymich.net before 5:00 p.m on the date of the Planning Commission meeting.

You can watch the meeting: [https://www.berkleymich.org/livestream/index.php](https://www.berkleymich.org/livestream/index.php)

MEGAN MASSON-MINOCK
INTERIM COMMUNITY DEVELOPMENT DIRECTOR

**Publish Once:**
Royal Oak Tribune
Friday, March 4, 2022
DOROTHY ROY  
ROBERT ROY  
1950 ROSEMONT RD  
BERKLEY MI 48072 3305  

LARRY FONS  
TERESA FONS  
1908 ROSEMONT RD  
BERKLEY MI 48072 3305  

KURT SCHLAU  
MARYBETH SCHLAU  
1907 ROSEMONT RD  
BERKLEY MI 48072 3307

JASON NABER  
2008 ROSEMONT RD  
BERKLEY MI 48072 3306  

MARK ROEDER  
REBECCA KENNEDY  
1992 ROSEMONT RD  
BERKLEY MI 48072 3305  

CHRISTINE GAIL APEL  
1864 ROSEMONT RD  
BERKLEY MI 48072 1846

ANDREW LOCKMAN  
2023 ROSEMONT RD  
BERKLEY MI 48072 3308  

WILLIAM BOTENS  
ROCHELLE BOTENS  
2088 ROSEMONT RD  
BERKLEY MI 48072 3306  

JAMES SKAGGS  
1978 ROSEMONT RD  
BERKLEY MI 48072 3305

BRENDA DUNLOP  
2057 ROSEMONT RD  
BERKLEY MI 48072 3308  

JOSHUA STAPP  
2040 ROSEMONT RD  
BERKLEY MI 48072 3306  

Occupant  
1964 ROSEMONT RD  
BERKLEY MI 48072 3305

PAUL LAURENCHELLE  
1963 ROSEMONT RD  
BERKLEY MI 48072 3307  

GILBERT TECKER  
1877 ROSEMONT RD  
BERKLEY MI 48072 1845  

1964 ROSEMONT LLC  
3532 HALLA LN  
BLOOMFIELD HILLS MI 48301 2127

JO ANNE RODDY  
2071 ROSEMONT RD  
BERKLEY MI 48072 3308  

JORDAN D PATERRA  
2007 ROSEMONT RD  
BERKLEY MI 48072 3308  

TIMOTHY SWEENEY-DUCHENE  
CHELSEA SWEENEY- DUCHENE  
1936 ROSEMONT RD  
BERKLEY MI 48072 3305

Occupant  
29001 WOODWARD AVE  
BERKLEY MI 48072 0917  

Occupant  
2087 ROSEMONT RD  
BERKLEY MI 48072 3308  

GAMAL ELBIALY  
1949 ROSEMONT RD  
BERKLEY MI 48072 3307

MIDWEST MEMORIAL GROUP LLC  
31300 SOUTHFIELD RD STE 1  
BEVERLY HILLS MI 48025 5456  

JOHN S SPARLING JOINT TRUST  
MARY LYN SPARLING JOINT TRUST  
2111 ROSEMONT RD  
BERKLEY MI 48072 1847  

MICHAEL A COLLING  
1899 ROSEMONT RD  
BERKLEY MI 48072 1845

Occupant  
1949 12 MILE RD  
BERKLEY MI 48072 1853  

JASON J FULKS  
AKEMI FULKS  
1921 ROSEMONT RD  
BERKLEY MI 48072 3307  

LAWRENCE SERMO  
1890 ROSEMONT RD  
BERKLEY MI 48072 1846

MONARCH ACQUISITION LLC  
28400 NORTHWESTERN HWY FL 4  
SOUTHFIELD MI 48034 8349  

MATTHEW D DEFEVER  
SHERRI A DEFEVER  
1991 ROSEMONT RD  
BERKLEY MI 48072 3307  

RICHARD IORIO  
TAMARA ROBEY  
2024 ROSEMONT RD  
BERKLEY MI 48072 3306
CHARLES DALY IV
2072 ROSEMONT RD
BERKLEY MI 48072 3306

DIANE WINTERS
1935 ROSEMONT RD
BERKLEY MI 48072 3307

DAN R. UHLEY
2039 ROSEMONT RD
BERKLEY MI 48072 3308

ELIZABETH A. MORRISON
2058 ROSEMONT RD
BERKLEY MI 48072 3306

ZACHARY TYLER
GLYNIS TYLER
1977 ROSEMONT RD
BERKLEY MI 48072 3307

Occupant
1695 12 MILE RD
BERKLEY MI 48072 2182

814 BERKLEY LLC
3221 W BIG BEAVER RD STE 111
TROY MI 48034 2810

WILLIAM SCARMEAS
JACQUELINE SCARMEAS
1878 ROSEMONT RD
BERKLEY MI 48072 1846

AMERICAN LEGION
2079 12 MILE RD
BERKLEY MI 48072 1854

Occupant
1949 12 MILE RD
BERKLEY MI 48072 1853

MONARCH ACQUISITION LLC
28400 NORTHWESTERN HWY FL 4
SOUTHFIELD MI 48034 8349

DOTTIE PAYNE
1922 ROSEMONT RD
BERKLEY MI 48072 3305

814 BERKLEY LLC
3221 W BIG BEAVER RD STE 111
TROY MI 48034 2810
SKETCH PLAN REVIEW REQUEST

To: Megan Masson-Minock, AICP
Interim Community Development Director
City of Berkley

From: John A. Vitale, AIA NCARB

Date: March 2, 2022

Re: Quality Roots – Berkley – Marihuana Retailer
Architect’s Project No.: 2020.153

Good afternoon, Megan,

The intent of this letter is to request a sketch plan review with the City of Berkley Planning Commission. The proposed project address is 3916 W. Eleven Mile Rd. Berkley Michigan 48072.

Please find attached, the package that we are submitting to be reviewed.

Thank you for your time.

John A. Vitale.
QUALITY ROOTS | BERKLEY PROVISIONING CENTER
3916 ELEVEN MILE ROAD
BERKLEY, MI  48237

OWNERSHIP THEORY:
QUALITY ROOTS

ARCHITECT:
STUCKY VITALE ARCHITECTS
21112 WOODWARD AVENUE
ROYAL OAK, MICHIGAN 48073
(248) 546-8700

CIVIL ENGINEER:
NOWAK AND FRAUS
46777 WOODWARD AVENUE
PONTIAC, MI 48342
(248) 332-7931

APPLICABLE CODES:
BUILDING CODE:
2015 MICHIGAN REHABILITATION FOR EXISTING BUILDING
MECHANICAL CODE:
2015 MICHIGAN MECHANICAL CODE AS AMENDED
PLUMBING CODE:
2015 MICHIGAN PLUMBING CODE AS AMENDED
ELECTRICAL CODE:
2017 NATIONAL ELECTRIC CODE (NEC) AS AMENDED & MICHIGAN AMENDMENTS PART 8.
FIRE CODE:
2015 INTERNATIONAL FIRE CODE REFERENCED IN 2015 MICHIGAN BUILDING CODE

BARRIER FREE REQUIREMENTS:
2010 ADA STANDARDS FOR ACCESSIBLE DESIGN (DOJ)
MBC-2012 (CHAPTER 11)

OFF STREET PARKING REQUIREMENTS:
MICHAEL J. MAGGIONI, R.G.
CIVIL ENGINEER:
NOWAK AND FRAUS
46777 WOODWARD AVENUE
PONTIAC, MI 48342
(248) 332-7931

PROJECT AREA:
EXISTING
FIRST FLOOR = 5,724 SF
SECOND FLOOR = 686 SF

USE GROUP:
M - MERCANTILE

OFF STREET PARKING REQUIREMENTS (USEABLE FLOOR AREA):
· OFFICE: 102 SF
· RECEIVING ROOM: 236 SF
· TRANSACTION AREA: 394 SF
· SHOWROOM: 1,672 SF
· WAITING ROOM: 375 SF
· CHECK IN: 58 SF
2,837/ 225 = 12.61 = 13 PARKING STALLS

SECOND FLOOR = 686 SF
· OFFICE: 481 SF
481/225 = 2.14 = 3 PARKING STALLS
13 + 3 = 16 PARKING STALLS

SEC. 138-268 BERKLEY ORDINANCE: PARKING CREDIT
Bicycle parking may be used to reduce the number of required off-street parking spaces. Existing developments may elect to reduce the required off-street parking by two car parking spaces by providing four bicycle parking spaces (i.e., by installing two inverted U, loop style, or other approved style of bicycle rack).

16 - 2 = 14 REQUIRED PARKING STALLS

SCALE:
CONCEPTUAL RENDERING
N.T.S.
General Note

1. See schedule for luminaire mounting height.
2. For luminaire and fixture lumens at least 70% of lumen guarantee for grade
   calculation on luminaires to be used in outdoor light field conditions.

THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE
LUMINARIE TO THE LIGHTING / FUTURE FIELD CONDITIONS. THIS LIGHTING LAYOUT
REPRESENTS A TYPICAL LUMINARIE MOUNTING HEIGHTS AND IS INTENDED TO
CALCULATE FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS IN
ACCORDANCE WITH THE AMERICAN SOCIETY FOR TESTING AND MATERIALS
ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF
ANY MANUFACTURER'S LUMINARIE MAY DIFFER DUE TO VARIATION IN ELECTRICAL,
VOLTAGE, TEMPERATURE, LUMEN-GUIDE FOCAL SPREAD. THE ENGINEER AND/OR
ARCHITECT MUST DETERMINE APPLICABILITY TO THE LIGHTING / FUTURE
FIELD CONDITIONS. MOUNTING HEIGHTS INDICATED ARE FROM GRADE
AND/OR FLOOR UP.

THESE LIGHTING CALCULATIONS ARE NOT A SUBSTITUTE FOR INDEPENDENT
ENGINEERED ANALYSIS OF LIGHTING SYSTEM SUITABILITY AND SAFETY. THE ENGINEER AND/OR
ARCHITECT MUST REVIEW FOR MICHIGAN ENERGY CODE AND
LIGHTING QUALITY COMPLIANCE.

UNLESS EXEMPT, PROJECT MUST COMPLY WITH LIGHTING CONTROLS REQUIREMENTS
ISSUED MARCH 2017. FOR SPECIFIC INFORMATION CONTACT GBA
CONTROLS GROUP AT ASSA@GASSERBUSH.COM OR 734-246-8705.
PERMEABLE PAVERS TO BE INSTALLED AT PARKING STALL LOCATIONS.

EXTENSIVE GREEN ROOF | ROOF TOP RAINFOREST

WHITE DURABLE PVC ROOF (LOCALLY SOURCED)

ROOF MOUNTED SOLAR PANELS

WHITE DUROC LAST PVC ROOF (LOCALLY SOURCED)

RAIN BARRELS AT FINISH GRADE

PERMEABLE PAVERS WITH GREEN STORM WATER PLANTERS LOCATED IN PROPOSED ALLEYWAY. BENCHES TO BE LOCATED ALONG ALLEYWAY.

NON-INVASIVE TREE SPECIES

ENERGY EFFICIENT LED STREET LAMPS

VEGETATIVE BIOSWALE AND RAIN GARDEN LOCATION OF APPROVED ART INSTALLATION.

UNDERGROUND DETENTION BASIN DESIGNED FOR 100 YEAR STORM

BIKE RACKS

LED LIGHTS ON BUILDING FOR SAFETY

BENCHES

SUBSTITUTION BEREWANCE AND RAINFOREST LOCATION OF APPROVED ART INSTALLATION.

UNDERGROUND DETENTION BASIN DESIGNED FOR 100 YEAR STORM
QUALITY ROOTS | BERKLEY | PROVISIONING CENTER + RETAILER ESTABLISHMENT
3916 ELEVEN MILE RD.
BERKLEY, MI

ART MURAL TO BE PAINTED ON EXISTING CMU WALL

VEGETATIVE ROOF EDGE LOCATION
APPROVED ART INSTALLATION
UNDERGROUND DETENTION BASIN DESIGNED FOR 100 YEAR STORM
PERVERMABLE PAVERS TO BE INSTALLED AT PARKING STALL LOCATION

ART MURAL TO BE PAINTED ON EXISTING BUILDING BLOCK WALL W/ LED LIGHTING

SITE SAFETY

BENCHED

STORM WATER PLANTERS

GREEN BELT WITH (5) NON-INVASIVE TREE SPECIES

SUN SHADE AT SOUTH AND WEST SIDE (REDUCES HEAT GAIN)

LOW-E GLASS

WHITE DURO-LAST PVC ROOF (LOCALLY SOURCED)

EXTENSIVE GREEN ROOF (ROOF TOP GARDEN)

ROOF MOUNTED WIND TURBINES

ROOF MOUNTED SOLAR PANELS

UNDERGROUND DETENTION BASIN DESIGNED FOR 100 YEAR STORM

EXTENSIVE GREEN ROOF | ROOF TOP GARDEN

WHITE DURO-LAST PVC ROOF (LOCALLY SOURCED)

MARCH 2, 2022

SKETCH PLAN REVIEW

QUALITY ROOTS | BERKLEY | PROVISIONING CENTER + RETAILER ESTABLISHMENT

C O N C E P T U A L  D E S I G N  P A C K A G E

SP1.4

MARCH 2, 2022

QUALITY ROOTS | BERKLEY | PROVISIONING CENTER + RETAILER ESTABLISHMENT

C O N C E P T U A L  D E S I G N  P A C K A G E

SP1.4
QUALITY ROOTS | BERKLEY | PROVISIONING CENTER + RETAILER ESTABLISHMENT

EXISTING FINISH GRADE
ELEV. 100'-0"

T.O. CANOPY
ELEV. 109'-8"

T.O. PARAPET
ELEV. 118'-2"

EXISTING BLOCK WALL TO HAVE MURAL STATING "I LOVE BERKLEY BECAUSE ..." MURAL TO BE APPROVED BEFORE WORK COMMENCES

EXISTING GLASS BLOCK TO REMAIN IF IN GOOD CONDITION

NEW BUILT PARAPET WALL CLADDED WITH LOCALLY SOURCED WOOD VENEER

NEW STOREFRONT WITH LOW-E GLAZING

NEW SIGNAGE TO MEET CITY SIGN ORDINANCE FOR WALL SIGNS 94-7 (H) OTHER REGULATIONS

NEW INCANDESCENT METAL PANEL TO MEET ASHRAE 90.1 REQUIREMENTS

NEW SCUPPERS TO FEED NEW RAIN BARRELS

NEW CANOPY WITH TURNBUCKLE SUPPORTS

NEW SIGNS TO MEET CITY SIGN ORDINANCE FOR WALL SIGNS 94-7 (H) OTHER REGULATIONS

EXISTING BLOCK WALL AND BLOCK PIERS TO BE PAINTED WITH EXTERIOR LOW V.O.C. PAINT. EXISTING GLASS BLOCK TO REMAIN.

NEW SCUPPERS TO FEED NEW RAIN BARRELS

NEW STOREFRONT WITH LOW-E GLAZING

NEW SIGNAGE TO MEET CITY SIGN ORDINANCE FOR WALL SIGNS 94-7 (H) OTHER REGULATIONS

NEW BUILT PARAPET WALL CLADDED WITH LOCALLY SOURCED WOOD VENEER

CANOPY WITH TURNBUCKLE SUPPORTS

NEW SIGNS TO MEET CITY SIGN ORDINANCE FOR WALL SIGNS 94-7 (H) OTHER REGULATIONS

EXISTING BLOCK WALL TO BE PAINTED WITH EXTERIOR LOW V.O.C. PAINT.

EXISTING WALL TO BE CLADDED WITH LOCALLY SOURCED WOOD VENEER

NEW INSULATED METAL PANEL TO MEET ASHRAE 90.1 REQUIREMENTS

SKETCH PLAN REVIEW

MARCH 2, 2022
MEMORANDUM

To: Planning Commission

From: Megan A. Masson-Minock, Interim Community Development Director

Subject: PSP-07-22, Sketch Plan for Quality Roots Provisioning Center at 3916 W. Eleven Mile

Date: March 16, 2022

The applicant has asked for a sketch plan review for the proposed renovation of the existing building at 3916 W. Eleven Mile Road as a retail marihuana dispensary and office tenant space. Section 138-681 – Approval Process allow sketch plan review by the Planning Commission as follows:

“Sketch plan (optional). An item may be submitted to the planning commission for informal discussion. No approval shall be granted. However, the applicant may wish to present and discuss a proposed project and any anticipated problems before applying for site plan approval.”

On February 15, 2022, the applicant had a pre-application meeting with staff from myself, DPW Director Schueller, Fire Inspector Kelly, and Eddie Zmich and Mitchell Stark for HRC. The applicant revised the plans and submitted for sketch plan review on March 2, 2022. As no fees are required for sketch plan, the revised plans were not reviewed by this department, the Fire Inspector, DPW or the planning and engineering consultants.

Please note that there are some inconsistencies in the parking layout on the sheets in the sketch plan submitted. Sheet C-1 shows parking spaces along the rear property line in single row, where the site plan renderings (SP1.3 and SP1.4) show stadium style parking (double stacked spaces with no access aisle) in the northeast corner of the site. During the pre-application meeting, the applicant was advised that the stadium style parking did not meet the Zoning Ordinance.

Please come prepared to share your questions and concerns about the sketch plan.

Thank you.

Cc: Matt Baumgarten, City Manager
    John Staran, City Attorney
    John A. Vitale, applicant’s representative
NOTICE OF PUBLIC MEETING
BERKLEY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN, in accordance with Section 138-528 and Section 30-806 of the Berkley City Code, that there will be a meeting of the Berkley Planning Commission to be held at the City of Berkley in the Council Chambers, 3338 Coolidge Hwy, Berkley Michigan, on **Tuesday, March 22, 2022** at 7:10 pm, or as near thereto as the matter may be reached.

**APPLICATION PSP-07-22**

John Vitale, on behalf of L & L Development LLC, 3916 W. Eleven Mile Rd., Parcels #25-18-353-030 and #25-18-353-027, is requesting a sketch plan for the renovation of the existing building to a retail marihuana dispensary and office tenant space.

Complete application information is available for review at [www.berkleymich.org/urbanplanning](http://www.berkleymich.org/urbanplanning).

Comments regarding the request may be made in person on the night of the meeting or may be made in writing. All written comments must be submitted to the Building Department or email to [comdirector@berkleymich.net](mailto:comdirector@berkleymich.net) before 5:00p.m on the date of the Planning Commission meeting.

You can watch the meeting: [https://www.berkleymich.org/livestream/index.php](https://www.berkleymich.org/livestream/index.php)

MEGAN MASSON-MINOCK
INTERIM COMMUNITY DEVELOPMENT DIRECTOR
Occupant
3910 11 MILE RD
BERKLEY MI 48072 1005

GEORGE WAMBAUGH
JASON WAMBAUGH
1760 CUMMINGS AVE
BERKLEY MI 48072 1015

AARON W FEYS
1845 CUMMINGS AVE
BERKLEY MI 48072 1076

GEORGE BANOT
18536 HILLCREST ST
LIVONIA MI 48152 3338

Occupant
3966 11 MILE RD
BERKLEY MI 48072 1005

Occipant
15101 W 11 MILE RD
OAK PARK MI 48237 1004

STEPHEN BATSON
JANET BATSON
1809 BACON AVE
BERKLEY MI 48072 1062

DAMICO REAL ESTATE INVESTMENTS LLC
20700 BREEZEWOOD CT
BEVERLY HILLS MI 48025 2822

CORSAUT BUILDING VENTURES LLC
26640 HARDING ST
OAK PARK MI 48237 1043

CORSAUT BUILDING VENTURES LLC
26640 HARDING ST
OAK PARK MI 48237 1043

L & L DEVELOPMENT LLC
3916 11 MILE RD
BERKLEY MI 48072

JAMES OZANICH
1844 CUMMINGS AVE
BERKLEY MI 48072 3249

SCOTT GORDON
1760 THOMAS AVE
BERKLEY MI 48072 1031

SHERRI S SMITH
1846 THOMAS AVE
BERKLEY MI 48072 3232

CORSAUT BUILDING VENTURES LLC
26640 HARDING ST
OAK PARK MI 48237 1043

Occipant
14925 W 11 MILE RD
OAK PARK MI 48237 1013

Occupant
3950 11 MILE RD
BERKLEY MI 48072 1005

RAINE VENTURES LLC
26640 HARDING ST
OAK PARK MI 48237 1043

BLUE HORSESHOE 3950 LLC
18311 W 10 MILE RD STE 200
SOUTHFIELD MI 48075 2623

G F BOYCE
1809 CUMMINGS AVE
BERKLEY MI 48072 1076

CORSAUT BUILDING VENTURES LLC
26640 HARDING ST
OAK PARK MI 48237 1043

MARK A NESBITT
1810 THOMAS AVE
BERKLEY MI 48072 3232

CORSAUT BUILDING VENTURES LLC
26640 HARDING ST
OAK PARK MI 48237 1043
March 14, 2022

Re: 3737 Twelve Mile Rd., 25-18-126-020

Dear Planning Commission,

3737 Twelve Mile, LLC is pleased to submit documents for Site Plan Review for the redevelopment of 3737 Twelve Mile Rd. We are asking for conditional approval on a geotechnical report due to existing buildings on site and timing based on bank financing. We are currently under contract to buy the property and were given a relatively short due diligence phase to get site plan review approval. Without approval or approval with conditions, our bank can’t finance the project, and the seller of the property has the right not to extend our contract. We are aware of the clay soil conditions in Berkley, and our stormwater system is designed with that in mind. We will submit our findings to the city before or during the building permit phase.

Sincerely,
Daniel Stakhiv
3737 Twelve Mile, LLC
248-763-0401
Date: 03/14/2022
Ms. Megan Masson-Minock  
Community Development Director  
City of Berkley

**Re: Proposed Storm Sewer Management System at 3737 12-Mile Rd, Berkley**

Dear Ms. Megan Masson-Minock:
We have designed the proposed storm sewer system to store the runoff water within a 72” diameter perforated pipe. Also, as part of this system, we are using the voids in the stone surrounding the pipe to store at stone porosity ratio of 20%. The runoff water will be stored within the perforated pipe and surrounding stone then will be release into the city sewer system.

We took into consideration the nature of city clayey soil. Our design has not counted for any infiltration into the soil from the proposed system. Infiltration rate has been assumed to be 0.0 in/hr.

Please let me know if you have any questions

Sincerely,

**Ghassan Khalaf**
Ghassan Khalaf, P.E.  
Tel: 313-377-9449  
E-mail: gkci@outlook.com
March 14, 2022

RE: Site Plan Review Comments
The Phillip Rowhomes
3737 Twelve Mile
Berkley, Michigan

Megan,

The following is an itemized response to the comments contained within HRC Site Plan Review Letter dated March 7, 2022.

General
1. A Road Commission for Oakland County (RCOC) permit will be required for proposed work within the 12-Mile Road right-of-way as well as for construction signage.

   Note is added to sheet C-02 and will be provided during building permit.

2. A traffic control plan and sequence of construction must be added to the plans, including an estimated duration for any lane closures that may be required.

   Has been provided to county/city and notes added to plans.

3. All existing utilities and service leads must be shown on the plans.

   Plans has been revised accordingly.

Water and Fire Protection Services
1. As discussed in the pre-application meeting, the proposed water service must connect to the 12” water main in Twelve Mile Road, rather than the 6” main in Phillips Ave. The City was open to allowing the stormwater connection to be made in Phillips Ave to avoid utilities running under the proposed building.

   Water service line is branching from 12-Mile Road (sheet C-02)

Storm Drainage and Detention/Sanitary Sewer
2. A geotechnical investigation must be performed to evaluate the feasibility of the proposed stormwater management system. The report and soil logs must be submitted along with the plans, including the elevation of the groundwater table, soil types encountered, and the design recommendations or comments on the proposed stormwater collection system.

   We are requesting for conditional approval with geotechnical report to be submitted with building permit. This is due to the existing buildings on the site and the bank financing/closing is based on building design approval. We have a very limited due diligence phase to get site plan review done.
3. This office has conducted a review of the stormwater calculations. The plans include 100-year stormwater detention volume calculations in accordance with current Oakland County WRC standards, as well as details and calculations showing the provided storage from the proposed stormwater management system. As such, the system appears to be adequately sized to detain stormwater from the proposed development, however, the feasibility of the proposed system in regards to the site soils must be confirmed through the geotechnical investigation as stated above.

4. Note that downspouts are not permitted to discharge directly into the combined sewer system and must be directed onto grass, landscape or other green space area. They may also be directed through the proposed restricted-outlet structure. The location of the proposed downspouts and the above note must be shown on the plans.

**Downspouts discharge into grass areas (Sheet C-02)**

5. The developer will be required to prepare and enter into a perpetuity maintenance agreement with the City for the proposed private stormwater systems. The Applicant must contact the City DPW regarding this item prior to commencing construction.

**Storm management agreement and exhibits will be prepared during the permitting process.**

6. A note indicates the existing building sanitary lead will remain in place and be re-utilized. The applicant must have the sanitary lead inspected by a licensed contractor/plumber and the video footage submitted to the City verifying the lead is suitable for re-use prior to construction.

**Note is added on sheet C-02**

7. The existing sanitary sewer leads must be properly abandoned via a spot liner or another DPW approved method. The Applicant is responsible for any roadwork and restoration associated with the new utility connections which must be shown on the submitted plans.

**Note is added on sheet C-02**

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

Sincerely,
Daniel Stakhiv
3737 Twelve Mile, LLC
248-763-0401
March 14, 2022

RE: Site Plan Review Comments
The Phillip Rowhomes
3737 Twelve Mile
Berkley, Michigan

Megan,

The following is an itemized response to the comments contained within DPW Site Plan Review Letter dated March 3, 2022

1. The site plans will be reviewed by the City's engineering consultant, Hubbell, Roth & Clark (HRC). Among other things, HRC will review the storm water detention calculations and site grading.

2. A Design Miss Dig ticket shall be requested by the applicant so existing utilities can be shown on the drawings. The ticket number shall be indicated on the Topographic Survey.

   Miss-Dig design ticket No. has been added to survey sheet. 2022011900544

3. The existing water and sanitary pipes and connections from the office and home shall be shown on the survey and demolition/removal plan. These lines are private and may require a licensed plumber to verify locations and size. The storm pipe and connection for the existing catch basin must also be shown. All existing sewer connections cannot be reused and are required to be abandoned within 2' of the public main. Please indicate this work on the demolition plan with 12 Mile impacts shown.

   A note has been added that existing water and sanitary connections will be verified by a licensed plumber. The catch basin was full of ice. The invert and size of storm pipe will be added at a later time. Existing sewer connections will not be used and will be abandoned as per city engineering standards.

4. A 100-year detention system will be required per current Oakland County standards. Any storage utilizing pipe perforation, existing soils or open stone will require a geotechnical report and confirmation prior to site plan approval.

   Geotechnical report will be performed and submitted to the city during building permit.
5. Please note the proposed stormwater management system will be a private system under the maintenance of the property owner. A template approved by the City Attorney is attached for use. Exhibits will need to be prepared by the applicant and included with the document.

**Storm management agreement and exhibits will be prepared during the permitting process.**

6. The new water supply lines and sanitary lead are required to come off of the existing public utilities along 12 Mile Road (address frontage). The existing 6" main on Phillips was not designed to support a development of this size and vertical elevation.

**Water service line connection has been relocated to 12 Mile Road.**

7. The applicant shall verify the new development will not negatively impact the adjacent properties and existing drainage conditions.

**Site will be graded to provide High points lines at the south and west property lines to prevent any drainage into adjacent properties.**

8. Note the Community Development Department will review the striping plan for verification of number of stalls required, sizing, handicap considerations and general site circulation.

9. A traffic control plan shall be added to the plan set to account for the proposed impacts in the 12 Mile and Phillips right-of-way.

**MDOT traffic control standards are added to the plans.**

10. 12 Mile is under the jurisdiction of the Road Commission for Oakland County. The applicant shall share feedback received from the County and/or an approved RCOC plan.

**We will share all RCOC future comments.**

11. A Storm Water Service Fixed Charge will be assessed upon completion of construction. This charge will be reflected on the regular utility bill and is based on an Equivalent Residential Units (impervious area).

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

Sincerely,
Daniel Stakhiv
3737 Twelve Mile, LLC
248-763-0401
March 14, 2022

RE: Site Plan Review Comments
The Phillip Rowhomes
3737 Twelve Mile
Berkley, Michigan

Megan,

The following is an itemized response to the comments contained within CWA Site Plan Review Letter dated February 18, 2022

Area, Width, Height, Setbacks
*Items to be addressed: 1). Planning Commission to consider waiver from Twelve Mile setback, Phillips, and side yard setback;

Want to confirm the setbacks because it looks like there is mis-interrupted answers. Setbacks ranges from 4.75 inches to 1 foot 9.375 inches due to the irregular shape of the site.

2). Planning Commission should discuss potential need for a higher parapet along the southern portion of the roof deck to block noise, light, and views.

We don’t see a need for a higher parapet wall seeing that the roof deck is more towards Twelve Mile Road and the rear of the deck is setback 60’ from South property line. If planning commission disagrees, we are willing to entertain an additional screening/fence of some degree.

Parking
*Items to be Addressed: Indicate bicycle parking

We added a bike rack in the rear next to the trash enclosure. Just a reminder that every tenant has an oversized 1.5 car garage for additional storage as well.

Building Design Standards
*Items to be Addressed: Planning Commission to consider waiver for transparency requirements.

Windows on the West façade are cost prohibited due to them having to be fire rated. From an architectural standpoint, the west façade is cohesive with the rest of the building and the use of different textures and warmer colored materials make this an appealing building.

Landscaping and Screening
*Items to be Addressed: Screen trash enclosure with masonry material to match the building.

Trash enclosure will match masonry of main building. Noted on plans.
Photometrics
*Items to be Addressed:* Indicate lighting along front elevation.

Updated plans accordingly. PH-01

Exterior Appliances
*Items to be Addressed:* Applicant shall show exterior appliances (air conditioners, generators, etc.) on site plan to ensure compliance with Sec. 138-73.

AC condensers will be located on roof and screened by parapet walls. Noted on plans.

Floor Plan and Elevations
*Items to be Addressed:* Insert windows on west elevation. If the applicant cannot include windows due to fire code separation requirements, we recommend some other form of architectural treatment to break up the massing of that side elevation.

Windows on the West façade are cost prohibited due to them having to be fire rated. From an architectural standpoint, the west façade is cohesive with the rest of the building and the use of different textures and warmer colored materials make this an appealing building.

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

Sincerely,
Daniel Stakhiv
3737 Twelve Mile, LLC
248-763-0401
APPLICATION FOR SITE PLAN REVIEW

NOTICE TO APPLICANT: Applications for Site Plan review by the Planning Commission must be submitted to the City of Berkley Building Department in substantially complete form at least 30 days prior to the Planning Commission’s meeting at which the application will be considered. The application must be accompanied by the data specified in the Zoning Ordinance, including fully dimensioned site plans, plus the required review fees.

The Planning Commission meets the fourth Tuesday of the month at 7:00pm in the Council Chambers at the City of Berkley City Hall, 3338 Coolidge Hwy, Berkley, MI 48072.

TO BE COMPLETED BY APPLICANT:

I (We), the undersigned, do hereby respectfully request Site Plan Review and provide the following information to assist in the review:

Project Name: THE PHILLIP ROWHOMES
Applicant: DANIEL STATKIV
Mailing Address: 2838 COOLIDGE HWY BERKLEY MI 48072
Telephone: 248-763-0401
Email: berkleydealllc123@gmail.com

Property Owner(s), if different from Applicant: 
Mailing Address: 2679 Warwick Court, Bloomfield Hills, MI 48304
Telephone: 734-225-0753
Email: hassan@brighterestates.com

Applicant’s Legal Interest in Property: 3737 TWELVE MILE LLC TO PURCHASE SITE. UNDER CONTRACT

LOCATION OF PROPERTY:
Street Address: 3737 TWELVE MILE AND 3363 PHILLIPS AVE
Nearest Cross Streets: TWELVE MILE AND PHILLIPS
Sidwell Number(s): 25-18-126-020

Updated 02.21.2021
PROPERTY DESCRIPTION:

Provide lot numbers and subdivision: LOTS 557 to 562 THOMAS BROTHERS
BEVERLY PARK SUBDIVISION
Property Size (Square Feet): 12,197 sf (Acres): 0.28 acres

EXISTING ZONING DISTRICT (please check):

- R-1A
- R-1B
- R-1C
- R-1D
- RM
- RMH
- Local Business
- Office
- Community Centerpiece
- Woodward
- Eleven Mile
- Twelve Mile
- Coolidge
- Downtown
- Industrial
- Cemetery
- Parking

Present Use of Property:
VACANT RETAIL (3737) AND OCCUPIED DUPLEX (3343)

Proposed Use of Property:
TOWNHOUSES

Is the property located within the Downtown Development Authority? ☒ Yes ☐ No

PROJECT DESCRIPTION:

NEW CONSTRUCTION OF (7) TOWNHOMES

Does the proposed project / use of property require Special Land Use approval? ☐ Yes ☒ No

Does the proposed project require Variance(s) from the Zoning Board of Appeals? ☒ Yes ☐ No

If yes, please describe Variances required:
FIRST FLOOR GLAZING REQUIREMENTS, REQUIRED 40%.
PROVIDED 26.3%. FRONT AND SIDE SETBACK NEEDS PLANNING COMMISSION APPROVAL.

Updated 07.01.2021
**PLEASE COMPLETE THE FOLLOWING CHART:**

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Number of Units</th>
<th>Gross Floor Area</th>
<th>Number of Parking Spaces On Site</th>
<th>Number of Employees on Largest Shift</th>
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<tr>
<td>Attached Residential</td>
<td>7</td>
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<tr>
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<tr>
<td>Other</td>
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</tr>
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</table>

**PROFESSIONALS WHO PREPARED PLANS:**

A. Name: Kelsey Reynolds, RA  
Mailing Address: 2240 Iroquois St Detroit MI 48214  
Telephone: [redacted]  
Email: [redacted]  
Design Responsibility (engineer, surveyor, architect, etc.): Architect

B. Name: SH Construction, LLC  
Mailing Address: 2240 Iroquois St Detroit MI 48214  
Telephone: 248-763-0401  
Email: [redacted]  
Design Responsibility: Design + G.C.

**SUBMIT THE FOLLOWING:**

1. Fifteen (15) individually folded copies of the site plans, measuring 24" x 36", sealed by a registered architect, engineer, or surveyor.
2. A pdf file of the site plans, submitted to the Community Development Director.
3. Proof of property ownership (title insurance policy or registered deed with County stamp).
4. Review comments or approval received from County, State or Federal agencies that have jurisdiction over the project, including, but not limited to:

   - [ ] Road Commission for Oakland County
   - [x] Oakland County Health Division
   - [x] MI Dept. of Transportation
   - [x] MI Dept. of Environment, Great Lakes & Energy

Updated 07.01.2021
PLEASEx NOTE: The applicant, or a designated representative, MUST BE PRESENT at all scheduled meetings, or the Site Plan may be tabled due to lack of representation.

Failure to provide true and accurate information on this application shall provide sufficient grounds to deny approval of a Site Plan Application or to revoke any permits granted subsequent to the site plan approval.

We encourage applicants to make a presentation of the proposed project to the Planning Commission and City Council, as appropriate. To assist in this effort, we have available for your use at meetings a projector, laptop computer and screen. This will allow the Planning Commission and audience to be fully engaged so they can give your project the attention it deserves. Planning Commission meetings are recorded and televised.

PROPERTY OWNER’S APPROVAL: (Initial each line)

I hereby authorize the employees and representatives of the City of Berkley to enter upon and conduct an inspection and investigation of the above-referenced property.

APPLICANT’S ENDORSEMENT: (Initial each line)

All information contained therein is true and accurate to the best of my knowledge.

I acknowledge that the Planning Commission will not review my application unless all information in this application and the Zoning Ordinance has been submitted. I further acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing or approval of this site plan application.

I hereby acknowledge that if engineering or other reviews are required, additional fees 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.

If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.
MEMORANDUM OF LAND CONTRACT

THIS MEMORANDUM OF LAND CONTRACT entered into this __ th day of
July, 2019, by and between EUGENE J. TATA, Trustee of the EUGENE J. TATA
TRUST AGREEMENT, dated May 16, 1974, and amended September 11, 1986 ("SELLER") whose
address is 27725 Spring Arbor Drive, Southfield, MI 48076 and BERKLEY DEAL LLC, A
MICHIGAN LIMITED LIABILITY COMPANY ("BUYER"), whose address is 2679 Warwick
Court, Bloomfield Hills, MI 48304 (the "Land Contract").

WITNESSETH:

WHEREAS, BUYER and SELLER entered into a Land Contract dated __ th of
July, 2019; and,

WHEREAS, the parties desire to enter into this Memorandum of Land Contract and to give record
notice of existence of said Land Contract.

NOW THEREOF, in consideration of the Property and for other good and valuable consideration
SELLER acknowledges and agrees that it has sold to BUYER on the Land Contract dated
__ th of July, 2019, the following described premises situated in the City of
Berkley, Oakland County, Michigan, and legally described as:

Lot 557 through Lot 562, inclusive, of Thomas Brothers Beverly Park Subdivision of part
of the North ½ of Section 18, Town 1 North, Range 11 East, according to the plat thereof
as recorded in Liber 15 of Plats, Page 6, Oakland County Records.

Tax Parcel No.: 04-25-18-126-020
Commonly known as: 3363 Phillips Avenue, Berkley, MI 48072 & 3737 Twelve Mile
Road, Berkley, MI 48072

The purpose of this Memorandum of Land Contract is to give record notice to the existence of the
aforesaid Land Contract.

[Signature]

2019 - 4.27.19
IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Land Contract and have caused their hands and seals to be affixed hereto this 26th day of July, 2019.

SELLER:

EUGENE J. TATA TRUST AGREEMENT
dated May 16, 1974, and amended September 11, 1986

By: EUGENE J. TATA
   Trustee

BUYER:

BERKLEY DEAL, LLC
A Michigan Limited Liability Company

By: Hassan Imran
   Its: Member

STATE OF MICHIGAN    )
COUNTY OF Macomb   ) SS.

On this 26th day of July, 2019, before me, a notary public in and for the aforesaid State and County, personally appeared EUGENE J. TATA, Trustee of the EUGENE J. TATA TRUST AGREEMENT, dated May 16, 1974, and amended September 11, 1986 and Hassan Imran, member of Berkley Deal LLC, a Michigan Limited Liability Company, who executed the foregoing Memorandum of Land Contract and acknowledged the execution of same to be their free act and deed.

JAN WALKER
Notary Public, State of Michigan
County of Macomb
My Commission Expires 11-23-2022
Acting in the County of Macomb

Drafted by and Return to:
Richard D. Linnell (P59339)
Attorney at Law
2804 Orchard Lake Rd., Ste. 203
Keego Harbor, Michigan 48320
Telephone: (248) 977-4182

Send Subsequent Tax Bills to:
BERKLEY DEAL LLC
2679 Warwick Court
Bloomfield Hills, MI 48304
THE PHILLIP ROWHOMES
3737 Twelve Mile & 3363 Phillips Ave
Berkley, Michigan 48072

Building Code Information:
2015 Michigan Building Code
2016 Michigan Plumbing Code
2015 Michigan Mechanical Code
2015 National Electrical Code

Project Description:
The subject real property is currently comprised of one parcel and houses a single story retail building, a (2) legal non-conforming gasoline station. The subject real property is an opportunity to redevelop the property for the commerical 7 residential townhomes.

Legal Description:
LOTS 97 TO 102, INCLUSIVE, "THOMAS BROTHERS" BEVERLY PARK SUBDIVISION, OF PART OF NORTH 1/2 OF SECTION 14, TOWN 1 NORTHEAST, RANGE 1 EAST, TOWNSHIP OF OAK (TOWNSHIP OF OAK OF CITY OF BERKLEY), OAK COUNTY, MICHIGAN, AS RECORDED IN BOOK 15 OF PLATS, PAGE 28 OF OAK COUNTY RECORDS.

Zoning District: Twelve Mile District
Proposed Use: Townhouses (9 units) - (Primary use is permitted (1) units multi-family rowhouses)

Section 138-219 - Parking space requirements by use.
(a) Residential or Home: 2 spaces per dwelling unit
(b) Terminus: 14 spaces provided (7 units X 2 spaces)
(c) Street: 14 spaces provided (7 units X 2 spaces)

Section 138-461 - Building design requirements
(a) Building height: 36' - 2 Story + Roof Deck
(b) Average lot size: 12,197 sq ft

Section 138-526 - Schedule of Regulations

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<tr>
<th>Twelve Mile District</th>
<th>Requirement</th>
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<td>Minimum Lot Size</td>
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<td>Width</td>
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<td>Maximum Height</td>
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<td>Maximum Lot Coverage</td>
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<td>8,366 sq ft</td>
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<tr>
<td>Setbacks</td>
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<tr>
<td>Front Yard</td>
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<td>8'-0&quot; (variance requested)</td>
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<tr>
<td>Rear Yard</td>
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<td>46'-0&quot;</td>
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<tr>
<td>Side Yard</td>
<td>no setback permitted</td>
<td>46'-0&quot; (variance requested)</td>
</tr>
</tbody>
</table>

Building Area:

- Ground Area Calculations:
  - First Floor: 2,457 G.S.F.
  - Second Floor: 2,431 G.S.F.
  - Third Floor: 2,037 G.S.F.
  - Rear Yard: 439 G.S.F.

- Total Building Area: 11,970 G.S.F.
### Land Use Summary

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<tr>
<th>Characteristic</th>
<th>Existing Conditions</th>
<th>Proposed Conditions</th>
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<td>Phase Development (acres)</td>
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### USE CDS-4-C INLET (TO TREAT MAX. 1.0 CFS 100-YR STORM)

**Catchment Information**

- Inlet No.: CDS-4-C
- Inlet Capacity: 1.0 cfs
- Inlet Type: Storage Inlet
- Inlet Location: CDS-4-C
- Inlet Design: 100-Year Design
- Inlet Details: Use CDS-4-C Inlet (To Treat Max. 1.0 CFS 100-Yr Storm)

**Design Notes**

- Inlet Design: 100-Year Design
- Inlet Details: Use CDS-4-C Inlet (To Treat Max. 1.0 CFS 100-Yr Storm)

**CDS-4-C Specific Data Requirements**

- Inlet Design: 100-Year Design
- Inlet Details: Use CDS-4-C Inlet (To Treat Max. 1.0 CFS 100-Yr Storm)

**CDS-4-C Details**

- Inlet Design: 100-Year Design
- Inlet Details: Use CDS-4-C Inlet (To Treat Max. 1.0 CFS 100-Yr Storm)

**Storage Capacity**

- Inlet Design: 100-Year Design
- Inlet Details: Use CDS-4-C Inlet (To Treat Max. 1.0 CFS 100-Yr Storm)
B 4' RECESSED LIGHT (8.5W)
UNDER FRONT CANOPY FOR EACH
UNIT. TOTAL OF 7.
No photometric reading provided due to
existence of street lighting
MEMORANDUM

TO: Berkley Planning Commission

FROM: Megan Masson-Minock; Interim Community Development Director

SUBJECT: PSP-06-22: 3737 Twelve Mile – New Construction of Rowhomes
Site Plan Approval

Plan Date: March 14, 2022 & previous submittal dated February 18, 2022

DATE: March 18, 2022

Attached are the following reviews for the site plan submitted:

Planning Review from Carlisle Wortman Associates (CWA) dated March 15, 2022, for plans date March 14, 2022

CWA noted that the Planning Commission needs to consider the following waivers:

- Twelve Mile setback
- Phillips Avenue setback
- Side yard setback
- Front elevation transparency

CWA recommended approval of the site plan with the following conditions:

1. Install a higher parapet along the southern portion of the roof deck to block noise, light, and views.
2. Insert windows on west elevation. If the applicant cannot include windows due to fire code separation requirements, CWA recommended some other form of architectural treatment to break up the massing of that side elevation.

In the letter from the applicant to me dated March 14, 2022, the applicant noted the following:

- Since the rear of the deck is setback sixty feet from the rear lot line, they do not see a need for a higher parapet but are willing to entertain additional screening or a fence.
- Installation of windows on the west façade is cost-prohibitive and they feel the façade as proposed is cohesive and appealing.
Engineering Review from Hubbell, Roth & Clark (HRC) dated March 7, 2022, for plans dated February 18, 2022

HRC did not recommend approval of the site plan, based on the number of outstanding items. With a standard two-week review window, HRC has not yet reviewed the plans submitted this past Monday. Please note the following item from HRC’s review letter which was not completed per the applicant’s response letter:

- HRC requires a geotechnical investigation to evaluate the feasibility of the proposed stormwater management system. The applicant has requested conditional approval with the geotechnical report to be submitted with the building permit.

Review for City of Berkley Department of Public Works (DPW) dated March 3, 2022

DPW did not recommend approval of the site plan, based on HRC’s review and several outstanding items. As with HRC, DPW has not yet reviewed the plans submitted this past Monday. The Planning Commission should note the following items from the applicant’s response letter:

- DPW requires a geotechnical report and confirmation for any stormwater management system with storage utilizing pipe perforation. The applicant has asked that geotechnical report be a condition of approval for the site plan. DPW is concerned that if the soils are not able to handle the proposed system, that the changes needed would have significant impacts on the site layout and overall costs.

- Item 10 of DPW’s review requires feedback received from the Road Commission of Oakland County (RCOC) and/or an approved RCOC plan. The applicant has stated that they will share all future RCOC future comments. According to DPW Director Schueller, the City typically has the Road Commission’s initial feedback prior to site plan approval. It is unclear if the applicant has started the RCOC approval process.

Please note that Fire Inspector Pete Kelly has signed and approved the site plan submitted on March 14, 2022.

Summary and Recommendation

The Planning Commission needs to make a determination on the following:

1. **Waiver of the 0-foot setback for the proposed 8-foot setback from Twelve Mile:** To grant the waiver, the Planning Commission must find that the proposed setback shall be developed as a defined plaza, outside eating area, or other pedestrian space. The Planning Commission indicated during the sketch plan review of this site that the proposed setback would be needed space to create a functional pedestrian space in front of the proposed residential buildings.

2. **Waiver of the 0-foot setback for the proposed 1-foot, 9-inch setback from Phillips:** To grant the waiver, the Planning Commission must find that the proposed setback shall be developed as a defined plaza, outside eating area, or other pedestrian space. The applicant is seeking relief due to the irregular shape of the lot. The Planning Commission may find the request reasonable due to the that unique circumstance.
3. **Waiver of the 0-foot setback for the proposed 4.75-inch side yard setback:** To grant the waiver, the Planning Commission must find that the proposed setback shall be developed as a defined plaza, outside eating area, or other pedestrian space. The applicant is seeking relief due to the irregular shape of the lot. The Planning Commission may find the request reasonable due to the that unique circumstance.

4. **Waiver of the minimum 40 percent transparency for 26.3 percent transparency on front faced facing Twelve Mile:** The Planning Commission may revise this requirement if the Commission finds that the standards for site plan approval, as outlined in Section 138-678, have been met.

In addition, the Planning Commission should give the applicant direction as to whether a higher parapet is needed and whether changes are needed to the west façade per the recommendations from CWA.

We recommend the Planning Commission table this site plan request until the following steps have been taken:

1. A geotechnical investigation to evaluate the feasibility of the proposed stormwater management system has been submitted, reviewed, and approved DPW and HRC.
2. Initial feedback from the Road Commission of Oakland County on the proposed work in the Twelve Mile right-of-way.

If the Planning Commission chooses to approve the site plan, we recommend that the following items be conditions of approval:

1. RCOC approval for work in the Twelve Mile right-of-way; and
2. All issues in the following review letters are addressed:
   a. City Department of Public Works dated March 3, 2022
   b. Hubbell, Roth & Clark dated March 7, 2022
Site Plan Review

For

City of Berkley, Michigan

Applicant: 3737 Twelve Mile, LLC

Project Name: The Phillip Rowhomes

Plan Date: March 14, 2022

Location: 3737 Twelve Mile Road and 3363 Phillips Avenue

Zoning: Twelve Mile District

Action Requested: Site Plan Approval

SITE DESCRIPTION

The applicant is proposing a new seven unit rowhomes development at 3737 Twelve Mile Road and 3363 Phillips Avenue. The buildings will front on Twelve Mile. Vehicular access to the site will be off Phillips Avenue. The buildings are three (3) stories with a fourth story roof deck. All three (3) structures on the existing site will be removed.

The site is zoned Twelve Mile District, and rowhomes is a permitted use.
**Site Location:**

**Proposed Uses of Subject Parcel:**

A 7-unit rowhome development

**Current Use of Subject Property:**

The subject property currently consists of a single-family home with detached garage and office building.

**Surrounding Property Details:**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Twelve Mile District</td>
<td>Commercial</td>
</tr>
<tr>
<td>South</td>
<td>Single Family Residential, R1-D</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>Twelve Mile District</td>
<td>Phillips Avenue / Commercial</td>
</tr>
<tr>
<td>West</td>
<td>Twelve Mile District</td>
<td>Commercial</td>
</tr>
</tbody>
</table>

*Items to be addressed: None.*
A Sketch Plan was reviewed on January 25, 2022, by the Planning Commission. The minutes from that meeting has more details. The Planning Commission greatly supported the plan, the use of the property, and the setback allowances (see area, width, height, and setback section of this review for more details). However, the Planning Commission also noted that the site was overparked by four (4) spaces, and to not include the top black box on the dumpster, include bicycle racks, and more greenery.

The site has been graded for previous development. No natural features exist.

The buildings will front on Twelve Mile. Vehicular access to the site will be off Phillips Avenue.

*Items to be addressed: None*

Sec. 138-397 - Schedule of Regulations of the Zoning Ordinance establishes the dimensional requirements for the Twelve Mile District.

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front (Twelve Mile Road)</strong></td>
<td>No setback shall be permitted, unless the Planning Commission finds that the proposed setback shall be developed as a defined plaza, outside eating area, or other pedestrian space.</td>
<td>8 Feet</td>
<td>Need Planning Commission consideration</td>
</tr>
<tr>
<td><strong>Front (Phillips)</strong></td>
<td>No setback shall be permitted, unless the Planning Commission finds that the proposed setback shall be developed as a defined plaza, outside eating area, or other pedestrian space.</td>
<td>1-foot, 9-inches</td>
<td>Need Planning Commission consideration</td>
</tr>
</tbody>
</table>
No setback shall be permitted, unless the Planning Commission finds that the proposed setback shall be developed as a defined plaza, outside eating area, or other pedestrian space.

<table>
<thead>
<tr>
<th>Side</th>
<th>4.75-inches</th>
<th>Need Planning Commission consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear</td>
<td>10-feet</td>
<td>Complies</td>
</tr>
<tr>
<td>Building Height</td>
<td>Maximum 40 feet (as noted on site plan), with roof deck</td>
<td>Complies</td>
</tr>
</tbody>
</table>

The applicant is providing a setback of eight (8) feet from Twelve Mile Road to provide a small lawn/landscape area and pedestrian sidewalk. The proposed 8-foot setback is reasonable to accommodate the residential use.

The applicant is seeking a relief from the Planning Commission from the required side yard (west) and front yard (Phillips) setback due to irregular shape of the lot. The request relief is reasonable due to the irregular shape of the lot.

We note the inclusion of a roof deck, which will be approximately thirty (30) feet in height. The roof deck is a valuable and supported amenity to the development. However, we note that, although the deck is surrounded by a 4-foot parapet, there is potential for negative impacts on the single-family homes south of the development. Impacts of particular concern are noise, light, and potential views into second stories of adjacent homes. The Planning Commission should discuss potential need for a higher parapet along the southern portion of the roof deck to block noise, light, and views.

**Items to be addressed:** 1). Planning Commission to consider waiver from Twelve Mile setback, Phillips, and side yard setback; and 2). Planning Commission should discuss potential need for a higher parapet along the southern portion of the roof deck to block noise, light, and views.

**PARKING**

Section 138-219 of the Zoning Ordinance requires:

<table>
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<tr>
<th>Single-family residential detached or attached: 2 spaces per unit</th>
<th>Required</th>
<th>Provided</th>
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<tbody>
<tr>
<td></td>
<td>7 units = 14 spaces</td>
<td>14</td>
</tr>
</tbody>
</table>
For each unit, one (1) space is located in an at-grade garage and one (1) space is located in driveway spot behind garage door. The applicant is distinguishing the driveway spots with curbing and landscaping.

The applicant has included an onsite bike rack.

**Items to be Addressed:** None

### Building Design Standards

Sec. 138-462. - Building design requirements.

a) The first floor elevation of a building that fronts a street shall be composed of a minimum of 40 percent and a maximum of 80 percent windows. When there is a choice between a major thoroughfare and a minor street, the elevation that faces the major thoroughfare shall be considered the front.

CWA Response: The applicant is providing 26.3% transparency on front (Twelve Mile) elevation. The applicant notes that due to costs and because it is a residential use, they would like to maintain privacy. The applicant is seeking relief from the Planning Commission.

b) The building elevation that fronts a street shall contain an entrance. The entrance shall access the first floor of the building. When there is a choice between a major thoroughfare and a minor street, the elevation that faces the major thoroughfare shall be considered the front.

CWA Response: The primary building entrance fronts on Twelve Mile Road.

c) Siding, generally considered residential, regardless of orientation, and T111-type material shall not be permitted.

CWA Response: The applicant proposes metal cladding siding.

d) The Planning Commission may revise these requirements, if the commission finds that the standards for site plan approval, as outlined in Section 138-678, have been met.

CWA Response: The Planning Commission is asked to consider a waiver for transparency based on the proposed residential use and subsequent desire for privacy.

**Items to be Addressed:** Planning Commission to consider waiver for transparency requirements.
LANDSCAPING AND SCREENING

A landscaping plan has been provided on sheet LP-1. The applicant proposes robust landscaping in both the front of the buildings adjacent to Twelve Mile Road and in the rear in the parking area. Landscaping includes ornamental trees, shrubs, flowers, and evergreen screening along the southern property line.

As set forth in Section 130-37, when the development of any property requiring site plan approval occurs, the City Planning Commission shall review landscaping plans and may require trees to be planted on or near the site consistent with the elements of the adopted city master plan.

Trash Enclosure:

The applicant is proposing one (1) trash enclosure with the rear parking area. The applicant has indicated the screening of the trash enclosure will be masonry that matches the building.

*Items to be Addressed: None*

PHOTOMETRICS

A photometric plan has been provided. The applicant is proposing four (4) building lights that are mounted above garage, and seven (7) can LED lights along front elevation.

*Items to be Addressed: None*

EXTERIOR APPLIANCES

Applicants notes that AC units will be located on roof and screened by parapet.

*Items to be Addressed: None*

Floor plans and elevations have been provided. Materials include brick first floor, and metal cladding on upper floors. The applicant is not indicating any windows on the west elevation. If they cannot include windows due to fire code separation requirements, we recommend some other form of architectural treatment to break up the massing of that side elevation.

Applicant notes that widows on west façade are cost prohibitive due to them having to be fire rated. Applicant finds that the west façade is cohesive with the rest of the building and the use of different textures and warmer colored materials make this an appealing building.
**Items to be Addressed:** Insert windows on west elevation. If the applicant cannot include windows due to fire code separation requirements, we recommend some other form of architectural treatment to break up the massing of that side elevation.

**DESIGN STANDARDS AND SITE PLAN REVIEW STANDARDS**

As set forth in Sec. 138-679. – Standards, the site plan shall be reviewed and approved by the Planning Commission upon finding that:

1. **The site meets the requirements of this Code.**
   
   CWA Response: Outside of the requested noted waivers, the site meets all Code requirements. The Planning Commission should discuss the waivers requested.

2. **The proposed development does not create adverse effects on public utilities, roads, or sidewalks.**
   
   CWA Response: The proposed development does not create adverse effects on public utilities, roads, or sidewalks.

3. **Pedestrian and vehicular areas are designed for safety, convenience, and compliment adjacent site design.**
   
   CWA Response: The applicant has designed the site to provide safe and convenient vehicular and pedestrian access and circulation.

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.**
   
   CWA Response: The development advances the City’s master plan objectives, complements and enhances the existing built environment, and the use is complementary to neighboring properties.

5. **Landscaping, lighting, dumpster enclosures, and other site amenities are provided where appropriate and in a complementary fashion.**
   
   CWA Response: The applicant is greatly improving the site with increased landscaping, new lighting, and has sited the dumpster enclosure in a proper location.

6. **Site engineering has been provided to ensure that existing utilities will not be adversely affected.**
CWA Response: The development is to be reviewed by the City Engineer to ensure existing utilities will not be adversely affected.

Provided that the applicant can address the outstanding items in our report, we find the site plan review standards have been met.

**RECOMMENDATION**

The Planning Commission should consider the following waivers:
- Twelve Mile setback
- Phillips Avenue setback
- Side yard setback
- Front elevation transparency

Based on Planning Commission discussion, we recommend Planning Commission approval with the following conditions:

1. *Install a higher parapet along the southern portion of the roof deck to block noise, light, and views.*
2. *Insert windows on west elevation. If the applicant cannot include windows due to fire code separation requirements, we recommend some other form of architectural treatment to break up the massing of that side elevation.*

Sincerely,

[Signature]

**CARLISLE/WORTMAN ASSOC., INC.**
Benjamin R. Carlisle, LEED AP, AICP
Transmittal Memo

To: Megan Masson-Minock, Interim Community Development Director (via email)
Cc: Kim Anderson, Community Development Department (via email)
     Shawn Young, DPW Foreman (via email)
     Eddie Zmich, HRC (via email)

From: Derrick Schueller, DPW Director

Date: March 3, 2022

Subject: Proposed Phillips Townhomes (The Phillip Rowhomes)
3737 12 Mile
Site Plan Review #1

We have reviewed the site plans provided by the Community Development Department on February 18 and prepared by Wrap Architects and GK Consulting. Please find below our initial comments:

1. The site plans will be reviewed by the City's engineering consultant, Hubbell, Roth & Clark (HRC). Among other things, HRC will review the storm water detention calculations and site grading.
2. A Design Miss Dig ticket shall be requested by the applicant so existing utilities can be shown on the drawings. The ticket number shall be indicated on the Topographic Survey.
3. The existing water and sanitary pipes and connections from the office and home shall be shown on the survey and demolition/removal plan. These lines are private and may require a licensed plumber to verify locations and size. The storm pipe and connection for the existing catch basin must also be shown. All existing sewer connections cannot be reused and are required to be abandoned within 2' of the public main. Please indicate this work on the demolition plan with 12 Mile impacts shown.
4. A 100-year detention system will be required per current Oakland County standards. Any storage utilizing pipe perforation, existing soils or open stone will require a geotechnical report and confirmation prior to site plan approval.
5. Please note the proposed stormwater management system will be a private system under the maintenance of the property owner. A template approved by the City Attorney is attached for use. Exhibits will need to be prepared by the applicant and included with the document.
6. The new water supply lines and sanitary lead are required to come off of the existing public utilities along 12 Mile Road (address frontage). The existing 6" main on Phillips was not designed to support a development of this size and vertical elevation.
7. The applicant shall verify the new development will not negatively impact the adjacent properties and existing drainage conditions.
8. Note the Community Development Department will review the striping plan for verification of number of stalls required, sizing, handicap considerations and general site circulation.
9. A traffic control plan shall be added to the plan set to account for the proposed impacts in the 12 Mile and Phillips right-of-way.
10. 12 Mile is under the jurisdiction of the Road Commission for Oakland County. The applicant shall share feedback received from the County and/or an approved RCOC plan.
11. A Storm Water Service Fixed Charge will be assessed upon completion of construction. This charge will be reflected on the regular utility bill and is based on an Equivalent Residential Units (Impervious area).

A response letter from the applicant to these comments would be helpful in subsequent reviews.

Feel free to call with any questions or concerns. Thank you.
AGREEMENT FOR
STORM WATER SYSTEM MAINTENANCE

This Agreement is made on __________________, by __________________, ("Developer"), a (corporation, limited liability company, partnership) whose address is ______; and the CITY OF BERKLEY (the "City"), whose address is 3888 Coolidge Hwy, Berkley, MI 48879.

WHEREAS, Developer owns and proposes to develop the Property described in attached Exhibit A; and

WHEREAS, the proposed development of the Property will alter the natural flow of surface and storm water drainage; and

WHEREAS, Developer has proposed, and the City has approved, a storm water management system (the "System") as described and depicted in the plan attached as Exhibit B; and

WHEREAS, the parties will benefit from the proper operation, use, and maintenance of the System and enter into this agreement to provide for the same.

THEREFORE, the parties agree:

1. Use of the System:

   Components of the System, including any and all water conveyance, detention and water quality treatment facilities and devices, pumping system, storm sewer pipe, catch basins, manholes, end-seCTIONS, ditches, swales, open water courses and rip-rap, shall be used solely for the purpose of conveying, detaining and treating storm and surface drainage on the property until such time as: (i) The City determines and notifies Developer or Developer's successors, grantees or assigns, in writing, that it is no longer necessary to convey, detain or treat the storm and surface drainage; and (ii) An adequate alternative for conveying, detaining and treating storm and surface drainage has been provided which is acceptable to the City and which includes the granting of any easements to the City or third parties as may be required or necessary for the alternative drainage system.

2. Maintenance:

   A. Developer shall be responsible for the proper maintenance, repair and replacement of the System and all parts thereof as detailed in the Maintenance Plan attached as Exhibit C.
B. Proper maintenance of the System shall include, but is not limited to: (i) Removing accumulated sediment, trash and debris from the detention basin and at inlet pipes; (ii) Managing deleterious vegetative growth; (iii) Maintaining storm sewer, structures, end-sections and safety features; (iv) Controlling the effects of erosion; (v) Inspection and cleaning of the water quality treatment device; (vi) Inspection of inlet and outlet pipes for structural integrity; (vii) Inspection and replacement of riprap at inlet pipes; (viii) Inspection and cleaning of the storm sewer and catch basins upstream from the detention basin; (ix) Inspection and replacement of stone around the outlet pipe; and (vi) Any other maintenance that is reasonable and necessary to facilitate and continue the proper operation and use of the System.

3. **Action by City:**

If, at any time, Developer or Developer’s successors, grantees or assigns neglect or fail to properly maintain the System or any part thereof, the City may notify Developer or Developer’s successors, grantees or assigns. The notice shall be in writing and shall list and describe maintenance deficiencies and demand that they be corrected within thirty (30) days.

The notice shall further specify a date and place for a hearing to be held at least fourteen (14) days after the date of the notice before the City Council, or such other board or official as the City Council may designate. At the hearing, the City Council (or other designated board or official) may affirm or modify the list and description of maintenance deficiencies and, for good cause shown, may extend the time for the deficiencies to be corrected.

Thereafter, if the maintenance deficiencies are not corrected within the time allowed, the City may undertake the necessary corrective actions, and the City may maintain the System for up to one (1) year. Such maintenance of the System by the City shall not be construed to be a trespass or a taking of the Property, nor shall the City’s actions vest in the public any right to enter or use the Property. Thereafter, if Developer or Developer’s successors, grantees or assigns do not properly maintain the System, the City may, after providing similar written notice, schedule and hold another hearing to determine whether the City should maintain the System for another year, and subject to a similar notice, hearing and determination, in subsequent years.

In the event the City determines an emergency or public nuisance condition caused by or relating to the System threatens the public health, safety or general welfare, the City shall have the right to immediately and without notice enter the Property and undertake appropriate corrective action.

4. **Charges:**

The City shall charge to the current owner of the Property the cost of maintenance or other corrective action undertaken by the City under this agreement, plus a ten percent (10%) administrative fee. If not timely paid, the City may place the charges on the City’s tax roll, which charges shall be a lien on the Property and shall be collectable and enforceable in the same manner general property taxes are collected and enforced.

5. **Notice:**

Any notices required under this agreement shall be sent by certified mail to the address for each party set forth below, or to such other addresses as such party may notify the other parties in writing:

To ______________________________: ______________________________
To the City:          City Manager
City of Berkley
3888 Coolidge Hwy
Berkley, MI 48879

6. **Successors and Assigns:**

This agreement shall bind and inure to the benefit of the parties and their respective successors, grantees and assigns. The benefits, burdens, rights, obligations and responsibilities hereunder shall run with the land and shall bind all current and future owners of the Property and any divisions thereof.

7. **Recording of Agreement:**

This agreement shall be recorded at the Oakland County Register of Deeds.

By: ________________________

Its: ________________________

CITY OF BERKLEY

By: ________________________

Matthew Baumgarten, City Manager

STATE OF MICHIGAN

COUNTY OF _________

This agreement was acknowledged before me on ________, by ________________________________

______ of ________________________________ on behalf of the ________________________________.

__________________________ Notary public
__________________________ County, Michigan

My commission expires: ________________

STATE OF MICHIGAN

COUNTY OF OAKLAND

This agreement was acknowledged before me on ________, by Matthew Baumgarten, City Manager, of the City of Berkley, on behalf of the City.

__________________________ Notary public
__________________________ County, Michigan

My commission expires: ________________

Drafted by:
John D. Staran, Esq.
2055 Orchard Lake Road
Sylvan Lake, MI 48320

When Recorded Return to:
City Clerk
City of Berkley
3888 Coolidge Hwy.
Berkley, MI 48879

3
March 7, 2022

City of Berkley
3338 Coolidge Highway
Berkley, Michigan 48072

Attention: Ms. Megan Masson-Minock, Community Development Director
Mr. Matthew Baumgarten, City Manager

Re: The Phillips Rowhomes HRC Job No. 20220175.02
3737 Twelve Mile Road
Engineering Site Plan – Review No. 1
City of Berkley, MI

Dear Ms. Masson-Minock 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 Wrap Architects of Detroit, Michigan with the engineering site plan created by GK Consulting of Garden City, Michigan. The plans have an issue date of February 18, 2022. The proposed project scope includes the renovation of an existing commercial building as well as a residential home and garage, and construction of a 7-unit Townhome complex. We hereby offer the following comments:

General:

1. A Road Commission for Oakland County (RCOC) permit will be required for proposed work within the 12-Mile Road right-of-way as well as for construction signage.

2. A traffic control plan and sequence of construction must be added to the plans, including an estimated duration for any lane closures that may be required.

3. All existing utilities and service leads must be shown on the plans.

Water and Fire Protection Services:

1. As discussed in the pre-application meeting, the proposed water service must connect to the 12” water main in Twelve Mile Road, rather than the 6” main in Phillips Ave. The City was open to allowing the stormwater connection to be made in Phillips Ave to avoid utilities running under the proposed building.

Storm Drainage and Detention/Sanitary Sewer:

2. A geotechnical investigation must be performed to evaluate the feasibility of the proposed stormwater management system. The report and soil logs must be submitted along with the plans, including the elevation of the groundwater table, soil types encountered, and the design recommendations or comments on the proposed stormwater collection system.
3. This office has conducted a review of the stormwater calculations. The plans include 100-year stormwater detention volume calculations in accordance with current Oakland County WRC standards, as well as details and calculations showing the provided storage from the proposed stormwater management system. As such, the system appears to be adequately sized to detain stormwater from the proposed development, however, the feasibility of the proposed system in regards to the site soils must be confirmed through the geotechnical investigation as stated above.

4. Note that downspouts are not permitted to discharge directly into the combined sewer system and must be directed onto grass, landscape or other green space area. They may also be directed through the proposed restricted-outlet structure. The location of the proposed downspouts and the above note must be shown on the plans.

5. The developer will be required to prepare and enter into a perpetuity maintenance agreement with the City for the proposed private stormwater systems. The Applicant must contact the City DPW regarding this item prior to commencing construction.

6. A note indicates the existing building sanitary lead will remain in place and be re-utilized. The applicant must have the sanitary lead inspected by a licensed contractor/plumber and the video footage submitted to the City verifying the lead is suitable for re-use prior to construction.

7. The existing sanitary sewer leads must be properly abandoned via a spot liner or another DPW approved method. The Applicant is responsible for any roadwork and restoration associated with the new utility connections which must be shown on the submitted plans.

Recommendation:

Based on our aforementioned comments, we do not recommend approval of the proposed Site Plan at this time. The plans must be revised to address all of the above comments and resubmitted to the City of Berkley for further review.

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

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Edward D. Zmich     Mitch Stark
Project Manager    Review Engineer

EDZ/MAS/mas
pc: City of Berkley; Derrick Schueller, Shawn Young, Kim Anderson
     HRC; R. Alix, File
     3737 Twelve Mile, LLC; Daniel Stakhiv
     Wrap Architects; Kelsey Reynolds
     GK Consulting; Ghassan Kalaf