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

Tuesday, February 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 January 25, 2021
COMMUNICATIONS
CITIZEN COMMENTS

OLD BUSINESS


3. **DDA Guidelines**: 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.

NEW BUSINESS


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](http://www.youtube.com/CityofBerkley) or [http://www.berkleymich.org/livestream](http://www.berkleymich.org/livestream).
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: Kristen Kapelanski, Martin Smith
         Joe Bartus, Lisa Kempner
         Greg Patterson, Julie Stearn
         Mark Richardson, Shiloh Dahlin
         Daniel Petrosky

ABSENT: None

ALSO, PRESENT: Megan Masson-Minock, Interim Community Development Director
                Grant Jeffries, 257 Vester St, Ferndale
                Daniel Stakhiv, 2240 Iroquois, Detroit
                Doug and Laura Respeck, 2413 Cambridge, Berkley

* * * * * * * * *

APPROVAL OF AGENDA

Motion by Commissioner Kempner to approve the agenda. Motion supported by Commissioner Patterson.

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

* * * * * * * * *

APPROVAL OF MINUTES

Motion by Commissioner Patterson to approve the minutes from the regular Planning Commission meeting on November 23, 2021 and supported by Commissioner Bartus.

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

* * * * * * * * *

COMMUNICATIONS

Planning & Zoning News & Michigan Association of Planning workshops flyer and magazine

* * * * * * * * *

CITIZEN COMMENTS

There were no comments from the public in person or via email.

* * * * * * *
OLD BUSINESS

1. **DDA Guidelines:** 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.

Interim Community Development Director Masson-Minock summarized the Carlisle Wortman memo on this subject that was in the packet. She reviewed four questions from the Planning Commission and examples from other communities. In terms of overall advice from best practices, Carlisle Wortman recommends having both guidelines and standards. Standards are what you absolutely want and guidelines are what you would like to have, with incentives if wanted. Standards should be in zoning ordinance so they are enforceable. She recommended a separate workshop to discuss this in detail.

There was no audience comment on the design guideline discussion.

Chair Kapelanski stated she liked the Troy example which would be the minimum the Planning Commission could do. There also could be a full-blown code rewrite of three different districts, depending on time and budget. She asked if the Planning Commission wanted to land somewhere in the middle between the two options?

Commissioner Kempner stated that there needs to be some degree of sitting down and rewriting the zoning. She suggested workshops or a sub-committee to help with ordinance and guidelines.

Commissioner Patterson stated that he agreed with Commissioner Kempner, stating we might as well get the code up to where it needs to be.

Commissioner Dahlin stated that she also agrees with a full rewrite. There was so much time on the Master Plan. There are legitimate loopholes in the zoning, which needs to be addressed.

Commissioner Richardson wanted clarification on what the Planning Commission is being asked to do here. Is the Planning Commission being asked to rewrite the zoning that pertains to the DDA areas, coming up with a plan of applying them? Interim Community Development Director Masson-Minock stated that the Planning Commission is being asked to decide how DDA guidelines are to be enforced in some way through the Zoning Ordinance. She felt that the key information missing was what are the things that are important to the Planning Commission.

Chair Kapelanski reiterated Commissioner Richardson that what we are trying to decipher is whether the Planning Commission wants to have something more subjective than a prescriptive layout. She expressed options of staying in the gray area, or going more prescriptive with a detailed explanation, or a list of requirements to give to applicants, or to go somewhere in the middle where we pick a few things.

Commissioner Kempner stated that the Planning Commission would have to get into the details, because there are some things the Ordinance does not allow, even if we say this is how the Planning Commission would like it to look. Flexibility is good, but Commissioner Kempner felt that they do have to address those issues.

Chair Kapelanski stated that one of the things that was important in the development of design guidelines is the transition from some of these more mixed-use concepts to adjacent residential developments, making sure that was proper buffering and screening. She felt it was best to come at it from a middle of the road approach.

Co-Chair Smith stated that Troy has a very particular checklist and he does not know if we want to get that particular. He stated that Berkley does not have layers of property along one road, like Troy. We have our commercial district then single family. This is a good start to see Troy’s example and to base discussion off of that example.

Chair Kapelanski stated that the Planning Commission should focus on the bigger things using setbacks, that determine how the site starts, and where it goes, then the little things are a more subjective standard.

Interim Community Development Director Masson-Minock suggested to do a survey for the Planning Commission in February and come back in March for a workshop session.

* * * * * * *
NEW BUSINESS

1. **PRZ-01-21**: 2465 Cambridge Road, 2475 Cambridge Road, 2466 Columbia Road, and 2476 Columbia Road. Request to rezone #25-17-353-002, #25-17-353-001, #25-17-353-016, #25-17-353-015 from Coolidge District to Gateway District.

Interim Community Development Director Masson-Minock summarized what is provided in the packet and the rezoning of four parcels, currently used for two duplexes. She reviewed the land use, zoning and future land use designation of the subject parcels and the surrounding area. She mentioned that the property owner owns the property to the south, which is zoned Gateway district. She noted that the intent and land use of the existing Coolidge district and the proposed Gateway district are very close. She stated that while the applicant has indicated interest in building a multiple-family development on these parcels and those in common ownership to the south, neither the proposed zoning district nor the current zoning districts allow multiple family buildings, only residential in upper stories of multi-use buildings. She stated that the rezoning implemented the Master Plan. She summarized the recommended finding of facts to submit to City Council.

**Applicant**

Grant Jeffries
Five-Eighths Architecture
Ferndale MI

The duplexes would continue as duplexes for the time being. This application is trying to position themselves for future development of a multiple-family building. Wayne Wudyka, the property owner, stated that they would like to have a consistent zoning between the parcels, and come into the future when we do with a project and not have to ask for rezoning later.

There were no comments from the public in person or via email.

The Planning Commission discussed the rezoning, and how it is a recommendation to City Council.

Commissioner Richardson asked if the southern boundary of the DDA was on Coolidge. The DDA boundary goes along Coolidge to 11 Mile, making the subject parcels within the DDA district and subject to the DDA design guidelines.

Chair Kapelanski stated that this is following the Master Plan, which matches the future land use map, making it straightforward. Commissioner Kempner stated that the Future Land Map already encompasses all of those properties. Chair Kapelanski stated that as of right now the Future Land Map does not match the zoning. Commissioner Kempner stated that what would be the Gateway Corridor is not necessarily the exact same as what the Gateway District we have right now. This rezoning would result in change to the Gateway District boundaries to match the Master Plan.

Interim Community Development Director Masson-Minock stated that by changing this from the Coolidge District to the Gateway District, the Planning Commission is implementing the area that is envisioned for Coolidge District. Then, the intentions of these districts will need to change to match the Master Plan. Commissioner Richardson confirmed that from this action the Coolidge district would be consolidated. He stated that the Planning Commission was looking at a potential use that is compatible with the likely zoning of that area.

Co-Chair Smith stated that if rezoning did occur, any of the particular uses could go in, not just multi-family. There are no negatives of the rezoning.

Co-Chair Smith motioned to recommend approval of PRZ-01-21 to City Council with the findings of fact in the letter from City staff, motion supported by Commissioner Richardson.

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

**NAYS:** None

**ABSENT:** None
2. **PSP-01-22:** 3737 Twelve Mile. Sketch Plan for proposed multiple family development.

Interim Community Development Director Masson-Minock summarized the discussion she, City Manager Baumgarten and DDA Executive Director McGuiness had with applicant previously. She described the sketch plan process and the specific question for the Planning Commission on the front yard setback for this proposal.

**Applicant**
Daniel Stakhiv

The primary use is apartments or townhouses. The Zoning Ordinance requires a zero-foot front yard setback unless the Planning Commission gives an exception. He would like to have small front yards, but without the setbacks, he has to put the buildings right up to the sidewalk. He plans to submit site plan approval within the next month.

Each Commissioner gave their setback opinion and any additional comments.

Co-Chair Smith stated that this use is a great idea on Twelve Mile. The buffer is a good idea and would like to see a bit more than two to three feet setback. The proposed setback is a good idea.

Mr. Stakhiv stated that the side setbacks on the east side are intended for gas meters, and the west side so someone could build on there.

Commissioner Richardson agreed with Planning Commissioner Smith, noting that other places on that intersection have small setbacks.

Commissioner Dahlin agreed with the front setback. Brings up the back setback and dumpster enclosure, as well as the overparking of four spaces.

Commissioner Kempner agreed with the idea of the front setback. She mentioned that what the ordinance says about a front setback is what she does not like. She also agreed with the overparking. She mentioned that in the DDA Design Guidelines it calls for the third story of a building to be setback so it is not so overwhelming.

Commissioner Patterson agreed that having a bigger setback is a good idea. He was in favor of getting rid of additional parking spaces and felt that people can park on the street, if needed.

Commissioner Stearn agreed with the setback.

Commissioner Petrosky stated the setback makes complete sense. He would be in favor of a larger setback, if possible.

Commissioner Bartus agreed with the setback.

Chair Kapelanski is in 100% agreement on the setbacks, and advised going back further with the setbacks.

Mr. Stakhiv stated that he will put a fence and curb to stop circular traffic. The intention is for units with three bedrooms and three bathrooms. Additional recommendations from the Planning Commission were to not include the top black box on the dumpster, include bicycle racks, and more greenery.

3. **2022 Planning Commission Calendar Dates**

Commissioner Kempner motioned to approve the meeting 2022 calendar dates, motion supported by Commissioner Patterson.

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

**NAYS:** None

**ABSENT:** None
LIAISON REPORTS

Commissioner Petrosky stated that the Art Bash applications are officially on the website, and the permit process is being worked out with the City. They plan to move it from Buckingham to Coolidge. The Berkley Street Art Festival committees have meet and have begun planning.

STAFF/COMMISSIONER COMMENTS

Chair Kapelanski commented on how she loved being involved with the sketch plan and the Planning Commission agreed that the sketch plan option should be encouraged.

ADJOURNMENT

Motion to adjourn by Commissioner Richardson. Motion supported by Commissioner Dahlin.

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

With no further business, the meeting was adjourned at 8:21 p.m.
February 1, 2022

Kristen Kapelanski  
Chairperson, Planning Commission  
City of Berkley  
3338 Coolidge Hwy.  
Berkley, MI 48072  

Cc: Megan Masson-Minock, Interim Community Development Director  
Matthew Baumgarten, City Manager  

Chairperson Kapelanski,

We wanted to start by thanking you and the other Commissioners for voting to recommend approval to the City Council of our Rezoning Application for the lots along Coolidge Highway at the January Planning Commission Meeting last week. Additionally, the work that you and the Commissioners, along with Megan Masson-Minock, put in to adopt the new Master Plan that was approved last fall. As a business/landowner in the city and an architect that has several projects going on in the city currently, we are both excited about the implications of the new Master Plan and the effect it will have on shaping Berkley in the years to come.

We are writing today regarding the discussion that happened at the meeting (unrelated to our rezoning application) about the DDA guidelines for the overlay district and the larger-picture discussion that resulted as it relates to the zoning ordinance and proposed changes that the commissioners would like to explore in the coming months. With that in mind, there are some items in the ordinance that we have noted during our preliminary zoning research (for the future multi-family development we are exploring) that seem to be in conflict with the new master plan and could hinder the types of developments that the city seems to be trying to attract. Those items are:

1. The current zoning ordinance does not allow for first-floor dwelling units in the Gateway District, but the Master Plan states on page 36 that multiple-family buildings should “be added to the Gateway Corridor district if not allowed presently.” Therefore, we are hoping that the Planning Commission would consider a zoning amendment that would allow for first-floor dwelling units and/or multi-family housing in this district as a by-right use.

2. The current zoning ordinance limits the number of units allowed in any multi-family development to one “room” per 500 square feet of parcel. Furthermore, it defines a “room” as any room other than a kitchen or bathroom, but then defines a studio apartment as one “room” but a one-bedroom apartment as three “rooms”. We feel that this equation should either be eliminated entirely from the ordinance (and thereby allow maximum building heights, minimum setbacks, minimum size of units, etc. to define the maximum density of a lot to be used for multi-family housing) or revise the definition of a one-bedroom unit to be two “rooms” instead of three, as it should only have one additional room than a studio apartment (the bedroom).

3. The current off-street parking requirements for multi-family housing (two spaces per dwelling unit) are pretty restrictive and seem to clash with the desire for a more walkable, bikeable city as outlined in the master plan. We feel a tiered approach (i.e., one space for a studio apartment, 1.5 spaces per one-bedroom apartment, and two spaces for a two-bedroom apartment) may be more appropriate for the types of developments the city is trying to attract. For example, Clawson utilizes this approach for their off-street parking requirements for multi-family housing, and Ferndale requires 1.5 spaces per unit.
• Related to the comment above, the shallow nature of the lots along Coolidge Hwy in the Gateway Corridor district makes it difficult to provide the current parking requirements for a multi-family housing development as a buffer between the building and the adjacent single-family lots on side streets like Harvard, Cambridge, and Columbia. Page 56 of the Master plan references this hardship specifically and has the following recommendations as potential solutions:

  o Re-purpose residential property - Commercial corridor properties can be expanded by re-purposing adjacent residential property. The “Potential Corridor Expansion/Transitional Buffer” future land use category indicates where residential property could transition to provide additional space for corridor properties. Such expansions should be considered on a case-by-case basis as part of a zoning approval process. The main part of this process is to ensure future commercial expansion does not adversely impact the adjacent residential parcels.

  o Change parking regulations - Relaxing parking requirements is appropriate when other parking options may be possible - municipal parking lots or shared parking - such as in the Downtown

Thank you for your time and consideration. Hopefully this letter can shed some light on some of the specific areas of the ordinances that developers are looking at that may need some updating in order to foster the type of developments outlined in the approved master plan.

Sincerely,

[Signature]

Grant Jeffries
Principal Architect, Five-Eighths Architecture

&

Wayne Wodyka
CEO, The Huntington Company
Proposed:
MEDICAL OFFICE BUILDING
2400 Greenfield Rd.
Berkley, MI 48702

Owners:
2400 TRUST
1359 Davis Ave.
Birmingham, MI 48009

Architect:
T. FOUGHT & ASSOCIATES LLC
24045 Woodland Dr.
Southfield, MI 48076
P: (248)514-7612
Project No. T2021014
NOTE: ANY PAVEMENT REMOVED IN THE RIGHT-OF-WAY SHALL BE REPLACED IN-KIND OR AS DIRECTED BY THE R.C.O.C. INSPECTOR.

NOTE: A SEQUENCE OF CONSTRUCTION INCLUDING ESTIMATED LANE CLOSURE DURATION WILL BE PROVIDED BY THE CONTRACTOR FOR APPROVAL PRIOR TO CONSTRUCTION.

1" = 20'

SP-1

SP-1
R.C.O.C. NOTES

A SEPARATE PERMIT IS REQUIRED FOR ALL UNDERGROUND UTILITIES WITHIN THE EXISTING R.O.W.

LANE CLOSURES RESTRICTED TO 2-3 MILES

PROPER SIGNING IS REQUIRED BEFORE ANY WORK IN R.O.W. IS STARTED.

FIXED OBJECTS TO BE MINIMUM 6 FEET OFF BACK OF CURB OR 12 FEET OFF EDGE OF PAVEMENT

KEEP HAMMOCK CLEAN OF DIRT AND DEBRIS

HAND DIG AROUND ALL UTILITIES ABOUT / RECONSTRUCT EXISTING STRUCTURE AS WARRANTED

REMOVE OR RELOCATE FIXED OBJECTS PRIOR TO EXCAVATION

FULL DEPTH SAWCUT AND MILL A BUTT JOINT WITH LOCATION MARKED AS DIRECTED BY R.C.O.C. INSPECTOR

MATCH AND TIE PROPOSED CURB TO EXITING CURB EPOXY COATED #4 BAR REQUIRED

ANY PEDESTRIAN FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH CURRENT AMERICANS WITH DISABILITIES ACT (A.D.A.) GUIDELINES

EXCAVATIONS WITHIN A 1:1 INFLUENCE OF THE R.O.W. WILL BE REQUIRED M.D.O.T. CLASS II BACKFILL COMPACTED TO 95% MAXIMUM DENSITY

知會：

Before you dig.
Know what's below. Call before you dig.
GENERAL NOTES

1. SEE SCHEDULE FOR LUMINAIRE MOUNTING HEIGHT.
2. CALCULATIONS ARE SHOWN IN FOOTCANDLES AT 0’ - 0”.
3. LIGHTING ALTERNATES REQUIRE NEW PHOTOMETRIC CALCULATION AND RESUBMISSION TO CITY FOR APPROVAL.

THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPlicABILITY OF THE LAYOUT TO EXISTING / FUTURE FIELD CONDITIONS. THIS LIGHTING LAYOUT REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURER’S LUMINARIES MAY VARY DUE TO INFLUENCE OF ELECTRICAL, VOLTAGE, FREQUENCY IN LAMPS, AND OTHER UNDESIRED FIELD CONDITIONS. MOUNTING HEIGHTS INDICATED ARE FROM GRADE AND/OR FLOOR UP.

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

UNLESS OTHERWISE NOTED, ALL DRAWINGS AND SPECIFICATIONS SHOWN ARE IN ACCORDANCE WITH ASHRAE 90.1-2013. FOR SPECIFIC LIGHTING CONTROLS AND ENHANCEMENTS, CONTACT ISA CONTROLS GROUP AT ASG@GASSERBUSH.COM OR 734-266-0055.

THIS DRAWING WAS GENERATED FROM AN ELECTRONIC IMAGE FOR ESTIMATION PURPOSE ONLY. LAYOUT TO BE VERIFIED IN FIELD BY ENGINEER AND/OR ARCHITECT.

MOUNTING HEIGHT IS MEASURED FROM GRADE TO FACE OF FIXTURE. POLE HEIGHT SHOULD BE CALCULATED AS THE MOUNTING HEIGHT LESS POLE HEIGHT.

Schedule

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<th>Light Level Avg</th>
<th>Luminares</th>
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<td>Indirect</td>
<td>Lithonia</td>
<td>WDGE1 LED W/ WEICO V6</td>
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<td>11.2 fc</td>
<td>6</td>
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Statistics

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MEMORANDUM

TO: Berkley Planning Commission

FROM: Megan Masson-Minock; Interim Community Development Director

SUBJECT: PSP-02-21; 2400 Greenfield Rd – New Construction of Office Building Site Plan Approval

Plan Date: January 21, 2022

DATE: February 18, 2022

Attached are the following reviews for the site plan submitted:

Planning Review from Carlisle Wortman Associates (CWA) dated January 31, 2022

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

1. Confirm transparency.
2. Applicant considers additional landscaping.
3. Indicate location stone veneer.
4. Applicant shall show exterior appliances (air conditioners, generators, etc.) on site plan to ensure compliance with Sec. 138-73.

Engineering Review from Hubbell, Roth & Clark (HRC) dated February 8, 2022

HRC recommended approval of the site plan with subject to the applicant obtaining and submitting copies of the geotechnical report which confirms the feasibility of the underground storm system for the site soils as well as any necessary permits.

Review for City of Berkley Department of Public Works (DPW) dated February 7, 2022

DPW had several items that need to be provided to the City prior to scheduling a preconstruction meeting. The Planning Commission should note the following:

1. Greenfield Road is under the jurisdiction of RCOC. An RCOC permit must be provided to the City prior to the preconstruction meeting.
2. A stormwater maintenance agreement shall be signed and finalized, prior to the preconstruction meeting.

3. A traffic control plan and sequence of construction shall be submitted to cover the ROW activities, prior to the preconstruction meeting.

4. A construction schedule shall be provided with dates and durations of all major work items, including final restoration, prior to the preconstruction meeting.

Please note that Fire Inspector Pete Kelly has signed and approved the site plan submitted.

Summary and Recommendation
The Planning Commission needs to make a determination on whether additional landscaping is needed.

We recommend the Planning Commission approve this site plan request with the following conditions:

1. RCOC approval.
2. Parcel combination finalized.
3. All issues in the following review letters are addressed:
   a. City Department of Public Works dated February 7, 2022
   b. Hubbell, Roth & Clark dated February 8, 2022
   c. Carlisle Wortman Associates dated January 31, 2022
Site Plan Review
For
City of Berkley, Michigan

Applicant: 2400 Trust

Project Name: 2400 Greenfield-Medical Office Building

Plan Date: January 21, 2022

Location: 2400 Greenfield Road

Zoning: Greenfield District

Action Requested: Site Plan Approval

SITE DESCRIPTION

The subject site is on the east side of Greenfield Road, just north of Oxford. The applicant proposes to construct a 4,700 sq/ft medical and professional office building. The site is three (3) parcels, which are all vacant. The 0.45-acre site is zoned Greenfield District. Medical and professional office is a permitted use in the Greenfield District.
Site Location:

Proposed Uses of Subject Parcel:

A 4,700 sq/ft speculative medical and professional office building

Current Use of Subject Property:

The subject property is currently vacant

Surrounding Property Details:
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<th>Direction</th>
<th>Zoning</th>
<th>Use</th>
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<tbody>
<tr>
<td>North</td>
<td>Greenfield District</td>
<td>Single-family Residential</td>
</tr>
<tr>
<td>South</td>
<td>Greenfield District</td>
<td>Place of Worship and parking lot</td>
</tr>
<tr>
<td>East</td>
<td>R-1D, Single-Family District</td>
<td>Single-family Residential</td>
</tr>
<tr>
<td>West</td>
<td>City of Southfield</td>
<td>Park</td>
</tr>
</tbody>
</table>

**Items to be addressed:** None.

**NATURAL FEATURES**

The site has been graded. No natural features exist.

**BUILDING ARRANGEMENT AND SITE DESIGN**

The site will be accessed via a curb cut off Greenfield. The office building is setback back at the rear of the site. Parking is located in front (adjacent to Greenfield).

**Items to be addressed:** None

**AREA, WIDTH, HEIGHT, SETBACKS**

Sec. 138-397- Schedule of regulations of the Zoning Ordinance establishes the dimensional requirements for the Greenfield District.

Please note: The setback standards in the Greenfield District differ from other zoning districts, in that the setbacks are dictated by height of the proposed building and the height or type of land use on the adjacent property.

<table>
<thead>
<tr>
<th>If new development is...</th>
<th>And is next to...</th>
<th>Then required separation is at least...</th>
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<tbody>
<tr>
<td>A building 30 ft or less in height</td>
<td>A single family house</td>
<td>15 feet</td>
</tr>
<tr>
<td>A parking lot</td>
<td>Any type of building</td>
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<tr>
<td>A building between 31 and 40 feet in height</td>
<td>A single family house</td>
<td>30 feet</td>
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<tr>
<td>A building between 31 and 40 feet in height</td>
<td>A building between 31 and 40 feet in height</td>
<td>15 feet</td>
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<td>Side (north)</td>
<td>Required</td>
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<tr>
<td>North – Adjacent to multiple family residential</td>
<td>At least 15-feet. The proposed office building is 25-feet from the north property line, measured at its closest distance.</td>
<td>25-feet</td>
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| Side (South) | The proposed office building is approximately 25 ft. from the south property line. The above table does not include a separation distance between the proposed development and an adjacent parking lot. | Over 25 feet | Complies |

| Rear (East) | The proposed office building is 14.66 ft. from the east property line, as shown on the site plan. As shown on the aerial image above, the subject property and the residences to the east share a rear property line. Therefore, there is more than 15 feet separation distance between the proposed office building and the adjacent dwelling. | Over 15 feet | Complies |

| Building Height | The maximum height of a building in the Greenfield District shall be 3 stories, but not more than 40 ft. | 18 ft. 4 in., measured from grade to the top of the parapet. | Complies |

| Lot Coverage | The Greenfield District does not have a maximum percentage of | 23.8% | Not Applicable |
lot coverage. The subject site is 19,950 sq. ft. (0.45 acres). The proposed 4,644 sq. ft. office building will occupy approximately 26.9% of the lot, leaving the remaining area to be occupied by impervious surface for parking and dumpster enclosure, and some green space for landscaping.

**Items to be addressed:** None

**PARKING**

Section 138-219 of the Zoning Ordinance requires:

<table>
<thead>
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<th></th>
<th>Required</th>
<th>Provided</th>
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<tbody>
<tr>
<td><strong>Office, medical:</strong></td>
<td>One per 100 square feet of usable floor area or ten, whichever is greater</td>
<td>1,340 usable square feet / 100 = 13.4</td>
</tr>
<tr>
<td><strong>Business and professional offices of architects, engineers, landscape architects, lawyers or similar allied professions:</strong></td>
<td>One per 225 square feet of usable floor area</td>
<td>1,340 usable square feet / 250 = 5.4</td>
</tr>
<tr>
<td><strong>Barrier Free</strong></td>
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<tr>
<td><strong>Bicycle Parking</strong></td>
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<td>2</td>
</tr>
<tr>
<td><strong>Loading</strong></td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td>19 spaces</td>
<td>22 spaces plus 2 bike spaces</td>
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</tbody>
</table>

**Items to be Addressed:** None

**SITE ACCESS AND CIRCULATION**

Sec. 138-398. - Building design requirements.

a) All development in the Greenfield district (except single family detached houses) shall front and have primary access from Greenfield.

*CWA Comment: The development fronts Greenfield with primary access from Greenfield*
b) Developments that face Ellwood shall be residential in character.

*CWA Comment: Not Applicable*

c) The planning commission may require screening including masonry walls up to 6 feet in height, decorative fencing or landscaping.

*CWA Comment: The applicant is proposing a 5-foot 8-inch split face block screen wall along the eastern property line (adjacent to single-family residential). The applicant proposes landscaping along the northern property line. There is no proposed screening to the south.*

d) The first floor elevation of a building that fronts a street shall be composed of a minimum of 30 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 Comment: It appears that the front elevation meets the 30 to 80% transparency requirement; however applicant should confirm.*

e) 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 Comment: The development fronts Greenfield with all entrances fronting on Greenfield.*

f) 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 Comment: It does not appear that the Planning Commission needs to revise the requirements.*

*Items to be Addressed: Confirm transparency*

**LANDSCAPING AND SCREENING**

A landscaping plan has been provided on sheet C-1. The applicant proposes a mix of native grasses and a blue spruce at the northwest corner of the site. The northern property line includes a mix of four (4) blue spruce and four (4) columnar oaks. 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.

The applicant should consider additional landscaping.

**Trash Enclosure:**

The applicant is proposing one (1) trash enclosure, to be screened with a masonry wall.

*Items to be Addressed:* Applicant considers additional landscaping and Planning Commission to review the landscape plan.

**PHOTOMETRICS**

A photometric plan has been provided. The applicant is proposing seven (7) building lights fronting on Greenfield and six (6) building lights on the rear of the building. While screened down, the rear lights appear bright and may impact the adjacent residential homes.

*Items to be Addressed:* None

**EXTERIOR APPLIANCES**

Applicant shall show exterior appliances (air conditioners, generators, etc.) on site plan to ensure compliance with Sec. 138-73.

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

**FLOOR PLAN AND ELEVATIONS**

Floor plans and elevations have been provided. Materials include hardi plank lap siding, face brick, and red metal awning. The applicant notes the use of stone veneer. The stone in the detail doesn’t match the stone shown on the elevation.

*Items to be Addressed:* Indicate location of stone veneer.

**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.
2. 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.
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.
5. Landscaping, lighting, dumpster enclosures, and other site amenities are provided where appropriate and in a complementary fashion.
6. Site engineering has been provided to ensure that existing utilities will not be adversely affected.

**Items to be Addressed:** Applicant addresses items noted in report.

**RECOMMENDATION**

We recommend Planning Commission approval with the following conditions:

1. Confirm transparency.
2. Applicant considers additional landscaping.
3. Indicate location stone veneer.
4. Applicant shall show exterior appliances (air conditioners, generators, etc.) on site plan to ensure compliance with Sec. 138-73.

Sincerely,

[Signature]

CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, LEED AP, AICP
February 8, 2022

City of Berkley
3338 Coolidge Highway
Berkley, Michigan 48072

Attention: Mr. Matthew Baumgarten, City Manager
Ms. Kim Anderson, Building Clerk

Re: Proposed Medical Office Building
2400 Greenfield Road
Engineering Site Plan – Review No. 3
City of Berkley, MI

Dear Mr. Baumgarten and Ms. Anderson:

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 T. Fought & Associates, Inc., with the engineering site plan created by Orman Engineering of Waterford, Michigan. The plans have a revision date of January 21, 2022 and were received by this office on January 26, 2022 via email. The proposed project scope includes the construction of a multi-unit medical office building and parking lot to be constructed across three (3) existing vacant lots. The site is located on the Greenfield Rd between Oxford and Catalpa. We hereby offer the following comments:

General:

1. The proposed compact car spaces must have signage clearly stating them as such. These signs must be included in the plans. Signage stating compact car spots as such have been added to the plans. This item has been satisfactorily addressed.

2. A Road Commission for Oakland County (RCOC) permit will be required for proposed work within the Greenfield Road right-of-way as well as for construction signage. This item is still applicable. Any permits required must be obtained and submitted to the City prior to construction.

3. A soil erosion permit will likely be required from the Oakland County Water Resources Commissioner (OCWRC). If a soil erosion permit is required, it must be obtained, and a copy of the approved permit provided to the City prior to commencing construction. Regardless of whether a permit is required, the City will require silt fence to be installed around the perimeter of the site, filter fabric installed in nearby catch basins, and a temporary maintenance aggregate/mud mat constructed for access to and from the proposed site. This item is still applicable. Any permits required must be obtained and submitted to the City prior to construction.

4. A sequence of construction including estimated lane closure durations must be added to the plans. This item is still applicable, a sequence of construction has not been added to the plans. A sequence of construction has been added to the plans. This item has been satisfactorily addressed.
5. A traffic control plan must be added to the plans.

6. A geotechnical investigation must be performed in order to evaluate the proposed storm detention system. The soil logs from that investigation must be shown on the plans, including the elevation of the groundwater table, soil types encountered, and the written report indicating the design recommendations or comments on the proposed stormwater collection system. This item is still applicable, a geotechnical investigation must be performed and the report submitted to the City.

7. For the purposes of clarity, it is recommended that the Demolition Plan and proposed Engineering/Site Plan be shown on two (2) separate plan sheets. Further, both the Demolition and Engineering/Site Plan sheets must show all removal and proposed quantities including pavement, curb, sidewalk/ramp, utilities, trees, and landscape features. The existing and proposed site plans have been shown on separate sheets. This item has been satisfactorily addressed.

8. The City may require additional sections of existing curb and gutter and sidewalks along Greenfield 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. Permits may be required from the Department of Environment, Great Lakes, and Energy (EGLE) and from OCWRC for the installation and connection of the new water main service. This item is still applicable. Any permits required must be obtained and submitted to the City prior to construction.

2. The plans must include calculations for the new Residential Equivalent Unit (REU) value of the proposed (building) structures. These calculations must also support that the proposed water service is sufficiently sized for the new REU values. The REU value for the proposed building has been shown on the plans, and the water service lead appears to be adequately sized. This item has been satisfactorily addressed.

3. The plans indicate a proposed water main connection to the existing water main in the Greenfield Road right-of-way (ROW). The City’s Department of Public Works (DPW) requires a tapping sleeve, valve, and well be used for this connection. The plans must reflect this type of connection. Proposed finished grades for gate wells must be provided as well. This item is still applicable. A valve and well must be shown and labeled on the plans, and must be added to the included structure schedule as well. In addition, a note calling for a tapping sleeve as a means of connection must be added to the plans. The notes regarding the live tap and connection details have been added to the plans. This item has been satisfactorily addressed.

4. Where the water service connection is proposed the existing pavement cross-sections will need to be sawcut, removed, and replaced in kind. The plans must indicate the pipe bedding and type of backfill to be used in the street excavation areas for the new pipe installation. Further, the pavement restoration will be as per RCOC and as previously mentioned, an RCOC permit will be required. This item is still applicable. A note stating that any removed pavement shall be replaced in kind as well as details that indicate the bedding and backfill must be added to the plans. Notes stating to replace pavement in kind have been added to the plans. The RCOC permit must be obtained and submitted prior to construction.
Storm Drainage and Detention/Sanitary Sewer:

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

2. Details of the outlet control structure and the connection to the existing combined system must be shown on the plans. **Details for the outlet control structure have been added to the plans. This item has been satisfactorily addressed.**

3. The plans indicate detention calculations for a 100-year storm for the proposed development. The provided volume calculations show a 48” HDPE pipe length of 364 feet. Dimensions and/or additional details of the underground pipe system must be added to the plans. In addition, the proposed storm sewer layout, including diameter and length, must be clearly indicated on the site plans. **Dimensions and/or details showing the lengths of the underground detention system piping must be added to the plans to verify that the calculations are correct. The layout and dimensions of the underground pipes have been shown on the plans and the calculations demonstrate that the system is designed to provide adequate storage. This item has been satisfactorily addressed.**

4. The developer will be required to complete 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. **The maintenance agreement has been submitted with the revised plans. The agreement will ultimately need to be reviewed and approved by the City and their attorney.**

5. Detail sheets for the proposed storm sewers must be provided with structures, covers, pipe requirements/cross sections and connection/tap details in accordance with City and County Standards. In addition, shop drawings for the said appurtenances will be required to be reviewed by the City and HRC. **This item is still applicable. Storm sewer Details must be added to the plans. Storm sewer details have been shown on the plans. This item has been satisfactorily addressed.**

6. Inverts of the proposed storm sewer (utility profile) must be added to the plans to confirm positive drainage through the site to the detention system and to the combined sewer connection. **Inverts and a profile of the proposed storm system have been added to the plans. This item has been satisfactorily addressed.**

7. The proposed sanitary lead diameter and material is not indicated. The diameter of the sanitary lead as well as calculations showing that this size is adequate for the proposed development must be shown on the plans. **The size and material of the sanitary lead has been called out on the plans. This item has been satisfactorily addressed.**

8. The proposed sanitary lead must include a new connection (TwisTee sewer saddle, as per the City DPW, or approved equal). **The plans do not mention the type of sanitary lead connection. This note must be added to the plans. A note regarding the type of connection has been added to the plans. This item has been satisfactorily addressed.**
Recommendation:

Based on our aforementioned comments, we recommend approval of the proposed Site Plan, subject to the applicant obtaining and submitting copies of the geotechnical report which confirms the feasibility of the underground storm system for the site soils as well as any necessary permits.

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

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Edward D. Zmich
Project Manager

Mitch Stark
Review Engineer

EDZ/MAS/mas
pc: City of Berkley; Mr. Derrick Schueller, Mr. Shawn Young
Carlisle Wortman & Associates; Ben Carlisle, Megan Masson-Minock
Orman Engineering; Alexander Orman
T. Fought & Associates; Timothy Fought
HRC; R. Alix, File
We have reviewed the revised plans provided by the Community Development Department on January 26 and prepared by T. Fought & Associates and Orman Engineering.

The drawings are in substantial compliance with the previous DPW comments. The following items shall be provided to the City prior to scheduling a preconstruction meeting:

1. A plan approval letter from the City’s engineering consultant, Hubbell, Roth & Clark (HRC).

2. Greenfield Road is under the jurisdiction of RCOC. Per the Oakland County review letter dated September 17, 2021, an encroachment letter must be obtained from the adjacent property owner or the proposed drive approach relocated. In addition, an RCOC permit must be provided to the City.

3. A stormwater maintenance agreement shall be signed and finalized. An agreement template, as approved by the City Attorney, was previously provided to the applicant and shall be merged with the Exhibits.

4. A traffic control plan and sequence of construction shall be submitted to cover the ROW activities.

5. A construction schedule shall be provided with dates and durations of all major work items, including final restoration.

6. Proof of insurance is required with the City and HRC noted as additionally insured. Policy documents shall not include the language “…..as required by written contract…..”.

7. Bonding and any escrow requirements will be noted later under separate cover.

8. Please note electronic as-built drawings and a PE signed and sealed certification letter indicating the underground detention system was constructed in accordance with the approved plans will be required following the utility installations.

Feel free to call with any questions or concerns. Thank you.
NOTICE OF PUBLIC MEETING
BERKLEY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN, in accordance with Section 138-399 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, February 22, 2022** at 7:05pm, or as near thereto as the matter may be reached.

**APPLICATION PSP-02-21**

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.

Complete application information is available for review at 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 5:00p.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
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<th>2400 Trust</th>
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<td>Mark Wolf</td>
<td>Ryan Treece &amp; Kelsey Vargas</td>
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<td>Lauren Baywol</td>
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<td>Stach Group LLC</td>
<td>15900 W Ten Mile #300, Southfield, MI 48075</td>
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Proposed: 
OFFICE BUILDING

3462-3478 Greenfield Rd.
Berkley, MI 48702

Owners:
GREEN TRUST
1359 Davis Ave.
Birmingham, MI 48009

Architect:
T. FOUGHT & ASSOCIATES LLC
24045 Woodland Dr.
Southfield, MI 48076
P: (248)514-7612
Project No. T2021014
Know what's below
Call before you dig.

Orman Engineering, LLC
5476 Vivian Lane
Waterford, MI  48327
phone: 248.682.6001
e-mail: alex@ormanengineering.com

Orman Engineering, LLC
1359 Davis Ave.
Birmingham, MI 48009
Dan Winter
Cell: (313) 909-6800
Email: primemanagement@tlti.com

SITE
LOCATION MAP

LEGAL DESCRIPTION:

LEGEND

S.P.2

SP-2

PROPOSED OFFICE
BUILDING

North Green Trust
1359 Davis Ave.
Birmingham, MI 48009
Dan Winter
Cell: (313) 909-6800
Email: primemanagement@tlti.com

311 DIMENSIONAL PLAN

SP-2

COMPACT CAR ONLY PARKING SIGNS

N.T.S.
SP-4

1326

8" NW INV. 705.30

12" N INV. 704.98

1" = 20'

131 L.F.- 12" RCP

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CL IV @ 0.32%

10 L.F.- 12" RCP

CL IV @ 0.32%

5 L.F.- 12" RCP

CL IV @ 0.32%

12 L.F.- 12" RCP

CL IV @ 0.32%

107 L.F.- 12" RCP

CL IV @ 0.32%

10 L.F.- 12" RCP

CL IV @ 0.32%

5 L.F.- 12" RCP

CL IV @ 0.32%
Know what's below. Call before you dig.
CEMENT FIBERBOARD SIDING
HARDIE PLANK
WHITE WITH SMOOTH FINISH

CEMENT FIBERBOARD SIDING
HARDIE PLANK
GREY WITH SMOOTH FINISH

METAL CANOPY

STACKED STONE VENEER
STONE TRIM

FLOOR PLAN
WEST ELEVATION
SOUTH ELEVATION
EAST ELEVATION

ARCHITECTS
T. TOUGAHT & ASSOCIATES LLC

SPEC. OFFICE SPACE
DESIGN ELEVATIONS
### Statistics

<table>
<thead>
<tr>
<th>Description</th>
<th>Symbol</th>
<th>Avg</th>
<th>Max</th>
<th>Min</th>
<th>Avg/Min</th>
<th>Max/Min</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade</td>
<td>+</td>
<td>0.1 fc</td>
<td>1.3 fc</td>
<td>0.0 fc</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Sidewalk</td>
<td>+</td>
<td>0.9 fc</td>
<td>1.6 fc</td>
<td>0.4 fc</td>
<td>2.3:1</td>
<td>4.0:1</td>
</tr>
</tbody>
</table>

### Schedule

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Label</th>
<th>Quantity</th>
<th>Manufacturer</th>
<th>Catalog Number</th>
<th>Description</th>
<th>Lamp</th>
<th>Lumens Per Lamp</th>
<th>Light Loss Factor</th>
<th>Wattage</th>
</tr>
</thead>
<tbody>
<tr>
<td>L1</td>
<td></td>
<td>7</td>
<td>MINW-LED-ODC-8.2X23-95A</td>
<td></td>
<td>MINW-LED-ODC-8.2X23-95A</td>
<td>LED</td>
<td>2044</td>
<td>0.9</td>
<td>12.5</td>
</tr>
</tbody>
</table>

### General Note

1. SEE SCHEDULE FOR UPLIGHT MOUNTING HEIGHT.
2. CALCULATIONS ARE SHOWN IN FOOTCANDLES AT: 0'-0".
3. LIGHTING ALTERNATIVES REQUIRE NEW PHOTOMETRIC CALCULATION AND RESUBMISSION TO CITY FOR APPROVAL.

The Engineer and/or Architect must determine applicability of the layout to existing / future field conditions. This lighting layout represents illumination levels calculated from luminance data taken under controlled conditions in accordance with Eletrometric Engineering Society approved methods. Actual performance of any manufacturer’s luminaries may vary due to variations in electrical voltage, clearance in luminaries, and other variable field conditions. Mounting heights indicated are from grade and/or floor level.

These lighting calculations are not a substitute for independent engineering analyses of lighting system suitability and safety. The Engineer and/or Architect is responsible to review for Michigan Energy Code and Lighting Quality Compliances.

Unless exempt, projects must comply with lighting controls requirements defined in Ashrae 90.1 2013. For specific information contact GBA Controls Group at ASG@GASSERBUSH.COM or 734-266-6705.

For ordering inquiries contact Gasser Bush at QUOTES@GASSERBUSH.COM or 734-266-6705.

This drawing was generated from an electronic image for estimation purpose only. Layout to be verified in field by others.

Mounting height is measured from grade to face of fixture. Pole height should be calculated as the mounting height less base height.
PROPERTY LEGAL DESCRIPTION:

PROPERTY LOCATED IN THE CITY OF BERKLEY, COUNTY OF OAKLAND, STATE OF MICHIGAN:

3462 GREENFIELD RD  
Tax ID# 25-07-255-015  
T1N, R11E, SEC 7 ELLWOOD HEIGHTS LOT 51

3478 GREENFIELD RD  
Tax ID# 25-07-255-014  
T1N, R11E, SEC 7 ELLWOOD HEIGHTS LOT 52

3478 GREENFIELD RD  
Tax ID# 25-07-255-013  
T1N, R11E, SEC 7 ELLWOOD HEIGHTS LOT 53
## TABLE 1
**STORM WATER MANAGEMENT SYSTEM LONG-TERM MAINTENANCE SCHEDULE**

<table>
<thead>
<tr>
<th>MAINTENANCE ACTIVITIES</th>
<th>SYSTEM COMPONENTS</th>
<th>FREQUENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>监测/检查</strong></td>
<td>Storm Collection System (Sewers, Swales, Catch Basins, Manholes)</td>
<td>Manured Treatment System</td>
</tr>
<tr>
<td>Inspect for Sediment Accumulation/Clogging</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Inspect For Floatables, Dead Vegetation &amp; Debris</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Inspect For Erosion and Integrity of System</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Inspect All Components During Wet Weather &amp; Compare</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Ensure Maintenance Access Remain Open/Clear</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>预防性维护</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Remove Accumulated sediments</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Remove Floatables, Dead Vegetation &amp; Debris</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Sweeping of Paved Surfaces</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>补救措施</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repair/Stabilize Areas of Erosion</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Replace Dead Plantings &amp; Reseed Bare Areas</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Structural Repairs</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Make Adjustments/Repairs to Ensure Proper Functioning</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

**NOTE:** Manufactured treatment systems and underground detention system to be cleaned according to the manufacturer’s recommendations, at a minimum, whenever sediments accumulate to a depth of 6-12 inches, or if sediment resuspension is observed.

**REVISED:** 12-01-2021 PER CITY

**PROJECT:** Proposed Office Building 3462 & 3478 Greenfield Berkeley, MI 48072

**PROPERTY OWNER:** North Green Trust 1359 Davis Ave. Birmingham, MI 48009

Dan Winter
Cell: (313) 908-6800
Email: primemangement@tir.com

**ENGINEER:** Omran Engineering LLC 5476 Vivian Lane Waterford, MI 48327
Phone: 248.682-6001
Fax: 248.382-6001

**DATE:** 11/01/2021

**SHEET:** 1 OF 1
Attached are the following reviews for the site plan submitted:

**Planning Review from Carlisle Wortman Associates (CWA) dated January 28, 2022**

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

1. Confirm transparency.
2. Applicant considers additional landscaping.
3. Indicate location stone veneer.
4. Applicant shall show exterior appliances (air conditioners, generators, etc.) on site plan to ensure compliance with Sec. 138-73.

**Engineering Review from Hubbell, Roth & Clark (HRC) dated February 8, 2022**

HRC recommended approval of the site plan with subject to the applicant addressing the sanitary lead connection and obtaining and submitting copies of the geotechnical report which confirms the feasibility of the underground storm system for the site soils as well as any necessary permits.

**Review for City of Berkley Department of Public Works (DPW) dated February 7, 2022**

DPW had two comments and several items that need to be provided to the City prior to scheduling a preconstruction meeting. The Planning Commission should note the following:
1. DPW is requiring that the applicant have a licensed plumber video the existing laterals to accurately depict the connections on the plans. The applicant did note to “see attached supporting documents for this item” but DPW has been unable to locate this information.

2. It appears the applicant is proposing to re-utilize the existing 6” sanitary sewer tap at the southern property (see call out on sheet SP-2). A new tap must be made in a different location (existing sewer connections cannot be reused).

3. Greenfield Road is under the jurisdiction of RCOC. An RCOC permit must be provided to the City prior to the preconstruction meeting.

4. The parcel combination will need to be finalized with the Community Development Department with new Tax ID number identified.

5. A stormwater maintenance agreement shall be signed and finalized, prior to the preconstruction meeting.

6. A traffic control plan and sequence of construction shall be submitted to cover the ROW activities, prior to the preconstruction meeting.

7. A construction schedule shall be provided with dates and durations of all major work items, including final restoration, prior to the preconstruction meeting.

Please note that Fire Inspector Pete Kelly has signed and approved the site plan submitted.

Summary and Recommendation
The Planning Commission needs to make a determination on whether additional landscaping is needed.

We recommend the Planning Commission approve this site plan request with the following conditions:

1. RCOC approval.
2. Parcel combination finalized.
3. All issues in the following review letters are addressed:
   a. City Department of Public Works dated February 7, 2022
   b. Hubbell, Roth & Clark dated February 8, 2022
   c. Carlisle Wortman Associates dated January 28, 2022
Site Plan Review
For
City of Berkley, Michigan

Applicant: Green Trust
Project Name: 3462 – 3478 Greenfield Road
Plan Date: January 21, 2022
Location: 3462 – 3478 Greenfield Road
Zoning: Greenfield District
Action Requested: Site Plan Approval

SITE DESCRIPTION

The subject site is on the east side of Greenfield Road, just north of Twelve Mile Road. The applicant proposes to construct a 4,600 sq/ft speculative office building. The site is currently three (3) parcels, which include two (2) houses. Both homes will be demolished to accommodate the new building. The 0.40-acre site is zoned Greenfield District. Office is a permitted use in the Greenfield District.
Site Location:

![Map showing location](image)

Proposed Uses of Subject Parcel:

A 4,600 sq/ft speculative office building

Current Use of Subject Property:

The subject property is currently two (2) single-family homes

Surrounding Property Details:
<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Greenfield District</td>
<td>Attached Single-family Residential</td>
</tr>
<tr>
<td>South</td>
<td>Gateway District</td>
<td>Commercial</td>
</tr>
<tr>
<td>East</td>
<td>Greenfield District</td>
<td>Single-family Residential</td>
</tr>
<tr>
<td>West</td>
<td>City of Southfield</td>
<td>Commercial</td>
</tr>
</tbody>
</table>

**Items to be addressed:** None.

**NATURAL FEATURES**

The site has been graded for two houses. No natural features exist.

**BUILDING ARRANGEMENT AND SITE DESIGN**

The site will be accessed via a curb cut off Greenfield. The office building is setback back at the rear of the site. Parking is located in front (adjacent to Greenfield) and to the south side of the proposed building.

**Items to be addressed:** None

**AREA, WIDTH, HEIGHT, SETBACKS**

Sec. 138-397- Schedule of regulations of the Zoning Ordinance establishes the dimensional requirements for the Greenfield District.

Please note: The setback standards in the Greenfield District differ from other zoning districts, in that the setbacks are dictated by height of the proposed building and the height or type of land use on the adjacent property.

<table>
<thead>
<tr>
<th>If new development is....</th>
<th>And is next to....</th>
<th>Then required separation is at least....</th>
</tr>
</thead>
<tbody>
<tr>
<td>A building 30 ft or less in height</td>
<td>A single family house</td>
<td>15 feet</td>
</tr>
<tr>
<td>A parking lot</td>
<td>Any type of building</td>
<td>15 feet</td>
</tr>
<tr>
<td>A building between 31 and 40 feet in height</td>
<td>A single family house</td>
<td>30 feet</td>
</tr>
<tr>
<td>Side</td>
<td>Required</td>
<td>Provided</td>
</tr>
<tr>
<td>---------------</td>
<td>--------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>North – Adjacent to multiple family residential</td>
<td>The proposed office building is 7 ft. 3 ½ “from the north property line, measured at its closest distance. The submitted plans show the separation distance of the proposed office building from the north multiple family residential building as 17 ft. 11 ½. According to the above table, the proposed development is less than 30 ft. in height (18 ft. 4 in.), and has provided less than 15 ft. setback from the north property line, but more than 15 ft. separation distance from the multiple family residential building.</td>
<td>17’ 11”</td>
</tr>
<tr>
<td>South</td>
<td>The proposed office building is approximately 25 ft. from the south property line. The above table does not include a separation distance between the proposed development and an adjacent parking lot.</td>
<td>Over 25 feet</td>
</tr>
<tr>
<td>East</td>
<td>The proposed office building is 12 ft. from the east property line, as</td>
<td>Over 15 feet</td>
</tr>
</tbody>
</table>
shown on the site plan. As shown on the aerial image above, the subject property and the residences to the east share a rear property line. Therefore, there is more than 15 feet separation distance between the proposed office building and the adjacent dwelling.

<table>
<thead>
<tr>
<th>Building Height</th>
<th>The maximum height of a building in the Greenfield District shall be 3 stories, but not more than 40 ft.</th>
<th>18 ft. 4 in., measured from grade to the top of the parapet</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Coverage</td>
<td>The Greenfield District does not have a maximum percentage of lot coverage. The subject site is 17,250 sq. ft. (0.40 acres). The proposed 4,644 sq. ft. office building will occupy approximately 26.9% of the lot, leaving the remaining area to be occupied by impervious surface for parking and dumpster enclosure, and some green space for landscaping.</td>
<td>26.9%</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

**Items to be addressed:** None

### PARKING

Section 138-219 of the Zoning Ordinance requires:

<table>
<thead>
<tr>
<th>Business and professional offices of architects, engineers, landscape architects, lawyers or similar allied professions: One per 225 square feet of usable floor area</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,787 usable square feet / 225 = 13 spaces</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>Barrier Free</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Bicycle Parking</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Loading</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>13 spaces</td>
<td>13 spaces plus 2 bike spaces</td>
</tr>
</tbody>
</table>

*Items to be Addressed:* None

**SITE ACCESS AND CIRCULATION**

Sec. 138-398. - Building design requirements.

a) All development in the Greenfield district (except single family detached houses) shall front and have primary access from Greenfield.

*CWA Comment:* The development fronts Greenfield with primary access from Greenfield

b) Developments that face Ellwood shall be residential in character.

*CWA Comment:* Not Applicable

c) The planning commission may require screening including masonry walls up to 6 feet in height, decorative fencing or landscaping.

*CWA Comment:* The applicant is proposing a 5-foot 8-inch split face block screen wall along the eastern property line (adjacent to single-family residential). There is no proposed screening to the north or south.

d) The first floor elevation of a building that fronts a street shall be composed of a minimum of 30 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 Comment:* It appears that the front elevation meets the 30 to 80% transparency requirement; however applicant should confirm.

e) 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.
**LANDSCAPING AND SCREENING**

A landscaping plan has been provided on sheet C-1. The applicant proposes three (3) evergreen and three (3) native grass clumps. All proposed landscaping is located in the southeast corner of the site. 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.

The applicant should consider additional landscaping.

**Masonry Screening:**

The applicant proposes a 6-foot-tall masonry screen wall along the eastern property line to screen the site from the adjacent single-family residential. The applicant should provide a detail of the proposed masonry wall. The wall should be architecturally consistent with building.

**Trash Enclosure:**

The applicant is proposing one (1) trash enclosure, to be screened with a 6-foot tall masonry wall. The applicant did not provide a detail of the proposed screening.

**Items to be Addressed:** Applicant considers additional landscaping and Planning Commission to review the landscape plan.

**PHOTOMETRICS**

A photometric plan has been provided. The applicant is proposing seven (7) building lights.

**Items to be Addressed:** None
**EXTERIOR APPLIANCES**

Applicant shall show exterior appliances (air conditioners, generators, etc.) on site plan to ensure compliance with Sec. 138-73.

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

**FLOOR PLAN AND ELEVATIONS**

Floor plans and elevations have been provided. Materials include hardi plank lap siding, face brick, and red metal awning. The applicant notes the use of stone trim and stacked stone veneer. These materials have not been shown on the elevations.

*Items to be Addressed:* Indicate location of stone trim and stacked stone veneer.

**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.
2. 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.
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.
5. Landscaping, lighting, dumpster enclosures, and other site amenities are provided where appropriate and in a complementary fashion.
6. Site engineering has been provided to ensure that existing utilities will not be adversely affected.

*Items to be Addressed:* Applicant addresses items noted in report.

**RECOMMENDATION**

We recommend Planning Commission approval with the following conditions:

1. **Confirm transparency.**
2. **Applicant considers additional landscaping.**
3. **Indicate location of stone trim and stacked stone veneer.**
4. Applicant shall show exterior appliances (air conditioners, generators, etc.) on site plan to ensure compliance with Sec. 138-73.

Sincerely,

[Signature]
CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, LEED AP, AICP
February 8, 2022

City of Berkley
3338 Coolidge Highway
Berkley, Michigan 48072

Attention: Mr. Matthew Baumgarten, City Manager
Ms. Kim Anderson, Building Clerk

Re: Proposed Office Building
3462-3478 Greenfield Road
Engineering Site Plan – Review No. 3
City of Berkley, MI

Dear Mr. Baumgarten and Ms. Anderson:

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 T. Fought & Associates, Inc., with the engineering site plan created by Orman Engineering of Waterford, Michigan. The plans have a revision date of January 21, 2022 and were received by this office on January 26, 2022 via email. The proposed project scope includes the demolition of two (2) residential homes, driveways, garages, a shed, and all other accessory site features, and construction of a multi-unit office building and new parking lot. The project encompasses redevelopment of the two (2) lots with existing houses as well as one (1) existing vacant lot (which partially houses a shed). The proposed new development is located on east side of Greenfield Road, north of 12 Mile Road. We hereby offer the following comments:

General:

1. The proposed compact car spaces and ADA parking space must have signage clearly stating them as such. These signs must be included in the plans. **Signage stating compact car spots as such have been added to the plans. This item has been satisfactorily addressed.**

2. A Road Commission for Oakland County (RCOC) permit will be required for proposed work within the Greenfield Road right-of-way as well as for construction signage. **This item is still applicable. Any permits required must be obtained and submitted to the City prior to construction.**

3. A soil erosion permit will likely be required from the Oakland County Water Resources Commissioner (OCWRC). If a soil erosion permit is required, it must be obtained, and a copy of the approved permit provided to the City prior to commencing construction. Regardless of whether a permit is required, the City will require silt fence to be installed around the perimeter of the site, filter fabric installed in nearby catch basins, and a temporary maintenance aggregate/mud mat constructed for access to and from the proposed site. **This item is still applicable. Any permits required must be obtained and submitted to the City prior to construction.**
4. A sequence of construction including estimated lane closure durations must be added to the plans. This item is still applicable, a sequence of construction has not been added to the plans. A sequence of construction has been added to the plans. This item has been satisfactorily addressed.

5. A traffic control plan must be added to the plans.

6. A geotechnical investigation must be performed in order to evaluate the proposed storm detention system. The soil logs from that investigation must be shown on the plans, including the elevation of the groundwater table, soil types encountered, and the written report indicating the design recommendations or comments on the proposed stormwater collection system. This item is still applicable. A geotechnical investigation must be performed and the report submitted to the City.

7. For the purposes of clarity, it is recommended that the Demolition Plan and proposed Engineering/Site Plan be shown on two (2) separate plan sheets. Further, both the Demolition and Engineering/Site Plan sheets must show all removal and proposed quantities including pavement, curb, sidewalk/ramp, utilities, trees, and landscape features. The existing and proposed site plans have been shown on separate sheets. This item has been satisfactorily addressed.

8. The City may require additional sections of existing curb and gutter and sidewalks along Greenfield 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. Permits may be required from the Department of Environment, Great Lakes, and Energy (EGLE) and from the OCWRC for the installation and connection of the new water main service. This item is still applicable. Any permits required must be obtained and submitted to the City prior to construction.

2. The plans must include calculations for the new Residential Equivalent Unit (REU) value of the proposed (building) structures. These calculations must also support that the proposed water service is sufficiently sized for the new REU values. The REU value for the proposed building has been shown on the plans, and the water service lead appears to be adequately sized. This item has been satisfactorily addressed.

3. The plans indicate a proposed water main connection to the existing water main in the Greenfield Road right-of-way (ROW). The City’s Department of Public Works (DPW) requires a tapping sleeve, valve, and well be used for this connection. The plans must reflect this type of connection. Proposed finished grades for gate wells must be provided as well. This item is still applicable. A valve and well must be shown and labeled on the plans, and must be added to the included structure schedule as well. In addition, a note calling for a tapping sleeve as a means of connection must be added to the plans. The notes regarding the live tap and connection details have been added to the plans. This item has been satisfactorily addressed.

4. Where the water service connection is proposed, the existing pavement cross-sections will need to be sawcut, removed, and replaced in kind. The plans must indicate the pipe bedding and type of backfill to be used in the street excavation areas for the new pipe installation. Further, the pavement restoration will be as per RCOC and as previously mentioned, an RCOC permit will be required. This item is still applicable. A note stating that any removed pavement shall be replaced in kind as well as details that indicate the bedding and backfill must be added to the plans. Notes stating to replace pavement in kind have been added to the plans. The RCOC permit must be obtained and submitted prior to construction.
Storm Drainage and Detention/Sanitary Sewer:

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

2. Details of the outlet control structure and the connection to the existing combined system must be shown on the plans. Details for the outlet control structure have been added to the plans. This item has been satisfactorily addressed.

3. The plans indicate detention calculations for a 100-year storm for the proposed development. The provided volume calculations show a 48” HDPE pipe length of 315 feet. Dimensions and/or additional details of the underground pipe system must be added to the plans. In addition, the proposed storm sewer layout, including diameter and length, must be clearly indicated on the site plan. Dimensions and/or details showing the lengths of the underground detention system piping must be added to the plans to verify that the calculations are correct. The layout and dimensions of the underground pipes have been shown on the plans and the calculations demonstrate that the system is designed to provide adequate storage. This item has been satisfactorily addressed.

4. The developer will be required to complete 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. The maintenance agreement has been submitted with the revised plans. The agreement will ultimately need to be reviewed and approved by the City and their attorney.

5. Detail sheets for the proposed storm sewers must be provided with structures, covers, pipe requirements/cross sections and connection/tap details in accordance with City and County Standards. In addition, shop drawings for the said appurtenances will be required to be reviewed by the City and HRC. This item is still applicable. Storm sewer Details must be added to the plans. Storm sewer details have been shown on the plans. This item has been satisfactorily addressed.

6. Inverts of the proposed storm sewer (utility profile) must be added to the plans to confirm positive drainage through the site to the detention system and to the combined sewer connection. Inverts and a profile of the proposed storm system have been added to the plans. This item has been satisfactorily addressed.

7. The existing sanitary sewer leads must be properly abandoned via a spot liner or another DPW approved method. The revised plans note that the existing sanitary lead will be capped at the existing main. This note regarding the method of abandonment must still be included on the plans. This note has been added to the plans. This item has been satisfactorily addressed.

8. The proposed sanitary lead diameter and material is not indicated. The diameter of the sanitary lead as well as calculations showing that this size is adequate for the proposed development must be shown on the plans. The size and material of the sanitary lead has been called out on the plans. This item has been satisfactorily addressed.

9. The proposed sanitary lead must include a new connection (TwisTee sewer saddle, as per the City DPW, or approved equal). The plans do not mention the type of sanitary lead connection. This note must be added to the plans. This note has been added to the plans, however, the sanitary lead must utilize a new connection. Reusing the existing connection is not permitted. This must be updated on the plans.
Recommendation:

Based on our aforementioned comments, we recommend approval of the proposed Site Plan, subject to the applicant addressing the sanitary lead connection and obtaining and submitting copies of the geotechnical report which confirms the feasibility of the underground storm system for the site soils as well as any necessary permits.

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

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Edward D. Zmich
Project Manager

Mitch Stark
Review Engineer

EDZ/MAS/mas

pc: City of Berkley; Mr. Derrick Schueller, Mr. Shawn Young
Carlisle Wortman & Associates; Ben Carlisle, Megan Masson-Minock
Orman Engineering; Alexander Orman
T. Fought & Associates; Timothy Fought
HRC; R. Alix, File
To: Megan Masson-Minock, Interim Community Development Director (via email)
Cc: Kim Anderson, Community Development (via email)
    Shawn Young, DPW Foreman (via email)
    Eddie Zmich, HRC (via email)

From: Derrick Schueller, DPW Director

Date: February 7, 2022

Subject: Proposed Office Building
Plan Review #3
3462-3478 Greenfield

We have reviewed the revised plans provided by the Community Development Department on January 26 and prepared by T. Fought & Associates and Orman Engineering. Please find below our comments:

1. The applicant is responsible for verifying the private lateral connections for both existing homes. We have been informed that the lateral connection for 3462 Greenfield is likely connected to the larger WRC sewer further into Greenfield Road and not the City line as shown on the current plan. The applicant shall have a licensed plumber video the existing laterals to accurately depict the connections on the plans. The applicant did note to "see attached supporting documents for this item" but we have been unable to locate this information. This item will impact the scope as well as WRC and RCOC permitting, including traffic control plans (e.g. the potential for multiple lane closures).

2. It appears the applicant is proposing to re-utilize the existing 6" sanitary sewer tap at the southern property (see call out on sheet SP-2). A new tap must be made in a different location (existing sewer connections cannot be reused).

Additionally, the following items shall be provided to the City prior to scheduling a preconstruction meeting:

1. A plan approval letter from the City's engineering consultant, Hubbell, Roth & Clark (HRC).
2. Greenfield Road is under the jurisdiction of RCOC. An RCOC permit must be provided to the City.
3. Depending on the outcome of the private lateral connections noted above, a WRC permit shall be provided to the City.
4. The parcel combination will need to be finalized with the Community Development Department with new Tax ID number identified.
5. A stormwater maintenance agreement shall be signed and finalized. An agreement template, as approved by the City Attorney, was previously provided to the applicant and shall be merged with the Exhibits.
6. A traffic control plan and sequence of construction shall be submitted to cover the ROW activities.
7. A construction schedule shall be provided with dates and durations of all major work items, including final restoration.
8. Proof of insurance is required with the City and HRC noted as additionally insured. Policy documents shall not include the language “…..as required by written contract…..".
9. Bonding and any escrow requirements will be noted later under separate cover.

10. Please note electronic as-built drawings and a PE signed and sealed certification letter indicating the underground detention system was constructed in accordance with the approved plans will be required following the utility installations.

Feel free to call with any questions or concerns. Thank you.
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TO: City of Berkley Planning Commission

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

DATE: February 18, 2022

RE: Downtown Design Guidelines Survey

Please find attached the results from the Planning Commission survey on the Downtown Design Guidelines. Thank you for your participation.

We look forward to seeing you at the Planning Commission workshop on Tuesday, March 1, to discuss this topic in more detail.

Yours Truly,

[Signatures]

Benjamin R. Carlisle, AICP, LEED AP  
Principal

Megan Masson-Minock, AICP  
Planner
City of Berkley DDA Design Guidelines & Zoning Ordinance Amendments

Results and Analysis
Which group do you currently serve on for the City of Berkley?

- Planning Commission: 86%
- Downtown Development Authority: 0%
- Both: 14%

(N = 7)
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Building Placement (setbacks and location)

- Design Standard (must): 100%
- Design Guideline (encouraged but not required): 0%
- Not appropriate for Zoning Ordinance amendments: 0%
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Setback Character (space between the building and sidewalk edge)

(N = 7)

- Design Standard (must): 29%
- Design Guideline (encouraged but not required): 57%
- Not appropriate for Zoning Ordinance amendments: 14%
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments? Building Orientation (location of primary entrances to the street and/or public places)

- Design Standard (must): 86%
- Design Guideline (encouraged but not required): 14%
- Not appropriate for Zoning Ordinance amendments: 0%
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Connectivity (pedestrians, cyclists & vehicles)

- Design Standard (must): 43%
- Design Guideline (encouraged but not required): 43%
- Not appropriate for Zoning Ordinance amendments: 14%

(N = 7)
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Outdoor Amenity Space (plazas, courtyards, outdoor dining, public art)

(N = 7)

- Design Standard (must): 14%
- Design Guideline (encouraged but not required): 57%
- Not appropriate for Zoning Ordinance amendments: 29%
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), Should be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Parking Lots (location, screening, pedestrian access, adaptive re-use)

- Design Standard (must) 100%
- Design Guideline (encouraged but not required) 0%
- Not appropriate for Zoning Ordinance amendments 0%
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Parking Structures (location, design)

- Design Standard (must): 57%
- Design Guideline (encouraged but not required): 29%
- Not appropriate for Zoning Ordinance amendments: 14%
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Landscape & Streetscape Design (planting design, site furnishings like benches and trash receptacles)
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Service Areas, Utilities & Mechanical Equipment (location, screening, lighting, location, number of areas)

- Design Standard (must): 71%
- Design Guideline (encouraged but not required): 29%
- Not appropriate for Zoning Ordinance amendments: 0%

(N = 7)
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Stormwater Management (low impact development principles, maximize stormwater quality, stormwater management as site amenity)

- Design Standard (must): 57%
- Design Guideline (encouraged but not required): 29%
- Not appropriate for Zoning Ordinance amendments: 14%

(N = 7)
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Neighborhood Transitions (design, screening, amenities for adjacent neighborhood, pedestrian/bike/vehicular connections)
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Architectural Character (fit with context, create pedestrian-friendly environment)

- Design Standard (must): 43%
- Design Guideline (encouraged but not required): 43%
- Not appropriate for Zoning Ordinance amendments: 14%

(N = 7)
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Building Mass & Scale (building height and articulation)

- Design Standard (must): 86%
- Design Guideline (encouraged but not required): 14%
- Not appropriate for Zoning Ordinance amendments: 0%
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Overall Facade Character (enhance community image, compatible with context, convey visual interest)

(N = 7)
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Ground Floor Design (recessed entries or courtyards, windows, avoid blank walls, high percentage of windows, changes in materials, design and orientation of primary building entrance, awnings and canopies)

Design Standard (must) 80%
Design Guideline (encouraged but not required) 20%
Not appropriate for Zoning Ordinance amendments 0%
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Iconic Design Features (at certain locations)

(N = 7)

- Design Standard (must): 0%
- Design Guideline (encouraged but not required): 86%
- Not appropriate for Zoning Ordinance amendments: 14%
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Building Elements (forecourts, plazas, arcades, porches, visual consistency with adjacent buildings)

- Design Standard (must): 29%
- Design Guideline (encouraged but not required): 71%
- Not appropriate for Zoning Ordinance amendments: 0%

(N = 7)
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Building Materials (required or allowed materials, design, materials as accents only)

(N = 7)

- **Design Standard (must)**: 57%
- **Design Guideline (encouraged but not required)**: 43%
- **Not appropriate for Zoning Ordinance amendments**: 0%
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Exterior Lighting (improve pedestrian realm, highlight distinctive features of a site, minimize impact on adjacent properties, shielded/focused light sources, coordinate fixture design with abutting properties)
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Energy Efficiency, Collection and Conservation (sustainable building design, energy efficiency)

(N = 7)
In your opinion, in the zoning ordinance amendments please select what aspects of the DDA Design Guidelines MUST be included as DESIGN STANDARDS (regulations that all new buildings must meet), SHOULD be included as DESIGN GUIDELINES (aspects that should be encouraged or incentivized but not required), or SHOULD NOT be included in the zoning ordinance amendments?: Environmental Performance in Building Elements (sustainable building materials, natural environmental control, minimize visual impacts of energy devices)

(N = 7)
Do you have anything to add to clarify your choices in the above question?

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<tr>
<td>1</td>
<td>This was really hard because there are so many nuances to the chapters. Some parts of a chapter could be encouraged, while others in the ordinance. Additional stormwater things would be great, but not to replace the retention/detention requirements of new development. And I just think the likelihood of a parking structure is very, very low. Outdoor dining should be allowed by right, but we need to come up with criteria for that. So many parts to deal with!</td>
</tr>
</tbody>
</table>
Do you have anything to add to clarify your choices in the above question? (Continued)

<table>
<thead>
<tr>
<th>Response No</th>
<th>Answer text</th>
</tr>
</thead>
</table>
| 2           | item k: screening and connections are different subjects - screening a must, connections encouraged.  
item o: mostly 'must, but not all |
| 3           | Landscaping plantings should be specified but site furniture does not need to required in every case.  
Lighting standards for shielding/impact on adjacent properties must be included but all others could be encouraged. |
Pleaserank in terms of importance the inclusion of the following types of regulations for new developments, other than single-family, in the Zoning Ordinance amendments to implement DDA Design Guidelines:

Architectural regulations in terms of building materials, colors, and façade design

- 57% - Important
- 43% - Somewhat Important

Architectural regulations for building articulation, height variation and building step backs on upper stories

- 14% - Not Important
- 86% - Important

Regulations to create a quality pedestrian realm in terms of primary entrance location and design, percentage of windows, landscaping and ground floor design.

- 29% - Somewhat Important
- 71% - Important

Weighted Score: 1.38
Pleaserank in terms of importance the inclusion of the following types of regulations for new developments, other than single-family, in the Zoning Ordinance amendments to implement DDA Design Guidelines: (Continued)

- Regulations requiring new buildings to match the context of the surrounding buildings: 14% Not Important, 43% Somewhat Important, 43% Important, 0% Neutral
- Regulations to mitigate stormwater impacts, such as Low Impact Design: 57% Not Important, 43% Somewhat Important, 0% Important, 0% Neutral
- Regulations requiring sustainable building design and energy efficiency: 29% Not Important, 71% Somewhat Important, 0% Important, 0% Neutral
<table>
<thead>
<tr>
<th>Response No</th>
<th>Answer text</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>We also need to look at allowed uses. Are we sticking with character areas or going with FLU map idea of gateway corridors?</td>
</tr>
<tr>
<td>2</td>
<td>don’t want to be design police. keep it simple - some communities we are currently working in have ordinances/overlay districts/visions that are almost incomprehensible.</td>
</tr>
</tbody>
</table>
I think guiding principles to determine if something should be a standard or guide is safety first. This would apply to pedestrians, traffic, general public and any other properties adjacent to the DDA areas. Energy and environmental items would be next to land as a standards with some as guidelines. Aesthetic type items should mainly land in guidelines, but some elements maybe in a grey area-these are probably the ones to debate.
February 16, 2022

Megan Masson-Minock  
Interim Community Development Director  
City of Berkley  
3338 Coolidge Hwy.  
Berkley, MI 48072

Cc: Matthew Baumgarten, City Manager  
    Michael Smith, Assistant to the City Manager

Ms. Masson-Minock,

As the applicant for the Site Plan Review application for 2222 W Eleven Mile Rd (Butter Provisioning Center), which was submitted on Friday, January 21st, 2022, I would like to formally request that it be reviewed as a “Sketch Plan” item as outlined by section 138-681(a) of the Berkley Zoning Ordinance at the upcoming Planning Commission on Tuesday, February 22nd, rather than an application for site plan approval. This will allow us to receive initial feedback from the Planning Commission and incorporate any comments/suggestions they may have in our revised submittal documents, which will be updated address the review comments we received on Monday, February 14th. Thank you.

Sincerely,

[Signature]

Grant Jeffries  
Principal Architect, Five-Eighths Architecture
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: OPERATION GROW, LLC - D.B.A. BUTTER PROVISIONING CENTER
Applicant: GRANT JEFFRIES
Mailing Address: 2321 WOLCOTT ST., SUITE B, FERNDALE, MI, 48220
Telephone: [redacted]
Email: GRANT@FIVE-EIGHTHS.COM

Property Owner(s), if different from Applicant: OPERATION GROW LLC
Mailing Address: 3249 WAKEFIELD RD., BERKLEY, MI, 48072
Telephone: [redacted]
Email: DANNY@OPERATIONGROW.BIZ
Applicant's Legal Interest in Property: ARCHITECT

LOCATION OF PROPERTY:

Street Address: 2222 W. ELEVEN MILE ROAD
Nearest Cross Streets: W. ELEVEN MILE & BERKELEY AVE.
Sidwell Number(s): 25-17-358-018

Updated 02.21.2021
PROPERTY DESCRIPTION:
Provide lot numbers and subdivision: Lots 284 to 288 inclusive, also 1/2 of vacated alley adjacent of Hannan’s West Royal Oak Subdivision

Property Size (Square Feet): 11,990 (Acres): 0.275

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: OFFICE

Proposed Use of Property: MARIJUANA DISPENSARY

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

PROJECT DESCRIPTION:
Renovation of existing 4,700 S.F. building to be retail marijuana dispensary and one additional tenant suite (tenant T.B.D.)

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:

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>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>2</td>
<td>4,237 sf</td>
<td>13</td>
<td>12</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PROFESSIONALS WHO PREPARED PLANS:

A. Name:  **GRANT JEFFRIES**
Mailing Address:  **2321 WOLCOTT ST, SUITE B, FERNDALE, MI, 48220**
Telephone:  [Redacted]
Email:  **GRANT@FIVE-EIGHTHS.COM**
Design Responsibility (engineer, surveyor, architect, etc.):  **ARCHITECT**

B. Name:  **JOSEPH ANDERSON**
Mailing Address:  **1025 E MAPLE RD, SUITE 100, BIRMINGHAM, MI, 48009**
Telephone:  [Redacted]
Email:  **JANDERSON@GIFTEGLWEBSTER.COM**
Design Responsibility:  **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
- [ ] Oakland County Health Division
- [ ] MI Dept. of Transportation
- [ ] 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)

[Signature] 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)

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

[Signature] 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.

[Signature] 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

Name: Grant Jeffries

Signature of Property Owner Authorizing this Application

Name: Daniel Ameri

OFFICE USE ONLY

Received: ___  Receipt #: ___  Meeting Date: ___  Case #: ___

Fees:
- Site Plan Review $600
- Façade Change: $200
- Revision: $300
- Extension $200
- Engineering: Multi-family $1,500 + $30/unit
- Commercial $1,000
- Escrow (New construction) $1,000

Updated 07.01.2021
WARRANTY DEED

The Grantor
whose address is
Conveys and warrants unto
Grantee
whose address is

2222 W. 11 Mile, L.L.C., a Michigan limited liability company,
26036 Hendrie, Huntington Woods, Michigan 48070,
Operation Grow, LLC, a Michigan limited liability company,
3249 Wakefield St., Berkley, Michigan 48072

all of Grantor's right, title and interest in those premises situated in City of Berkley, County of Oakland, Michigan, as more particularly described on the attached Exhibit A, together with all and singular tenements, hereditaments, improvements and appurtenances, if any, belonging or in anywise appertaining thereto, for the consideration of REAL ESTATE TRANSFER TAX VALUATION AFFIDAVIT FILED, the receipt and sufficiency of which are hereby acknowledged, subject to (i) zoning and/or restrictions and prohibitions imposed by governmental authorities; (ii) easements, covenants, conditions and all other matters of record; (iii) taxes and assessments which are a lien, but not yet due and payable; (iv) the rights of tenants as tenants only under unrecorded leases; and (v) the acts or omissions of persons other than Grantor from and after __________ , 2020, the date of the land contract for which this deed is given in satisfaction hereof (collectively, the "Permitted Exceptions"). Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act. This property may be located within the vicinity of farm land or a farm operation. Grantor grants the Grantee the right to make all permitted divisions under Section 108 of the Land Divisions Act, Act No. 288 of the Public Acts of 1967.

The Grantor covenants and agrees that as of the date hereof it has not done or suffered to be done anything whereby the property herein conveyed is, or may be, in any manner encumbered or charged, except for the Permitted Exceptions, and Grantor warrants and agrees to defend all or any part of the said property conveyed herein unto Grantee, its successors and assigns, against the claims of all persons claiming by, through or under Grantor, except claims arising from or in connection with any Permitted Exception.

Dated this __________ day of __________, 2020

[Signatures on the Following Page]
GRANTOR:
2222 W 11 Mile, L.L.C., a Michigan limited liability company

By: 
Name: Kevin Lewis 
Its: 

STATE OF MICHIGAN )
) SS
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 7th day of OCTOBER, 2020, by KEVIN LEWIS, the MANAGER of 2222 W. 11 Mile, L.L.C. a Michigan limited liability company, who executed the foregoing on behalf of such company.

Kristin Langlands
Notary Public, MACOMB County, MICH. 
Acting in the County of OAKLAND

When recorded return to: Send Subsequent Tax Bills To: Drafted by:

Grantee Grantee Michael Emmer, Esq. 
Jaffe, Raitt, Heuer, & Weiss 
27777 Franklin Road, Suite 2500 
Southfield, Michigan 48034
Exhibit A

Legal Description

[See Attached]
Michigan Department of Treasury
2766 (Rev. 05-16)

Property Transfer Affidavit

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). The completed Affidavit must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer. The information on this form is NOT CONFIDENTIAL.

1. Street Address of Property
2222 W 11 MILE ROAD

2. County
OAKLAND

3. Date of Transfer (or land contract signed)
9/30/2020

4. Location of Real Estate (Check appropriate field and enter name in the space below.)
   - [X] City
   - [ ] Township
   - [ ] Village

   BERKLEY

5. Purchase Price of Real Estate
$1,340,000.00

6. Seller's (Transferee) Name
2222 W. 11 MILE RD, L.L.C.

7. Property Identification Number (PIN). If you don't have a PIN, attach legal description.
   - PIN: 25-17-358-018

8. Buyer's (Transferee) Name and Mailing Address
OPERATION GROW, LLC
P.O. BOX 725202, BERKLEY, MI 48072

9. Buyer's (Transferee) Telephone Number

Items 10 - 15 are optional. However, by completing them you may avoid further correspondence.

10. Type of Transfer. Transfers include, but are not limited to, deeds, land contracts, transfers involving trusts or wills, certain long-term leases and business interest. See page 2 for list.
   - [X] Land Contract
   - [ ] Lease
   - [ ] Deed

11. Was property purchased from a financial institution?
   - [ ] Yes
   - [ ] No

12. Is the transfer between related persons?
   - [ ] Yes
   - [ ] No

13. Amount of Down Payment

14. If you financed the purchase, did you pay market rate of interest?
   - [ ] Yes
   - [ ] No

15. Amount Financed (Borrowed)

EXEMPTIONS

Certain types of transfers are exempt from uncapping. If you believe this transfer is exempt, indicate below the type of exemption you are claiming.

- [ ] Transfer from one spouse to the other spouse
- [ ] Change in ownership solely to exclude or include a spouse
- [ ] Transfer between certain family members *(see page 2)*
- [ ] Transfer of that portion of a property subject to a life lease or life estate (until the life lease or life estate expires)
- [ ] Transfer between certain family members of that portion of a property after the expiration or termination of a life estate or life lease retained by transferor ** *(see page 2)*
- [ ] Transfer to effect the foreclosure or forfeiture of real property
- [ ] Transfer by redemption from a tax sale
- [ ] Transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust
- [ ] Transfer resulting from a court order unless the order specifies a monetary payment
- [ ] Transfer creating or ending a joint tenancy if at least one person is an original owner of the property (or his/her spouse)
- [ ] Transfer to establish or release a security interest (collateral)
- [ ] Transfer of real estate through normal public trading of stock
- [ ] Transfer between entities under common control or among members of an affiliated group
- [ ] Transfer resulting from transactions that qualify as a tax-free reorganization under Section 368 of the Internal Revenue Code.
- [ ] Transfer of qualified agricultural property when the property remains qualified agricultural property and affidavit has been filed.
- [ ] Transfer of qualified forest property when the property remains qualified forest property and affidavit has been filed.
- [ ] Transfer of land with qualified conservation easement (land only - not improvements)

- [ ] Other, specify:

CERTIFICATION

I certify that the information above is true and complete to the best of my knowledge.

Printed Name
DANIEL AMORI

Signature

Date
11/2/2020

Name and title, if signer is other than the owner
MANAGER

Daytime Phone Number

E-mail Address
DANNY@OPERATIONGROW.BIZ
Instructions:
This form must be filed when there is a transfer of real property or one of the following types of personal property:

- Buildings on leased land.
- Leasehold improvements, as defined in MCL Section 211.8(h).
- Leasehold estates, as defined in MCL Section 211.8(i) and (j).

Transfer of ownership means the conveyance of title to or a present interest in property, including the beneficial use of the property. For complete descriptions of qualifying transfers, please refer to MCL Section 211.27a(5)(a-j).

Excerpts from Michigan Compiled Laws (MCL), Chapter 211

**Section 211.27a(7)(d):** Beginning December 31, 2014, a transfer of that portion of residential real property that had been subject to a life estate or life lease retained by the transferor resulting from expiration or termination of that life estate or life lease, if the transferee is the transferor’s or transferor’s spouse’s mother, father, brother, sister, son, daughter, adopted son, adopted daughter, grandson, or granddaughter and the residential real property is not used for any commercial purpose following the transfer. Upon request by the department of treasury or the assessor, the transferee shall furnish proof within 30 days that the transferee meets the requirements of this subdivision. If a transferee fails to comply with a request by the department of treasury or assessor under this subdivision, that transferee is subject to a fine of $200.00.

*Section 211.27a(7)(u):* Beginning December 31, 2014, a transfer of residential real property if the transferee is the transferor’s or the transferor’s spouse’s mother, father, brother, sister, son, daughter, adopted son, adopted daughter, grandson, or granddaughter and the residential real property is not used for any commercial purpose following the conveyance. Upon request by the department of treasury or the assessor, the transferee shall furnish proof within 30 days that the transferee meets the requirements of this subparagraph. If a transferee fails to comply with a request by the department of treasury or assessor under this subparagraph, that transferee is subject to a fine of $200.00.

Section 211.27a(10): "... the buyer, grantee, or other transferee of the property shall notify the appropriate assessing office in the local unit of government in which the property is located of the transfer of ownership of the property within 45 days of the transfer of ownership, on a form prescribed by the state tax commission that states the parties to the transfer, the date of the transfer, the actual consideration for the transfer, and the property’s parcel identification number or legal description."

Section 211.27(6): "Except as otherwise provided in subsection (6), the purchase price paid in a transfer of property is not the presumptive true cash value of the property transferred. In determining the true cash value of transferred property, an assessing officer shall assess that property using the same valuation method used to value all other property of that same classification in the assessing jurisdiction."

Penalties:
Section 211.27b(1): "If the buyer, grantee, or other transferee in the immediately preceding transfer of ownership of property does not notify the appropriate assessing office as required by section 27a(10), the property’s taxable value shall be adjusted under section 27a(3) and all of the following shall be levied:

(a) Any additional taxes that would have been levied if the transfer of ownership had been recorded as required under this act from the date of transfer.

(b) Interest and penalty from the date the tax would have been originally levied.

(c) For property classified under section 34c as either industrial real property or commercial real property, a penalty in the following amount:

(i) Except as otherwise provided in subparagraph (ii), if the sale price of the property transferred is $100,000,000.00 or less, $20.00 per day for each separate failure beginning after the 45 days have elapsed, up to a maximum of $1,000.00.

(ii) If the sale price of the property transferred is more than $100,000,000.00, $20,000.00 after the 45 days have elapsed.

(d) For real property other than real property classified under section 34c as industrial real property or commercial real property, a penalty of $5.00 per day for each separate failure beginning after the 45 days have elapsed, up to a maximum of $200.00."
To the Insured:
Enclosed is your Owner’s Title Insurance policy protecting the title to the property you recently purchased. Keep it in a safe place.

If you build, obtain a mortgage or sell this property, new title insurance will be necessary. Because we have researched your property, we will be able to process your title order efficiently. Be sure to direct your lender, broker or builder to Liberty Title Agency so you will receive an appropriate discount on your new policy.

Congratulations on your Purchase!
Tom and Michele Richardson
OWNER'S POLICY OF TITLE INSURANCE

Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, WESTCOR LAND TITLE INSURANCE COMPANY, a South Carolina corporation (the “Company”) insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
   (a) A defect in the Title caused by
      (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
      (ii) failure of any person or Entity to have authorized a transfer or conveyance;
      (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
      (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
      (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
      (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
      (vii) a defective judicial or administrative proceeding.

COVERED RISKS Continued on next page

IN WITNESS WHEREOF, WESTCOR LAND TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of the Date of Policy shown in Schedule A,

ISSUED BY: MI1001 * LIB143173
Liberty Title Agency, Inc.

WESTCOR LAND TITLE INSURANCE COMPANY

By:

Ann Arbor, MI  48104
(b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
(c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term “encroachment” includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.

3. Unmarketable Title.

4. No right of access to and from the Land.

5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (a) the occupancy, use, or enjoyment of the Land;
   (b) the character, dimensions, or location of any improvement erected on the Land;
   (c) the subdivision of land; or
   (d) environmental protection
   if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.

6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.

7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.

8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.

9. Title being vested other than as stated in Schedule A or being defective
   (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors’ rights laws; or
   (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors’ rights laws by reason of the failure of its recording in the Public Records
      (i) to be timely, or
      (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.

10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys’ fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys’ fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
      (i) the occupancy, use, or enjoyment of the Land;
      (ii) the character, dimensions, or location of any improvement erected on the Land;
      (iii) the subdivision of land; or
      (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
      (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.

2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.

3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
(c) resulting in no loss or damage to the Insured Claimant;
(d) attaching or created subsequent to Date of Policy (how-
ever, this does not modify or limit the coverage provided
under Covered Risk 9 and 10); or
(e) resulting in loss or damage that would not have been
sustained if the Insured Claimant had paid value for the
Title.

4. Any claim, by reason of the operation of federal bankruptcy,
state insolvency, or similar creditors’ rights laws, that the
transaction vesting the Title as shown in Schedule A, is
(a) a fraudulent conveyance or fraudulent transfer; or
(b) a preferential transfer for any reason not stated in Cov-
ered Risk 9 of this policy.

5. Any lien on the Title for real estate taxes or assessments
imposed by governmental authority and created or attach-
ing between Date of Policy and the date of recording of the
deed or other instrument of transfer in the Public Records
that vests Title as shown in Schedule A.

CONDITIONS

1. DEFINITION OF TERMS

The following terms when used in this policy mean:

(a) “Amount of Insurance”: The amount stated in Schedule
A, as may be increased or decreased by endorsement to
this policy, increased by Section 8(b), or decreased by
Sections 10 and 11 of these Conditions.

(b) “Date of Policy”: The date designated as “Date of Policy”
in Schedule A.

(c) “Entity”: A corporation, partnership, trust, limited liability
company, or other similar legal entity.

(d) “Insured”: The Insured named in Schedule A.

(i) The term “Insured” also includes
(A) successors to the Title of the Insured by operation
of law as distinguished from purchase, including
heirs, devisees, survivors, personal representa-
tives, or next of kin;
(B) successors to an Insured by dissolution, merger,
consolidation, distribution, or reorganization;
(C) successors to an Insured by its conversion to
another kind of Entity;
(D) a grantee of an Insured under a deed delivered
without payment of actual valuable consideration
conveying the Title
(1) if the stock, shares, memberships, or other
equity interests of the grantee are wholly-
owned by the named Insured,
(2) if the grantee wholly owns the named In-
sured,
(3) if the grantee is wholly-owned by an affili-
ated Entity of the named Insured, provided
the affiliated Entity and the named Insured
are both wholly-owned by the same person
or Entity, or
(4) if the grantee is a trustee or beneficiary of a
trust created by a written instrument estab-
lished by the Insured named in Schedule A
for estate planning purposes.

(ii) With regard to (A), (B), (C), and (D) reserving,
however, all rights and defenses as to any succe-
sor that the Company would have had against any
predecessor Insured.

(e) “Insured Claimant”: An Insured claiming loss or damage.

(f) “Knowledge” or “Known”: Actual knowledge, not
constructive knowledge or notice that may be imputed
to an Insured by reason of the Public Records or any
other records that impart constructive notice of matters
affecting the Title.

(g) “Land” The land described in Schedule A, and affixed
improvements that by law constitute real property. The
term “Land” does not include any property beyond the
lines of the area described in Schedule A, nor any right,
title, interest, estate, or easement in abutting streets,
rads, avenues, alleys, lanes, ways, or waterways, but
this does not modify or limit the extent that a right of
access to and from the Land is insured by this policy.

(h) “Mortgage”: Mortgage, deed of trust, trust deed, or
other secur-ity instrument, including one evidenced by
electronic means authorized by law.

(i) “Public Records”: Records established under state
statutes at Date of Policy for the purpose of imparting
constructive notice of matters relating to real property
to purchasers for value and without Knowledge. With
respect to Covered Risk 5(d), “Public Records” shall
also include environmental protection liens filed in the
records of the clerk of the United States District Court
for the district where the Land is located.

(j) “Title”: The estate or interest described in Schedule A.

(k) “Unmarketable Title”: Title affected by an alleged or ap-
parent matter that would permit a prospective purchaser
or lessee of the Title or lender on the Title to be released
from the obligation to purchase, lease, or lend if there is
a contractual condition requiring the delivery of market-
table title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of
Date of Policy in favor of an Insured, but only so long as the
Insured retains an estate or interest in the Land, or holds an
obligation secured by a purchase money Mortgage given by
a purchaser from the Insured, or only so long as the Insured
shall have liability by reason of warranties in any transfer
or conveyance of the Title. This policy shall not continue in
force in favor of any purchaser from the Insured of either (i)
an estate or interest in the Land, or (ii) an obligation secured
by a purchase money Mortgage given to the Insured.
3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title.

If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company’s liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

5. DEFENSE AND PROSECUTION OF ACTIONS

(a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.

(b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.

(c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

(a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company’s expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company’s obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

(b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys’ fees, and expenses incurred by the Insured Claimant
that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.

Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

(b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.

(i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys’ fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or

(ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys’ fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company’s obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

(a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of

(i) the Amount of Insurance; or

(ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.

(b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,

(i) the Amount of Insurance shall be increased by 10%, and

(ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.

(c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys’ fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

(a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.

(b) In the event of any litigation, including litigation by the Company or with the Company’s consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.

(c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys’ fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

(a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys’ fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured...
Claimant shall have recovered its loss.

(b) The Company’s right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. INTENTIONALLY OMITTED

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

(a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.

(b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.

(c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.

(d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

(a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

(b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at: Westcor Land Title Insurance Company, Attn.: Claims, 875 Concourse Parkway South, Suite 200, Maitland, FL 32751. Phone: (407) 629-5842.

19. NOTICE REQUIREMENTS FOR MICHIGAN

Notwithstanding any other Condition to the contrary, notice given by or on behalf of the insured to any authorized agent of the insurer within this state, with particulars sufficient to identify the insured shall be deemed to be notice to the insurer. Also, failure to give any notice required to be given by such policy within the time specified shall not invalidate any claim made by the insured if it shall be shown not to have been reasonably possible to give such notice within the prescribed time and that notice was given as soon as was reasonably possible.
Westcor Land Title Insurance Company

SCHEDULE A

File Number: LIB143173
Amount of Insurance: $1,340,000.00
Policy Number: 3104

Policy Effective Date: October 7, 2020 at 8:00AM
or date of recording of insured Deed, whichever is later.

1. Name of Insured:
   Operation Grow, LLC, a Michigan limited liability company

2. The estate or interest in the land which is covered by this policy is:
   Land Contract Purchaser's Interest as disclosed by Memorandum of Land Contract dated October 7, 2020

3. Title to the estate or interest in the land is vested in:
   Operation Grow, LLC, a Michigan limited liability company

4. The land referred to in this Policy is located in the City of Berkley, County of Oakland, State of Michigan, and
described as follows:
   SEE SCHEDULE C ATTACHED HERETO
Westcor Land Title Insurance Company

SCHEDULE B

File Number: LIB143173  Policy Number: 3104

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys’ fee or expenses) which arise be reason of:

1. The Fee Simple Interest of 2222 W. 11 Mile LLC.

2. Any loss or damage sustained by the insured resulting from any unpaid water or sewer bill.

3. Rights of tenants under unrecorded leases, if any.

4. Easements over that portion of subject property included in the vacated alley.

5. Building and use Restrictions as recorded in Liber 1785, page 309; Liber 3219, page 628; Liber 663, page 574; Liber 739, page 11; Liber 3267, page 597, Oakland County Records, but omitting any covenant or Restriction based on race, color, religion, sex, handicap, familial status, or national origin.

6. Without limiting, modifying, abridging or negating any provision of the Exclusions From Coverage stated in this Policy or any other exception included in this Schedule B, and as a supplement and addition thereto, this Policy does not insure or provide title insurance coverage directly or indirectly for or against any and all consequences and effects, legal, equitable, practical or otherwise, civil or criminal, of any violation or alleged violation of any United States federal, state, county, municipal or local laws, statutes, ordinances or regulations or any actual or threatened action, court order or mandate for the enforcement thereof, relating to or governing the use, processing, manufacture, growth, possession, distribution, sale or any other activity on, about, or relating to or concerning the land, title thereto or any interest therein, of any Schedule I drug as defined by the United States Controlled Substances Act, including, without limitation, marijuana and/or cannabis, and any component, derivative or product thereof. This Policy insures title only; nothing contained in this Policy shall be construed to insure the subject premises for any particular use.

7. Encroachments, overlaps, boundary line disputes, and any other matters which would be discovered by an accurate survey and inspection of the premises.

8. Taxes and assessments that become a lien against the property after date of closing. The Company assumes no liability for tax increases occasioned by retroactive revaluation, changes in the land usage or loss of any homestead exemption status for the insured premises.
Land is located in City of Berkley, County of Oakland, State of Michigan, and described as follows:

Lots 284, 285, 286, 287 and 288, Hannan's West Royal Oak Subdivision, as recorded in Liber 14, Page 3 of Plats, Oakland County Records.

Commonly known as: 2222 W 11 Mile Rd. Berkley, MI 48072-3048
Westcor Land Title Insurance Company

Westcor Land Title Insurance Company ("WLTIC") values its customers and is committed to protecting the privacy of personal information. In keeping with that philosophy, we have developed a Privacy Policy, set out below, that will ensure the continued protection of your nonpublic personal information and inform you about the measures WLTIC takes to safeguard that information.

Who is Covered
We provide our Privacy Policy to each customer when they purchase an WLTIC title insurance policy. Generally, this means that the Privacy Policy is provided to the customer at the closing of the real estate transaction.

Information Collected
In the normal course of business and to provide the necessary services to our customers, we may obtain nonpublic personal information directly from the customer, from customer-related transactions, or from third parties such as our title insurance agents, lenders, appraisers, surveyors or other similar entities.

Access to Information
Access to all nonpublic personal information is limited to those employees who have a need to know in order to perform their jobs. These employees include, but are not limited to, those in departments such as legal, underwriting, claims administration and accounting.

Information Sharing
Generally, WLTIC does not share nonpublic personal information that it collects with anyone other than its policy issuing agents as needed to complete the real estate settlement services and issue its title insurance policy as requested by the consumer. WLTIC may share nonpublic personal information as permitted by law with entities with whom WLTIC has a joint marketing agreement. Entities with whom WLTIC has a joint marketing agreement have agreed to protect the privacy of our customer’s nonpublic personal information by utilizing similar precautions and security measures as WLTIC uses to protect this information and to use the information for lawful purposes. WLTIC, however, may share information as required by law in response to a subpoena, to a government regulatory agency or to prevent fraud.

Information Security
WLTIC, at all times, strives to maintain the confidentiality and integrity of the personal information in its possession and has instituted measures to guard against its unauthorized access. We maintain physical, electronic and procedural safeguards in compliance with federal standards to protect that information.

The WLTIC Privacy Policy can also be found on WLTIC’s website at www.wltic.com.
**operation grow, LLC - d.b.a. butter provisioning center**

**project address:** 2222 w eleven mile road / berkley / mi / 48072

**site plan review drawings (NOT FOR CONSTRUCTION)** 01 / 21 / 2022

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These drawings are not intended to be construction documents and therefore are NOT FOR CONSTRUCTION.

Should a business license be awarded to this applicant, fully engineered Site Plan Review Drawings to be produced and submitted to the city for review and approval.

Once the Site Plan Approval process is complete, a set of Construction Documents to be produced by an MEP consulting firm in order to obtain a building permit for construction.

**NOTE:** Refer to sheet A/9.01 for a larger version of this rendering as well as additional views and photos of existing building.
Renovation of an existing building with a non-conforming use to be a new multi-tenant building. One suite will be used for a marihuana provisioning center named “butter”, the other suite will be rented out for industrial Zone approved warehouse use, by a separate non-marihuana related business entity.

The renovation includes all new mechanical, plumbing, and electrical system upgrades to more efficient systems, an all new layout and finishes on the interior, a new overhead door for the warehouse suite, new openings for aluminum & glass curtain walls, new masonry screenwalls, new native landscaping, rain harvesting barrels, and new streetscape elements such as bike racks, benches, bollards, and planter boxes.

Site improvements include a new parking lot paved with pervious pavers, a new enclosure for trash and recycling containers, new masonry screenwalls, new native landscaping, fan trenching barriers, and new streetscape elements such as bike racks, benches, bollards, and planter boxes.

NOTE: 1716 Coolidge Hwy and 2290 W 11 Mile Rd are sites with which shared parking agreements have been secured by the applicant. Refer to the application documents and sheets C/1.10 and C/1.20 for more info on parking requirements. All required off-site parking is provided for on-site, these agreements are in excess of the required amount of spaces.
1. The lot is 110’ wide by 109’ deep, which is 11,990 square feet (0.275 acres).
2. The existing building is 4,817 SF, and the existing roof directs stormwater flow downspouts attached to the sides of the building. These downspouts direct the water directly onto the building parking lot and the adjacent parking lot to the west (Masonic Temple).
3. Therefore, all of the 11,990 SF lot, 10,192 SF (85%) is covered with impervious surfaces that direct water into the city's stormwater infrastructure.
4. In addition to the off-street parking spaces provided on the building, the applicant has two shared parking agreements for employee parking. Refer to the application documents for details.
5. The existing parking lot is a monopoly asphalt paving, and covers approximately 0.275 SF. The paving is resistant to a storm drain in the middle of the parking lot, which directs the stormwater from both the roof and parking lot into the city's stormwater infrastructure.
6. One of the above mentioned agreements is with the owners of the adjacent property to the west - 2251 Masonic Temple. The applicant will have use of the 10 spaces in this lot from 6:00am to 6:00pm every day.
7. The other shared parking agreement is for the lot located at 1116 Coolidge Hwy (not pictured). The applicant has access to 17 spaces in this lot from 6:00pm to close.
8. In addition to the off-street parking spaces provided on the building. These downspouts dump the water directly onto the property, the applicant has two shared parking agreements for employee parking. Refer to the application documents for details.
9. Refer to the green infrastructure notes on the next sheet that will be employed for the new development.
<table>
<thead>
<tr>
<th>STRUCTURE TYPE</th>
<th>SIZE OF PIPE</th>
<th>RIM DROP</th>
<th>INVERT</th>
<th>DIRECTION</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>GATE VALVE</td>
<td>671.75</td>
<td>-3.52</td>
<td>668.23</td>
<td></td>
<td>MEASURED TO TOP OF VALVE, FULL OF WATER, NO PIPES VISIBLE</td>
</tr>
<tr>
<td>CATCH BASIN</td>
<td>671.33</td>
<td>-3.51</td>
<td>667.82</td>
<td>EAST</td>
<td></td>
</tr>
<tr>
<td>CATCH BASIN</td>
<td>671.42</td>
<td>-4.22</td>
<td>667.20</td>
<td>EAST</td>
<td></td>
</tr>
<tr>
<td>ROUND CATCH BASIN 6&quot;</td>
<td>671.94</td>
<td>-3.81</td>
<td>668.13</td>
<td>NORTHEAST</td>
<td>MEASURED TO BOTTOM OF STRUCTURE</td>
</tr>
<tr>
<td>ROUND CATCH BASIN 6&quot;</td>
<td>672.35</td>
<td>-3.00</td>
<td>669.35</td>
<td></td>
<td>MEASURED TO TOP OF DEBRIS, FULL OF DEBRIS</td>
</tr>
<tr>
<td>ROUND CATCH BASIN 6&quot;</td>
<td>672.35</td>
<td>-1.22</td>
<td>671.13</td>
<td></td>
<td>MEASURED TO TOP OF PIPE</td>
</tr>
<tr>
<td>SANITARY MANHOLE</td>
<td>672.40</td>
<td></td>
<td></td>
<td>UNABLE TO OPEN LID, MANHOLE IS UNDER A FENCE LINE</td>
<td></td>
</tr>
</tbody>
</table>
Narrative of general landscape strategy:

Landscape elements are prominent throughout the property, comprised entirely of species native to Southeast Michigan. The native landscape was selected to promote local ecology and provide a nearly maintenance-free environment, while promoting sustainability. The short-stemmed grasses that make up the bulk of the plantings have a deep, broad root system that is very drought tolerant. The plant selections are minimal, yet diverse, creating an ideal habitat for insects and small wildlife to thrive. Once the gardens reach maturity (approximately 2 years), the need to mulch the beds will be eliminated. Furthermore, the need to use pesticides, herbicides, fungicides, and fertilizers can be removed from the maintenance package, which will result in cleaner stormwater runoff. Due to the lack of maintenance, air pollution will also be reduced. The species to the north of the building were selected to be shade tolerant. 

<table>
<thead>
<tr>
<th>Image</th>
<th>Symbol</th>
<th>Species / Cultivar / Type</th>
<th>Size / Spacing</th>
</tr>
</thead>
<tbody>
<tr>
<td>multi-stem eastern redbud</td>
<td>Cercis canadensis</td>
<td>native deciduous tree</td>
<td>6' - 8'</td>
</tr>
<tr>
<td>prairie dropseed</td>
<td>Sporobolus heterolepis</td>
<td>native prairie grass</td>
<td>2 gallon 18&quot; - 24&quot; o.c.</td>
</tr>
<tr>
<td>pennsylvania sedge</td>
<td>Carex pensylvanica</td>
<td>native flowering plant</td>
<td>1 quart 12&quot; o.c. seeded</td>
</tr>
<tr>
<td>yarrow 'unmowed' creeping red fescue</td>
<td>Festuca rubra</td>
<td>native bunchgrass</td>
<td>1 gallon 12&quot; - 18&quot; o.c.</td>
</tr>
<tr>
<td>northern sedge</td>
<td>Carex praecox</td>
<td>native flowering plant</td>
<td>1 gallon 18&quot; - 24&quot; o.c.</td>
</tr>
<tr>
<td>marsh blazing star</td>
<td>Liatris spicata</td>
<td>native flowering plant</td>
<td>1 gallon 18&quot; - 24&quot; o.c.</td>
</tr>
<tr>
<td>wild bergamot</td>
<td>Monarda fitulosa</td>
<td>native wildflower</td>
<td>1 gallon 12&quot; - 18&quot; o.c.</td>
</tr>
<tr>
<td>swamp sunflower</td>
<td>Helianthus angustifolius</td>
<td>native flowering plant</td>
<td>1 gallon 12&quot; - 18&quot; o.c.</td>
</tr>
<tr>
<td>wood geranium</td>
<td>Geranium maculatum</td>
<td>native perennial plant</td>
<td>1 gallon 18&quot; - 24&quot; o.c.</td>
</tr>
<tr>
<td>shooting star</td>
<td>Dodecatheon meadia</td>
<td>native flowering plant</td>
<td>1 gallon 12&quot; - 18&quot; o.c.</td>
</tr>
<tr>
<td>prairie phlox</td>
<td>Phlox pilosa</td>
<td>native herbaceous plant</td>
<td>1 gallon 12&quot; - 18&quot; o.c.</td>
</tr>
<tr>
<td>locally sourced landscape boulder</td>
<td></td>
<td></td>
<td>2' - 4'</td>
</tr>
</tbody>
</table>

1. Refer to the roof plan on sheet A/1.40 for information and a cross section of the green roof.
2. Refer to the exterior renderings on sheet A/9.01 and A/9.02 for photorealistic depictions of the landscaped green spaces.
Concrete footing with (3) #4 bars 6" o.c. continuous
#5 vertical bars @ 16" o.c.
8" CMU
grout solid below grade and at all cells containing vertical reinforcement
#4 rebar at 16" o.c. spacing (every other block course)
6" solid block cap
permeable pavers
6" clean crushed stone
6" concrete pad 4,000 PSI
6" x 6" grid, W2.9 x W2.9 welded wire mesh
1' - 0"
2' - 0"
3' - 6"

section detail / gabion wall
detail / bike loop
section detail / typical bollard
section detail / dumpster enclosure
detail / light pole
section detail / 6' masonry screen wall
1. Outdoor HVAC units will be placed at least 10' from edge of roof so that guard rails won't be required. Units will be screened as required so they are not visible from ground.

2. New wide-flange steel beam to support steel trusses from above.

3. New 12' x 4' pyramid-shaped skylight to get natural light into retail space.

4. Aluminum cap on parapet wall.

5. Exhaust fan with inline charcoal filter (typical at each bathroom, storage room, and retail room).

6. Three 500-gal rain barrels to harvest and store any rainwater not absorbed by the green roof.

7. Stormwater from this portion of roof to be diverted into stormwater planters directly below.

8. New 4' x 4' flat skylights to get natural light into break room and office.

9. This portion of roof overhangs sidewalk below.

10. New LED gooseneck light fixture to light mural wall (typ. of 11).

Metal decking, plywood, waterproofing membrane, root barrier, insulation, drainage panel, filter fabric, growing media, vegetation:

sedum ternatum succulent planted 8" apart.

Outdoor HVAC units will be placed at least 10' from edge of roof so that guard rails won't be required. Units will be screened as required so they are not visible from ground.
NOTE: Refer to key note legends on sheet A-9.02 for designations of streetscape addition tags (A., B., C., etc.) and physical improvements tags (1., 2., 3., etc.).
Refer to the following tags in the renderings to see depictions of the proposed streetscape additions. They are also labeled on the proposed site plan on sheet C1.20:

A. New bike loops (not all bike loops are visible in rendering - refer to site plan for locations of all proposed loops)
B. New public bike repair stand
C. New bench
D. New planter box
E. New waste/recycle bins (not visible in renderings - refer to site plan on sheet C1.20 for locations)
F. New bollards with LED lighting

Refer to the following tags in the renderings to see depictions of the proposed physical improvements to the property and contiguous areas as part of the new development. They are also labeled on the proposed site plan on sheet C1.20 and the landscape plan on sheet C1.30:

1. New non-invasive tree
2. Public Art
3. Green Space
4. Permeable pavers (parking lot and sidewalks)
5. Turf pavers (public alleyway)
6. Courtyard
7. New dumpster/recycling bin enclosure

NOTE: Refer to key note legends on this sheet for designations of streetscape addition tags (A. B. C. etc.) and physical improvements tags (1., 2., 3., etc).

NOTE: Mural depicted for conceptual purposes only. Final mural design to be determined and approved by appropriate channels.
General Note
1. See Schedule for luminaire mounting height. See schedule for additional notes.
2. Lighting alternatives require new photometric calculation and submission to City for approval.

The engineer and/or architect must determine applicability of the ladder to existing artistic, design, or aesthetic conditions. The lighting engineer shall report illumination levels calculated from laboratory data. The engineer must submit calculations in accordance with Illuminating Engineering Society (IES) approved methods. Actual performance of any manufacturer’s luminaire may vary due to variation in electrical voltage, tolerance in lamps, and other variable field conditions. Mounting heights indicated are from grade and/or floor up. Those lighting calculations are not a substitute for independent engineering analysis of lighting system suitability and safety. The lighting engineer and/or architect is responsible to review for Michigan Energy Code and lighting quality compliance.

Unless exempt, project must comply with lighting controls requirements defined in ASHRAE 62.1-2013. For specific information, contact the Lighting Engineer at 734-266-4760. For ordering inquiries contact Gasper Bush at quotes@gasperbush.com or 734-266-4760.

This drawing was generated from an electronic image for retention purpose only. Layout to be verified by field by others.

Mouting height is measured from grade to face of fixture. Pole height should be calculated as the mounting height less base height.

Statistics

<table>
<thead>
<tr>
<th>Description</th>
<th>Symbol</th>
<th>Avg</th>
<th>Max</th>
<th>Min</th>
<th>Max/Min</th>
<th>Avg/Min</th>
<th>Avg/Max</th>
</tr>
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<tbody>
<tr>
<td>ALLEYWAY N</td>
<td></td>
<td>2.2 fc</td>
<td>7.1 fc</td>
<td>0.6 fc</td>
<td>11.8:1</td>
<td>3.7:1</td>
<td>0.31</td>
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<tr>
<td>PARKING AND DRIVES</td>
<td></td>
<td>2.7 fc</td>
<td>5.6 fc</td>
<td>0.8 fc</td>
<td>7.0:1</td>
<td>3.4:1</td>
<td>0.5:1</td>
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<tr>
<td>PL</td>
<td></td>
<td>0.4 fc</td>
<td>2.9 fc</td>
<td>0.0 fc</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>SITE</td>
<td></td>
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<td>11.7 fc</td>
<td>0.0 fc</td>
<td>N/A</td>
<td>N/A</td>
<td>0.6:1</td>
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<tr>
<td>WEST FACADE</td>
<td></td>
<td>7.8 fc</td>
<td>55.9 fc</td>
<td>0.2 fc</td>
<td>279.5:1</td>
<td>39.8:1</td>
<td>0.1:1</td>
</tr>
</tbody>
</table>
SHARED PARKING AND ALLEY INGRESS/EGRESS AGREEMENT

THIS SHARED PARKING AND ALLEY INGRESS/EGRESS AGREEMENT ("Agreement") is made this 13th day of March, 2020, by and between BERKLEY MASONIC TEMPLE, having an address of 2290 E. Eleven Mile Rd. (the “Lessor”), and OPERATION GROW LLC, a Michigan limited liability company, having an address of 222 W. 11 Mile Rd., Berkley MI 48072 (“Lessee”).

For good and valuable consideration, as set forth herein, Lessor and Lessee (collectively, the “Parties”) agree as follows:

1. Lessor is granting Lessee the exclusive right to lease ten (10) parking spaces within Lessor’s parking lot (“Parking Lot”), located at 2290 West 11 Mile Road, Berkley, MI 48072 (the “Property”), abutting 2222 W. 11 Mile Rd., on the East side of the Berkley Masonic Temple parking lot, seven (7) days per week, three hundred sixty five (365) days per year, from the hours of 7:00 a.m. to 6:00 p.m., for a period of three years (the “Term”), commencing on the date that Lessee (or its designee) obtains retail licensing from the City of Berkley (the “Effective Date”) (collectively referred to as Lessee’s “Parking Rights”) for the sole use of its employees.

2. Lessee respects Lessor’s occasional need for daytime parking when The Berkley Masonic Temple has special meetings. Lessor agrees to provide Lessee with ten (10) days written advance notice for any lodge event which might require use of the ten (10) parking spaces referenced in paragraph 1, so that Lessor can make alternative parking arrangements.

3. The Term would automatically renew additional periods of of three (3) years (“Subsequent Term”), unless either party provides written notice of its intention not to renew at least sixty (60) days before the expiration of the Term or of any Subsequent Term.

4. Lessee shall pay to Lessor $350 per month for the Term. For any Subsequent Term, Lessee shall pay Lessor a ten (10%) percent increase. Rent shall be paid each month by the 4th of each month, or is subject to a $10 per month late charge.

5. Lessee agrees to pay for signage for the leased spaces. Lessee intends to place such signage on its building in front of each space, with language stating or similarly conveying as follows: “butter Employee Parking Only Until 6 p.m., All Others Will be Towed.”

6. In addition to the Parking Rights set forth in paragraphs 1 and 3 above, during the Term and any Subsequent Term, Lessee (including its members, employees, customers, licensees, agents, and designees) shall be given the non-exclusive, unrestricted and unlimited right to ingress and egress from the Property to Lessee’s alley (the “Alley”) which is adjacent to Lessee’s Property. Lessor agrees not to block the Property or otherwise interfere with any ingress or egress on or from the Alley at any time of day during the Term or any Subsequent Term exercised.

7. Lessee agrees to allow Lessor the ability to utilize the parking lot on Lessee’s Property, for one (1) calendar day per year, coinciding with the Woodward Dream Cruise, during the Term and any Subsequent Term.

8. This Agreement becomes legally effective and the initial rental term will begin when Lessee obtains retail licensing from the City of Berkley.

9. This Agreement shall be binding upon and inure to the benefit of the parties and their respective permitted successors and assigns. This Agreement constitutes the entire agreement and understanding of the parties pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings, whether written or oral, as to the matters herein set forth. This Agreement shall be governed and construed under the laws of the State of Michigan.

10. Lessor agrees to continue to be responsible for maintenance and repair of the parking lot, including snowplowing as necessary.

[Signatures on Follow Page]
IN WITNESS WHEREOF, the parties hereto have executed this Shared Parking and Alley Ingress/Egress Agreement on the day and year first above written.

LESSOR:

BERKLEY MASONIC TEMPLE

By: ____________________________
Name: Paul Swayze
Its: President

LESSEE:

OPERATION GROW LLC

By: ____________________________
Name: Daniel Amori
Its: Chief Compliance Officer
P - Passenger Car

- Overall Length: 19.0 FT
- Overall Width: 7.0 FT
- Overall Body Height: 4.3 FT
- Min Body Ground Clearance: 1.1 FT
- Track Width: 6.0 FT
- Lock-to-lock time: 4.00s
- Max Steering Angle (Virtual): 31.60°
MEMORANDUM

TO: Berkley Planning Commission

FROM: Megan Masson-Minock; Interim Community Development Director


DATE: February 18, 2022

The applicant has asked for a sketch plan review for the proposed building renovation for a marijuana provisioning center at 2222 W. Eleven Mile Road. 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.”

Attached are reviews the City Department of Public Works (DPW), Hubbell, Roth & Clark (HRC) and Carlisle Wortman Associates (CWA). The applicant and their design team met with staff and consultants to go over the reviews on Wednesday, February , 2022. After that meeting, the applicant requested a sketch plan review.

At that meeting, the group identified an issue on the rear yard screen wall that needs Planning Commission input. There is a sewer pipe in the northwest corner of the site, for which an easement will be required. The easement would not allow a structure to be built within the easement. However, a screen wall is required along the property line by the Zoning Ordinance. DPW is also concerned that the masonry wall required will cause pooling of storm water on the subject site and adjacent properties. The Planning Commission can waive or modify that requirement.

Finally, a Planning Commissioner inquired about whether the Huntington Woods Christian School was considered for the review of the license and site plan. In consultation with the City Attorney, it was determined that since Huntington Woods Christian School is a pre-school that it is not subject to the requirement in Section 138-528 (c) that the site “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.”
Site Plan Review
For
City of Berkley, Michigan

Applicant: Grant Jefferies, Five-Eighths

Project Name: Butter Provisioning Center

Plan Date: January 21, 2022

Location: 2222 W. Eleven Mile Road

Zoning: Industrial District

Action Requested: Site Plan Approval

SITE DESCRIPTION

The applicant is proposing to repurpose the existing building at 2222 W. Eleven Mile Road. The approximate 4,200 square foot, one-story building, will be split into two (2) tenant spaces. A 3,300 square foot space will be repurposed for a marihuana provisioning center. The remaining 900 square foot space will be repurposed for a future light industrial/warehousing use.

The building is not proposed to expand. However, the applicant proposes the following site improvements:

- Landscape improvements
- Mural (public art)
• Green infrastructure
  o Permable paving
  o Stormwater planters/parking blocks
  o Turf paving pedestrian alley
  o Rain barrels
• Streetscape improvements
  o Bike rakes
  o Bike repair stand
  o Bench
  o Landscaping
  o Recycle/trash receptacles
  o Rain capture

The site is zoned Industrial District. A 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:

4,200 sq/ft mixed tenant commercial building including a marihuana provisioning use.

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>Single Family Residential</td>
</tr>
<tr>
<td>South</td>
<td>Huntington Woods</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>Industrial District / Office District</td>
<td>Office</td>
</tr>
<tr>
<td>West</td>
<td>Industrial District</td>
<td>Institutional (Masonic Temple)</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.

*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 Industrial District.

<table>
<thead>
<tr>
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<th>Provided</th>
<th>Compliance</th>
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</thead>
<tbody>
<tr>
<td>Front (Eleven Mile)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front yard setbacks shall</td>
<td>10-feet</td>
<td>10-feet, seven-</td>
<td>Complies</td>
</tr>
<tr>
<td>be ten feet or</td>
<td></td>
<td>inches</td>
<td></td>
</tr>
<tr>
<td>equal to the setback of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>the adjacent buildings,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>whichever is less.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side (east and west)</td>
<td>East: 0-feet</td>
<td>Greater than 0</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>West: 53-feet</td>
<td>feet</td>
<td></td>
</tr>
<tr>
<td>No side yards are required along the interior side lot lines except as otherwise specified in the building</td>
<td></td>
<td></td>
<td></td>
</tr>
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</table>

Carlisle Wortman Associates, Inc.
Section 138-219 of the Zoning Ordinance requires:

<table>
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<th>Required / Allowed</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Retail:</strong> Retail: One per 225 square feet of usable floor area</td>
<td>2,318 usable square feet / 225 = 10.3 spaces</td>
<td>13 onsite and 10 offsite. See discussion below</td>
<td></td>
</tr>
<tr>
<td><strong>Wholesale and warehouse establishments:</strong> Wholesale and warehouse establishments: One per 250 square feet of usable floor area</td>
<td>645 usable square feet / 225 = 2.6 spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barrier Free</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Bicycle Parking</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Loading</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>13 spaces</td>
<td>13 spaces onsite and 10 offsite plus 2 bike spaces</td>
<td></td>
</tr>
</tbody>
</table>

The applicant is proposing shared parking with the adjacent Masonic Temple, for employee parking. The applicant should provide the shared parking agreement for the City to review to confirm the agreement does not create parking issues for both the applicant and Masonic Temple.

**Items to be Addressed:** Provide shared parking agreement.
SITE ACCESS AND CIRCULATION

Site access and circulation remain as currently situated. The applicant did not apply a trash pickup or fire engine turning template. The applicant should apply appropriate template to confirm site circulation is sufficient to provide safe egress and access to the site.

**Items to be Addressed:** Apply appropriate template to confirm site circulation is sufficient.

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 a native landscaping/grasses/wildflower theme with 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.

**Screening Along Northern Property Line:**

The applicant proposes to screen the property along the northern property with a masonry screen wall. The applicant should provide an elevation of wall.

**Trash Enclosure:**

The applicant is providing trash enclosure with 6-foot-tall masonry screen wall along eastern property line. The applicant should provide an elevation of masonry screen wall.

**Items to be Addressed:** 1) Provide elevation of masonry screen wall along northern property line; 2). Provide elevation of trash enclosure screen wall.

PHOTOMETRICS

A photometric plan was provided. The applicant is proposing two (2) parking lot pole lights, and twenty-six (26) building lights in the form of sconces, wall packs, and pendants. We note that lights along the west elevation extend over the western property line. The applicant should provide approval from the Masonic Temple that they permit the lights to extend into their property.

In addition, twenty-six (26) building lights seem excessive. Of particular concern is over lighting the site and impacts upon adjacent properties. The applicant should explain the lighting plan and confirm the need for the proposed amount of lighting.
**Items to be Addressed:** 1). Confirm approval from the Masonic Temple that they permit the lights to extend into their property; and 2). Explain the lighting plan and confirm the need for the proposed amount of lighting.

---

**EXTERIOR APPLIANCES**

Applicant has shown exterior appliances (air conditioners, generators, etc.) on the roof plan, but has not shown elevations that confirm they are in compliance with Sec. 138-73.

**Items to be Addressed:** Confirm compliance with Sec. 138-73.

---

**FLOOR PLAN AND ELEVATIONS**

Floor plans and elevations have been provided. The applicant is making significant elevation improvements to the existing building including glass curtain wall, metal overhang, painting brick, glazed tile, green roof, and public art mural.

**Items to be Addressed:** None

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**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 Eleven Mile Road, with ingress/egress onto a major thoroughfare.

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 is located entirely within the boundaries of the City. The marihuana business is not within 1,000 feet with any pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.
d) **Notwithstanding any other provision in the zoning ordinance, a marihuana business must operate within a fully enclosed building.**

CWA Response: The marihuana business will operate within a fully enclosed building.

e) Pursuant to article XV of chapter 30 of the Berkley City Code, all marihuana business license approvals are subject to the following:

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 preliminary site plan approval, we recommend the following items are addressed:

1. **Provide shared parking agreement.**
2. **Apply appropriate template to confirm site circulation is sufficient.**
3. **Provide elevation of masonry screen wall along northern property line.**
4. **Provide elevation of trash enclosure screen wall.**
5. **Confirm approval from the Masonic Temple that they permit the lights to extend into their property.**
6. **Explain the lighting plan and confirm the need for the proposed amount of lighting.**
7. **Confirm that requirements of Section 138-99 are met.**

Sincerely,

[Signature]

CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, LEED AP, AICP
February 8, 2022

City of Berkley
3338 Coolidge Highway
Berkley, Michigan 48072

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

Re: Butter Provisioning Center
2222 W Eleven Mile Rd
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 Five-Eighths Architects of Ferndale, Michigan with the engineering site plan created by Giffels-Webster of Detroit, Michigan. The plans have an issue date of January 21, 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. The proposed compact car spaces and ADA parking space must have signage clearly stating as such. These signs must be included in the plans.

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.

4. The site plan indicates that a geotechnical investigation was performed and a report prepared for this project. The report must be submitted along with the plans in order to evaluate the feasibility of the proposed stormwater management system. The soil logs from the investigation must be shown on the plans, including the elevation of the groundwater table, soil types encountered, and the written report indicating the design recommendations or comments on the proposed stormwater collection system.

5. The extent of demolition and building modifications are unclear from the plans. 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.

6. Cross-sectional details for all proposed pavement, driveways, curbs, sidewalks, and sidewalk ramps must be provided on the plans.
7. 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 11 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 plans must include REU value calculations demonstrating that the existing water lead is sufficiently sized to be reused for the proposed new establishment.

Storm Drainage and Detention/Sanitary Sewer:

1. Stormwater runoff calculations are provided using a 100-year, 24-hour storm event and appear to show that the proposed pavement section will provide adequate storage for the site. This must be confirmed through details which show the depth and materials of the proposed section and by submitting the geotechnical report to verify feasibility of the proposed section for the site soil characteristics, as stated above.

2. The site plan includes a note that the existing downspouts direct water directly into the existing parking lots on each side of the building. 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.

3. Details of the outlet control structure and the connection to the existing combined system must be shown on the plans.

4. 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.

5. Rim and invert grades are missing for the rear yard basins and the rear east cleanout.

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.

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
Project Manager

Mitch Stark
Review Engineer

EDZ/MAS/mas
pc: City of Berkley; Mr. Derrick Schueller, Mr. Shawn Young
HRC; R. Alix, File
Giffels-Webster; Joseph Anderson
Five-Eighths; Grant Jeffries
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: January 28, 2022

Subject: Butter Provisioning Center & Tenant Suite
         2222 11 Mile
         Site Plan Review #1

We have reviewed the site plans provided by the Community Development Department on January 25 and prepared by Five Eighths and Giffels Webster. 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. The City Fire Marshal will provide feedback on fire suppression and fire hydrant coverage.

3. The previously requested Design Miss Dig ticket number shall be indicated on the Topographic Survey and Engineering Site Plan.

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 and water service be examined by a licensed plumber prior to site plan resubmittal with the lines added to the drawings. The replacement of these pipes, due to condition or material type, may impact site layout and scope.

6. An existing public sewer is shown on the north side of the property. Either the existing easement shall be shown via title documentation or the applicant will need to grant a half width (10') public easement for this City utility. Sample easement documents can be provided. Note new physical obstructions, like a screening wall, shall not be placed within the easement to allow for future City maintenance and repair.

7. We defer to the City Attorney on the placement of new items in the public right-of-way greenbelt (e.g. bollards and raised planters). These items may be a liability for the community and will not be replaced if utility work is required in the future.

8. 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.

9. The applicant shall verify the new development will not negatively impact the adjacent properties and existing drainage conditions. The new masonry wall may end up trapping surface runoff.

10. Note the Community Development Department will review the striping plan for verification of number of stalls required, sizing, handicap considerations and general site circulation.
11. A traffic control plan shall be added to the plan set to account for the proposed work in the 11 Mile roadway.

12. 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 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, entrances, 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 __________________________________: __________________________________
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 _____________________________
____________________ 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
Marijuana retailer on 11 mile
1 message

Cate Desjardins <catedesjardins@gmail.com>  Fri, Feb 11, 2022 at 6:28 PM
To: comdirector@berkleymich.net

Hello,

I am writing to express my support for the proposed marijuana retailer at 2222 W. 11 Mile. I live on 11 Mile on the Huntington Woods side. I think a marijuana retailer is a great addition to the planned/hoped for 11 mile retail/dining corridor in development between HW, Oak Park, and Berkley. I am a parent, a professional, and a medical marijuana patient. I think it’s long past time to recognize that marijuana is responsibly used by many adults who are contributing members of our communities. I support the approval of this business in this location.

Warmly,
Cate Desjardins

Cate Desjardins, LMSW-C
www.catedesjardins.com
Phone: [redacted]

My pronouns are they/them. Please share your pronouns with me.

CONFIDENTIALITY NOTICE: Electronic Mail is not secure, may not be read every day, and should not be used for urgent or sensitive issues.
NOTICE OF PUBLIC MEETING
BERKLEY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN, in accordance with Section 138-399 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, February 22, 2022** at 7:07pm, or as near thereto as the matter may be reached.

**APPLICATION PSP-03-21**


Complete application information is available for review at 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 5:00p.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
SOILS INVESTIGATION
UNDERGROUND DETENTION SYSTEM
2222 11 MILE ROAD
BERKLEY, MICHIGAN

OPERATION GROW, LLC
P.O. BOX 725202
BERKLEY, MICHIGAN  48072

NOVEMBER 30, 2020
BY
McDOWell & ASSOCIATES
November 30, 2020

Operation Grow, LLC
P.O. Box 725202
Berkley, Michigan 48072

Job No. 20-309

Attention: Mr. Daniel Amori

Subject: Soils Investigation
Underground Detention System
2222 11 Mile Road
Berkley, Michigan

Gentlemen:

In accordance with your request, we have performed a Soils Investigation at the subject project.

Two (2) Soil Test Borings, designated as 1 and 2, were performed at the locations you required. The approximate locations of the borings are shown on the Soil Boring Location Plan which accompanies this report. The borings were advanced to a depth of ten feet six inches (10'6") below the existing pavement surface at the boring locations.

Soil descriptions, groundwater observations, and the results of field and laboratory tests are to be found on the accompanying Logs of Soil Borings.

The borings encountered two and three-quarters-inch (2¾") and four-inch (4") thick asphalt pavement, two feet eleven inches (2’11") and three feet seven and one-quarter inches (3’7¼") of fill soils consisting of buried topsoil, dark brown and black gravelly sand to sand and gravel, and firm to stiff brown and dark brown silty clay, nine inches (9") and one foot three inches (1’3") of medium compact to compact brown fine sand, followed by firm to extremely stiff brown to variegated silty clay which were found throughout the remainder of the borings. Buried topsoil was found in Boring 2 between the depths of two feet ten inches (2’10") and three feet three inches (3’3").

Soil descriptions and depths shown on the boring logs are approximate indications of change from one soil type to another and are not intended to represent an area of exact geological change or stratification. Also, the site shows signs of modification which could indicate fill and soil conditions different from those encountered at the boring locations.

Water was encountered in Boring 2 at a depth of four feet (4’) below the existing pavement surface. Boring 2 was found dry upon completion of the drilling operation. No water was
encountered in Boring 1. It should be noted that short-term groundwater observations may not provide a reliable indication of the depth of the water table. In clay soils this is due to the slow rate of infiltration of water into the borehole as well as the potential for water to become trapped in overlying layers of granular soils during periods of heavy rainfall. It should be expected that groundwater level fluctuations may occur on a seasonal basis and that seams of water-bearing sands or silts could be found within the various clay strata at the site.

Standard Penetration Tests were made during sampling using an automatic hammer. These tests indicate that the fill soils have fair densities while the underlying native soils have fair to very good strengths and densities. Tests taken at a depth of two feet six inches (2'6") gave results of 5 and 7 blows per foot. The five-foot (5') test values were 5 and 7 blows per foot. At depths of seven feet six inches (7'6") and ten feet (10'), test values ranged from 17 to 33 blows per foot.

Falling Head Permeability Tests were performed on Samples 1B and 2B. Coefficient of permeability (k) values of 1.9x10^-4 and 2.8x10^-4 centimeters per second (cm/sec) were obtained. The lower value was obtained on the native clay soils in Boring 1 and the higher value was obtained on the native sand soils in Boring 2.

It is understood that an underground storm water retention system is planned to be installed in the vicinity of the borings. The system will consist of tanks and pipes which may slowly release storm water into the site granular soils. No specific details of the system have been provided to us. It is assumed that the tanks and pipes will transmit relatively light loads to the supporting soils.

Based on the project information provided and the results of field and laboratory tests, it is believed that the tanks and pipes could be supported on properly installed and compacted bedding material and/or engineered fill which will need to extend through any existing fill soil and rest on native non-organic granular or cohesive soils at the site. The tanks and pipes will need to be designed to resist uplift buoyancy forces when these structures are empty if they are installed below the site groundwater level.

If the tanks are supported on conventional spread, strip or mat-type footings, then these footings should be constructed at or below a minimum frost penetration depth of three feet six inches (3'6") below finished grade. All footings should extend through non-engineered fill soils, soils containing a significant amount of organic substances, or excessively weak soils. All strip footings should be continuously reinforced in order to minimize the noticeable effects of differential settlement.

Footings constructed at the boring locations could be proportioned for the design soil pressures listed in the table below provided this results in the footings bearing on natural non-organic soils.

<table>
<thead>
<tr>
<th>Boring</th>
<th>Depth</th>
<th>Soil Pressure (psf)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4'0&quot; to 6'0&quot;</td>
<td>2,000</td>
</tr>
<tr>
<td>2</td>
<td>3'6&quot; to 6'0&quot;</td>
<td>2,500</td>
</tr>
</tbody>
</table>
Water was encountered in Boring 2 at a depth of four feet (4’). Depending upon the depth of the footings relative to the existing ground surface and the actual conditions at the time of construction, it may be necessary to depress the water table in this location to allow for footings to be constructed. Water seepage in sands above clay in the vicinity of this boring should be manageable with construction pumping and sumps. If large volumes of water or saturated granular soils are encountered, then special dewatering techniques may be required. Extreme care must be exercised during any dewatering operation if any nearby structures or utilities are sensitive to settlement. Care must be taken to minimize the removal of soil fines during any pumping operation.

The borings encountered a relatively thin sand layer below depths of three feet three inches (3’3”) and three feet ten inches (3’10”). It appears the sands have an infiltration rate of about 2.8x10⁻⁴ cm/sec or 0.4” per hour. We would suspect this granular material would have a very limited assimilation capacity for any storm water release from the retention system. The underlying clay soils should be considered practically impervious to any water assimilation.

Experience indicates that the actual subsoil conditions at the site could vary from those found at the two (2) test borings made at specific locations. It is, therefore, essential that McDowell & Associates be notified of any variation of soil conditions to determine their effects on the recommendations presented in this report. The evaluations and recommendations presented in this report have been formulated on the basis of reported or assumed data relating to the proposed project. Any significant change in this data in the final design plans should be brought to our attention for review and evaluation with respect to the prevailing subsoil conditions.

It is recommended that the services of McDowell & Associates be engaged to observe the soils in the footing excavations prior to concreting in order to test the soils for the required bearing capacities. Testing should also be performed to check that suitable materials are being used for controlled fills and that they are properly placed and compacted.

If you have any questions or if we can be of any further service, please feel free to call.

Very truly yours,

McDOWELL & ASSOCIATES

[Signature]

Daniel A. Kaniarz, M.S., P.E.

DAK/nm
<table>
<thead>
<tr>
<th>Sample &amp; Type</th>
<th>Depth</th>
<th>Legend</th>
<th>Soil Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>1</td>
<td>2 1/2&quot;</td>
<td>ASPHALT Moist dark brown to black SAND &amp; GRAVEL with stones and traces of concrete and metal, fill</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2 1/2&quot;</td>
<td>Firm moist discolored brown silty CLAY with sand and pebbles and moist fine sand lenses, fill</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>3 10&quot;</td>
<td>Firm moist brown silty CLAY with traces of sand and pebbles and topsoil streaks, fill</td>
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<tr>
<td></td>
<td>4</td>
<td>4 7&quot;</td>
<td>Medium compact moist brown fine SAND</td>
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<td>5</td>
<td>6 8&quot;</td>
<td>Firm moist variegated silty CLAY with traces of sand and pebbles</td>
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<td></td>
<td>6</td>
<td>8 8&quot;</td>
<td>Very stiff moist variegated silty CLAY with sand and pebbles</td>
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<td></td>
<td>7</td>
<td>8 8&quot;</td>
<td>Extremely stiff moist brown silty CLAY with sand and pebbles</td>
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<td></td>
<td>8</td>
<td>9 6&quot;</td>
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</tbody>
</table>

Notes:
1. Used automatic hammer.
2. Patched boring upon completion with cold patch asphalt.

<table>
<thead>
<tr>
<th>Penetration Bows for 6&quot;</th>
<th>Moisture %</th>
<th>Natural W. P.C.F.</th>
<th>Dry Debt W. P.C.F.</th>
<th>Und. Zone Strength PSF.</th>
<th>Sy. %</th>
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<td>1</td>
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</table>

Type of Sample: D. - DISTURBED
U.L. - UNEST LAYER
S.T. - SHEETFEX TUBE
S.S. - SPLIT SPOON
R.C. - ROCK CORE
F. - PENTOMETER

Remarks: *Calibrated Penetrometer

Ground Water Observations:
- G.W. Encountered at FT. INS
- G.W. Encountered at FT. INS
- G.W. After Completion FT. None
- G.W. After Hours FT. INS
- G.W. Volumes

Standard Penetration Test - Driving 2" OD Sampler 1' With 140# Hammer Falling 30°. Count Made at 6" Intervals
<table>
<thead>
<tr>
<th>Sample &amp; Type</th>
<th>Depth</th>
<th>Legend</th>
<th>Soil Description</th>
<th>Penetration Bore ft.</th>
<th>Moisture %</th>
<th>Natural Wt. P.C.F.</th>
<th>Dry Wt. P.C.F.</th>
<th>Unconf. Comp. Strain PSF</th>
<th>Str. %</th>
</tr>
</thead>
<tbody>
<tr>
<td>A UL 2</td>
<td>0'4&quot;</td>
<td></td>
<td>ASPHALT</td>
<td>Moist dark brown gravelly SAND, fill</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A UL 3</td>
<td>2'10&quot;</td>
<td></td>
<td></td>
<td>Stiff moist discolored brown silty CLAY with sand and pebbles, trace of brick and moist fine sand lenses, fill</td>
<td>5</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>B UL 4</td>
<td>3'3&quot;</td>
<td></td>
<td></td>
<td>Compact moist dark brown to black TOPSOIL, fill</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B UL 5</td>
<td>4'6&quot;</td>
<td></td>
<td></td>
<td>Compact moist to wet brown fine SAND with trace of gravel</td>
<td>3</td>
<td>19.1</td>
<td>124</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C UL 8</td>
<td>6'0&quot;</td>
<td></td>
<td></td>
<td>Stiff moist variegated silty CLAY with sand and pebbles</td>
<td>4</td>
<td></td>
<td></td>
<td>k = 2.8x10^4 cm/sec</td>
<td></td>
</tr>
<tr>
<td>D UL 10</td>
<td>9'6&quot;</td>
<td></td>
<td></td>
<td>Extremely stiff moist brown silty CLAY with traces of sand and pebbles</td>
<td>7</td>
<td>13.9</td>
<td>134</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D UL 10</td>
<td>10'6&quot;</td>
<td></td>
<td></td>
<td>Extremely stiff moist brown silty CLAY with sand and pebbles</td>
<td>15</td>
<td></td>
<td></td>
<td>* (9000+)</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1) Used automatic hammer.
2) Patched boring upon completion with cold patch asphalt.

**Type of Sample**
- D: Disturbed
- U: Undisturbed
- S: Sheeted
- R: Rock Core

**Remarks:**
- *Calibrated Penetrometer

**Ground Water Observations**
- G.W. Encountered at 4 FT 0 INS
- G.W. Encountered at 4 FT 0 INS
- G.W. After Completion Dry FT 0 INS
- G.W. After HRS
- G.W. Volumes Light