

PUBLIC NOTICE

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

Tuesday, August 27, 2019
7:00 PM - City Hall
Information: (248) 658-3320

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
APPROVAL OF AGENDA
APPROVAL OF MINUTES -- *Meeting of July 23, 2019*
COMMUNICATIONS
CITIZEN COMMENTS
ORDER OF BUSINESS

1. **SITE PLAN REVIEW SP-05-19:** Tim and Nicolette Yanke are requesting site plan approval for façade change at 3818 Twelve Mile Road, between Prarie and Bacon. Request was reviewed and tabled at July 23, 2019 meeting. Applicant has submitted a revised site plan for review.
2. **PUBLIC HEARING:** Matter of Conducting a Public Hearing for Application PRZ-02-19, a Proposed Conditional Rezoning at 3339 Cummings Ave.
3. **CONDITIONAL REZONING REQUEST PRZ-02-19:** Atex Builders, LLC, 3339 Cummings Ave, west side of Cummings Ave, south of Twelve Mile Rd is requesting a conditional rezoning of Lot 114 of Berkley School Park Subdivision from Parking District to Single Family Residential District (R-1D).
4. **DISCUSSION:** Draft Zoning Ordinance Permitting marihuana establishments in the City of Berkley.
5. **DISCUSSION:** Draft Zoning Ordinance Amendment to Section 138-551 to convert violation of the Berkley Zoning Ordinance from misdemeanors to municipal civil infractions.

LIAISON REPORTS
COMMISSIONER/STAFF COMMENTS
ADJOURN

Notice: Official Minutes of the City Planning Commission are stored and available for review at the office of the City Clerk.

The City of Berkley will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four working days notice to the city. Individuals with disabilities requiring auxiliary aids or services should contact the city by writing or calling City Clerk, ADA Contact, Berkley City Hall, 3338 Coolidge, Berkley, Michigan 48072, (248) 658-3300.

THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, JULY 23, 2019 AT CITY HALL BY CHAIR KAPELANSKI.

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

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

ABSENT: Mark Richardson

ALSO PRESENT: Matthew Baumgarten, City Manager
John Staran, City Attorney
Erin Schlutow, Community Development Director
Ross Gavin, City Council Liaison
Several members of the public

REVISIONS TO AGENDA

The agenda was amended to include introductions by Commissioner Jeff Campbell and Community Development Director Erin Schlutow, and revision to the meeting dates for the Chamber of Commerce.

APPROVAL OF AMENDED AGENDA

It was moved by Commissioner Buckler to approve the Updated Agenda supported by Commissioner Patterson.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski

NAYS: None

ABSENT: Richardson

REVISIONS TO MINUTES

Commissioner Smith wanted to revise his statement concerning the Planning Commission bylaws in which he stated that the previous Planning Commission had regular Work Sessions. Commissioner Smith explained he meant that the Planning Commission would hold regular Work Sessions, when deemed necessary.

APPROVAL OF AMENDED MINUTES

It was moved by Commissioner Buckler to approve the amended minutes from June 25, 2019 and supported by Commissioner Trotto.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski

NAYS: None

ABSENT: Richardson

COMMUNICATIONS

There were two items provided to the Planning Commission. The first was related to the MOGO bike stations and a general comment about parking minimums. The second was a petition referencing the Design Overlay District.

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CITIZEN COMMENTS

None.

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0.5 INTRODUCTIONS: Brief introductions and welcome comments for Community Development Director Erin Schlutow and Planning Commissioner Jeff Campbell.

1. **ELECTIONS:** Matter of electing a chairperson, vice chairperson, and secretary of the Planning Commission

Commissioner Buckler nominated Chairperson Kapelanski to continue as chairperson. Supported by Commissioner Trotto.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski

NAYES: None

ABSENT: Richardson

Commissioner Buckler nominated Vice-Chair Smith to continue as Vice-Chair. Supported by Commissioner Patterson.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski

NAYES: None

ABSENT: Richardson

Commissioner Buckler nominated Commissioner Richardson to continue as Secretary. Supported by Commissioner Campbell.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski

NAYES: None

ABSENT: Richardson

2. **APPOINTMENTS:** Matter of appointing Planning Commission liaisons to the following Boards and Commissions:

- a. City Council – Chairperson Kapelanski
- b. Downtown Development Authority – Commissioner Trotto
- c. Chamber of Commerce – Commissioner Murad
- d. Environmental Advisory Committee – Commissioner Richardson

3. **PRESENTATION:** Rachel Smith, Project Manager with the Lakota Group, presented the Downtown Master Plan. Three chapters: (1) Background information, other planning processes, information about the DDA, community outreach, (2) Goals of the plan, and, (3) Implementation actions and strategy matrix.

Public engagement included stakeholder interviews, two open houses, two field offices, and two online surveys. The presentation included discussion of opportunities and challenges, master plan goals, and implementation actions.

Chairperson Kapelanski inquired about the required public hearing. City manager Baumgarten shared that the public hearing for plan adoption would be held at the august planning commission meeting.

Chairperson Kapelanski asked about the shared parking district and how that could be implemented. Lakota representative explained that the businesses in the downtown district would pay into a shared parking district that would be managed by the DDA and those funds would cover the maintenance and beautification costs for the parking areas. Additionally, the parking spaces in the parking district would not be specific to any one business but would serve the entire shared parking district.

Commissioner Murad inquired about the low utilization of parking in the Downtown. Representative Rachel Smith responded that there was not a lot of clarity of where people can park and the City lots have high utilization rate of parking. Signage is important.

Commissioner Trotto inquired about other communities around that have shared parking, as an example. Representative Rachel Smith was unaware of communities in Oakland County with shared parking districts.

Commissioner Buckler asked about other communities that have moved forward to change their ordinance to execute the shared parking policies presented in the Downtown Master Plan. Representative Rachel Smith stated that it is common, and other communities are working towards changing ordinances from parking minimums to parking maximums so it is easier for new and expanding development.

Commissioner Campbell noted that the City of Hazel Park allows for reduction of parking based on Planning Commission determining a hardship, rather than relying upon variances.

Commissioner Smith inquired about the future land use of Gateway South. Representative Rachel Smith answered that it would be a mix of commercial and office.

Chairperson Kapelanski requested the additional information about other communities that have implemented shared parking districts and other communities that have reviewed their parking standards and implemented parking maximums over parking minimums in recent years.

Chairperson Kapelanski allowed for a period of public comment for the Downtown Master Plan. The formal public hearing would be held at a later meeting for possible adoption.

Wendy Zabramski noted that when Lakota Group presented the Downtown Master Plan to City Council on July 13, 2019 (?) it was noted that there was concern about overflow parking into the residential district. Interest in the first block of Gardner and Tyler to have permit parking only to prevent the commercial parking in the residential districts.

4. **MOGO INSTALATION**: Consideration of approval of MoGo Bike Station installations at Twelve Mile & Robina and Earlmont & Coolidge. City Manager Baumgarten provided a brief summary of the project. The two installations of the MoGo Bike Stations would be installed under operating agreement with the DDA. The stations would be connected to a regional network with neighbors Royal Oak, Oak Park, Huntington Woods, and Ferndale.

Director of MoGo presented the GoGo timeline and how the bikeshare program has expanded.

Two locations are proposed in Berkley. These can be relocated temporarily or permanently, depending on the use and popularity of the proposed stations.

Commissioner Buckler asked how many stations were included in the regional network. There are 31 stations in the network. There are 10 in Detroit at Livernois/McNichols area and Palmer Park

and the five expansion communities; Ferndale (7), Royal Oak (6), Oak Park (5), Berkley (2), Huntington Woods (1).

Commissioner Buckler asked about the rates for the Bikeshare; per hour, minimum use. There are a few different pass types, depending on your ridership.

Commissioner Buckler asked about possibility of installing a MoGo station at the 13 Mile and Woodward intersection with the new development near the hospital. That has been discussed. It has been intended to install stations in areas that were ready for the stations. The 13 Mile and Woodward area is still under construction. MoGo is still open for opportunities to expand the system especially in smaller suburban communities.

Commissioner Smith was interested if the bikeshare stations would work in winter months, and how the stations would work during the snow and ice. Shift Transit is contracted with MoGo and provides services for cleaning the bikes of snow, ice and making sure they are cleared to be used by the public. Sidewalks are typically the top preference for locations for the MoGo bike racks.

Commissioner Smith inquired about the solar panels on the bike stations and the proximity of the existing street trees to the bike stations. The MoGo operation teams monitor the battery life and swap the batteries if there is not enough solar. MoGo does not plan on removing any trees for the purpose of installing or maintaining the solar panels.

Commissioner Smith asked how the bike stations are attached to the pavement. The stations are heavy steel plates and are very sturdy.

Commissioner Kempner asked if the MoGo stations have advertisements. The proposed smaller stations do not have display panels as currently proposed. If the City decides to include such panels, there will not be advertisements on the stations. Sponsorship logos are included on the stations.

City Manager Baumgarten stated the Department of Public Works and the Department of Public Safety have reviewed the sites and have no issues on the proposed sites.

Commissioner Trotto inquired if there was any special ordinance process that would need to take place. City Attorney Staran noted that there would be some type of permit or license agreement for any sidewalk occupancy. Future ordinance amendments may be reviewed, at a later time.

Commissioner Buckler asked about if the bikes needed to be returned to the racks to differentiate between Byrd or LymSkyte. The bikes would need to be returned to a rack.

Commissioner Patterson asked who would be responsible if someone were to be injured on the MoGo bikes. Each person rides is accepting responsibility.

Chairperson Kapelanski opened the discussion to include public comment.

Charles Tyrrell asked if the City has an agreement with Shift Transit, ownership of the bike racks and signage.

City Manager Baumgarten stated that there will not be signage on the bike stations, the ownership of the bike racks will remain with MoGo, and Shift Transit would serve as a third party.

MoGo representative expanded on the sponsorship and advertising question. Henry Ford and Health Alliance Plan (HAP) will have logos on the bikes in Detroit and on the expansion areas.

The sign ordinance will be considered in connection with the bike stations.

Motion to Approve the two bike station locations, as presented.

It was moved by Commissioner Smith to approve the bike stations locations, as presented.

Supported by Commissioner Bukler.

Community Development Director Schlutow asked if the MoGo bike stations were to be counted for future businesses in their parking requirements.

Commissioner Buckler noted that the MoGo racks would not be counted as bike racks in relation to parking requirements.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski

NAYS: None

ABSENT: Absent

5. **SITE PLAN REVIEW SP-04-19**: St. Mary's Orthodox Church is requesting site plan approval for the addition of a dome at 3212 Twelve Mile Road, between Tyler and Griffith. The applicant is requesting the dome as a decorative dome to represent the Church.

City Manager Baumgarten provided a summary of the project and the zoning requirements.

Commissioner Kempner asked if we are enlarging a nonconforming structure.

City Attorney Staran stated that the use of the structure is not expanding or changing. The dome is a decorative feature.

Commissioner Murad asked about the color of the dome and if it would match the existing structure. The applicant noted that it would match the existing structure.

Commissioner Patterson motioned to approve SP-04-19. Supported by Commissioner Buckler.

Chairperson Kapelanski opened for public comment. None.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski

NAYS: None

ABSENT: Richardson

6. **SITE PLAN REVIEW SP-05-19**: Tim & Nicolette Yanke are requesting site plan approval for a façade change at 3818 Twelve Mile Road, between Prairie and Bacon. Applicant Joe Novitsky presented the intent to update the façade and maintain the existing footprint. Property owner Tim Yanke is a global artist and interested in the property for an art studio. The studio will be for personal use, as well as bringing in artists around the world for collaboration.

City Manager Baumgarten summarized his review memo. Window coverage meets the requirements. The siding is not residential in nature. The Planning Commission does have authority to revise some of the requirements, if determined to be applicable. The Department of Public Works review letter was submitted to the applicant and addresses the stormwater requirements.

Chairperson Kapelanski asked if the proposed use meets the parking requirements.

City Manager Baumgarten noted that the parking requirement would be satisfied with the installation of bike racks.

Chairperson Kapelanski asked if the studio would be open to the public. Applicant Tim Yanke said that it would be open to the public but he would be using it primarily as an art studio. Classes or charitable events may be proposed in the future, as well as small retail space.

Chairperson Kapelanski opened the discussion to the public for comment. None.

Chairperson Trotto asked about photometric details for the rear of the property. Joe Novitsky noted that there would not be any rear lights on the building.

Chairperson Kapelanski commented on the design guidelines and the proposed elevation does not conform to the design guidelines and the Downtown Master Plan. Kapelanski asked about other buildings that are being used by the applicant. The applicant moved into his other properties but did not propose façade changes at those locations. He wants to incorporate his aesthetic into the exterior of the building. Kapelanski recommended reviewing the design guidelines. The applicant said that he would review the guidelines.

Chairperson Kapelanski asked about the rear fence and any consideration for screening. It was noted to be the neighboring resident fence.

Commissioner Buckler appreciated the log cabin aesthetic, but the log cabin gives pause.

Joe Novitsky addressed other properties that do not conform to the design guidelines and the existing charm of the community. Chairperson Kapelanski noted that the design guidelines recognize the mid-century modern aesthetic. The intent is to have buildings that are consistent in design and form with one another. An artistic studio is an excellent fit for the area of the city and would be welcome in that part of the City and a second look at the façade would be beneficial.

Commissioner Patterson appreciates unique and charm of the proposed elevation.

Applicant is excited to be included in the Art District and to contribute to the unique nature of the community.

Commissioner Murad asked about the east elevation and the increased roof height and that transition. Joe Novitsky will provide fire suppression and there will be a stepped masonry wall to the adjacent roof line. There will not be any impact on adjacent property. Commissioner Murad asked about the purpose for the mezzanine. Applicant noted that it would be used as personal office space.

Commissioner Patterson asked about the projection into the right-of-way. Joe Novitsky said that the existing brick would be removed.

Commissioner Smith asked about snow drift to neighbor's property to the east. Joe Novitsky doesn't believe that there will be any problems. Commissioner Smith requested that the building department review the drawings.

Commissioner Smith suggested ulterior design for the parking lot and is concerned about the submitted parking calculations.

Commissioner Smith was concerned about the residential character of the façade.

Commissioner Murad asked the location of the bike racks. Joe Novitsky noted it was on previous drawings.

Commissioner Kempner agreed in regards to the aesthetic and would like to see a different exterior material.

Applicant agreed to review the design guidelines and will take them into consideration.

Commissioner Smith asked about proposed signage. The applicant stated he doesn't need a sign on the building.

Commissioner Buckler noted that she did not like the fireplace at the front of the building. Joe Novitsky noted the reason for the fireplace on the front as a place of inspiration.

Commissioner Murad says that the proposed elevations look residential in a commercial district. The fireplace can be moved to the interior wall.

Chairperson Kapelanski suggested looking at neighboring buildings and try to incorporate elements that complement the look of the area.

Commissioner Trotto suggested incorporating elements of the applicant's artwork into the façade of the building.

Chairperson Kapelanski recommended to postpone the case to make revisions to the façade and incorporate suggestions by the Planning Commission.

Commission Murad motioned to postpone SP-05-19 to the August Planning Commission meeting. Supported by Commissioner Buckler.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski

NAYS: None

ABSENT: Richardson

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Chairperson Kapelanski called for 10 minute recess at 8:57pm.

Chairperson Kapelanski resumed the meeting at 9:08 pm.

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7. **PUBLIC HEARING:** Matter Of Conducting A Public Hearing For Application PRZ-01-19, a Proposed Conditional Rezoning At 2219 Coolidge Highway

Chairperson Kapelanski opened the public hearing at 9:31 pm.

None.

Public hearing closed at 9:32 pm.

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

Applicant Steve Friedman is proposing to keep the existing structure and retrofit to apartments and townhouses at rear of property. Applicant is requesting to rezone the school building to Multiple Family, which will make the entire property Multiple Family.

Doug Lewan, AICP, Executive Vice President with Carlisle Wortman Associates, Inc. explained the process of a conditional rezoning and summarized the review memo. The conditions to the rezoning were explained.

Commissioner Smith addressed condition D, concerning the deadline for the project. Concern was noted that it was a tight timeline. Steve Friedman noted that the building is existing and there's not as much involved as previous projects. Commissioner Smith also noted a typo that would be addressed and corrected by the applicant.

Commissioner Murad requested clarification on the process steps with variance requests and final approvals.

Applicant and City Attorney discussed the timeline and revisions to the Conditional Rezoning Agreement.

Due to the findings of fact outlined in the review letter presented by Carlisle Wortman, Commissioner Murad recommended approval of PRZ-01-19 with the following conditions:

1. Conditional Rezoning Agreement to be corrected on the building use in Item C;
 2. Add deadline agreed upon by City Attorney and Applicant's Attorney;
- Supported by Commissioner Smith.

AYES: Buckler, Murad, Campbell, Kempner, Smith, Trotto, Patterson, Kapelanski

NAYS: None

ABSENT: Richardson

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LIAISON REPORTS

Commissioner Murad noted that there was a very successful art festival and are now focusing on CruiseFest, August 16. The Berkley Pub Crawl will be Saturday, August 24, 1pm – 6pm.

Commissioner Trotto noted that the DDA approved the MoGo project. New appointments were welcomed to the Board. The Executive Director of the DDA has stepped down and the DDA is looking for a new Director.

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STAFF/COMMISSIONER COMMENTS

Commissioner Murad welcomed Community Development Director and Commissioner Campbell.

Commissioner Campbell said he was happy to be here.

Commissioner Smith requested information about property on Eleven Mile that has been updated with siding and process for code enforcement.

With no further business, the meeting was adjourned at 9:54pm.



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

Print Form

CITY OF BERKLEY, MICHIGAN APPLICATION FOR SITE PLAN REVIEW

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

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

Applicant:

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

Property Owner (if different than above):

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

Representative:

Name: JOE NOVITSKY Title: ARCHITECT

Description of Property for Review:

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

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

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

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

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

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

Office use only Account Number: 1019

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

City Planning Commission Disposition: _____

MEMORANDUM



"We Care"

Building Department
(248) 658-3320
FAX (248) 658-3301

DATE: JULY 3, 2019
TO: FILE
FROM: TIMOTHY MCLEAN, COMMUNITY DEVELOPMENT DIRECTOR
RE: **PARKING REQUIREMENT 3818 TWELVE MILE-BUSINESS LICENSE**

The application for a business license at 3818 Twelve Mile is approved, contingent upon a successful site plan review. Based on the parking calculation, the applicant will need 8 parking spaces. However, in the proposed site plan (SP-06-19), the applicant is proposing a bicycle rack, which would reduce the number of required parking spaces by two. In total, the applicant needs a minimum of 6 parking spaces.

PROPOSED USE	USE	REQUIREMENT	USABLE SQ. FT	SPACES REQUIRED
Art Studio	Showroom	1 per 400	945	$945/400 = 2$
Sales Area	Gallery	1 per 300 +2	575	$575/300+2= 4$
Storage	Cartage	1 per 500	597	$597/500= 1$
Mezzanine	Cartage	1 per 500	575	$575/500= 1$
Bicycle Rack				-2 spaces
Total Spaces				8-2 = 6 spaces



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Community Development
3338 Coolidge Hwy
Berkley, MI 48072
(248) 658-3320

August 20, 2019

Planning Commission
City of Berkley
3338 Coolidge Hwy
Berkley, MI 48072

Subject: SP-05-19; 3818 Twelve Mile Rd.
Site Plan Review
Revised Plans Submitted on August 8, 2019

Location: Northeast corner of Twelve Mile Rd and Prairie Ave

Applicant: Joseph S. Novitsky, on behalf of Timothy and Nicolette Yanke

Dear Planning Commissioners:

The applicant is proposing a façade change and change of use at 3818 Twelve Mile Rd., Parcel #04-25-07-381-033, located on the northeast corner of Twelve Mile and Prairie Ave. The subject property is proposed to be reoccupied and remodeled as an art studio for the future property owner, as well as to hold classes open to the public and other small gatherings.

The applicant submitted a site plan and presented to the Planning Commission at the July 23, 2019 meeting. There were several items that the Planning Commission wished the applicant to address on revised plans. The applicant met with City staff and submitted a revised site plan and elevations.

The submitted application has been reviewed to determine compliance with Zoning Ordinance requirements and we offer the following comments:

1. **Zoning and Use.** The subject property, 3818 Twelve Mile Road, is located in the Twelve Mile District. The applicant is proposing to use the property as an art studio, which would be classified as a service establishment which would include a showroom or workshop of an electrician, decorator, caterer, baker, painter, upholsterer, tailor, photography studios and similar service establishments that require a retail adjunct.
 2. **Building Height.** The maximum building height in the Twelve Mile District is 40 ft. The building elevations on Sheet S-2 show the proposed height of the gabled roof structure is 26 ft. 5.5 in., and is compliant with the Zoning Ordinance.
 3. **Architectural Evaluation.** The Zoning Ordinance requires site plan review and approval for any façade alterations that include any change in the exterior surface material or changes in the size or number of windows. The applicant is proposing to remove the brick and cinderblock façade
-



BERKLEY
where you want to be

material of the entire structure and replace with 2 x 8 horizontal wood siding, with 4" high of limestone around the base of the structure.

The revised elevations have addressed the concerns that were discussed by the Planning Commission at the July 23, 2019 meeting. The dormers have been removed, the fireplace chimney has been relocated to the interior of the structure, and the applicant has changed the façade materials in favor of a flat wood siding. Per Section 138-462 of the Zoning Ordinance, siding, generally considered residential, regardless of orientation, and T111-type material shall not be permitted in the Twelve Mile District. The Planning Commission shall determine if the revised façade materials are considered to be residential in character.

The proposed elevations will incorporate expansive windows on each façade. The north (rear) façade of the building has two (2) 16 ft. x 8 ft. glass overhead doors. We would request the applicant to explain how those overhead doors would be used. Specifically, if they would be opened to provide inside parking for the property owners vehicle, or if they would be used as a means for fresh air.

We recommend the applicant provide material samples and color selections to the Planning Commission for review.

4. **Dumpster Location.** The revised site plan does not provide a location for dumpster or trash bins. We recommend the applicant address how the trash and discarded materials are to be removed from the site. Based on the type of use, it does not seem like there would require a separate dumpster to service the subject property, but it should be addressed to the satisfaction of the Planning Commission.
5. **Parking.** The applicant has submitted a site plan with six (6) parking spaces, including one (1) barrier-free space. Additionally, one (1) bike rack is proposed at the northeast corner of the building, as a means to reduce the parking demand, per Zoning Ordinance standards.

The standard by which the parking requirement for 3818 Twelve Mile Road is attached for your reference.

6. **Exterior Lighting.** The revised site plan does not include exterior lighting from the building to the parking area. The applicant has noted that there are no light poles on the property. Depending upon the applicant's hours of operation, the Planning Commission may recommend including exterior lights from the rear of the building to the parking area.
7. **Engineering.** Per the July 23, 2019 review letter: Plans indicate that the roof will drain onto grade and into the drain in the parking lot. DPW Director has reviewed the plans and directed the property owner to install a restricted manhole cover in the parking lot to slow the flow of storm water into the combined sewer system.

Summary and Recommendation

The applicant has addressed the design and façade concerns that the Planning Commission discussed at the July 23, 2019 meeting. If the Planning Commission is satisfied with the modifications, we recommend approval of SP-05-19 with the following conditions:



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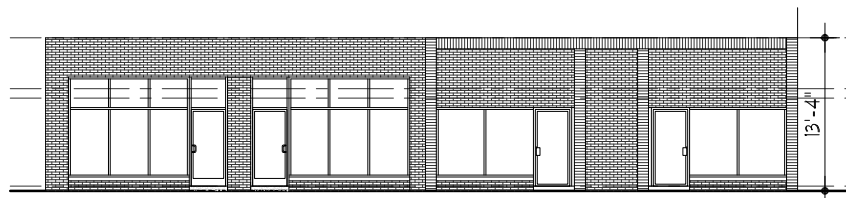
1. Façade material and color samples should be presented to the Planning Commission for review;
2. Planning Commission is satisfied with the method of trash removal from the property;
3. Satisfaction with the parking plans, as presented.
4. The applicant should address exterior lighting in the rear of the property to the parking area.
5. Review and approval from City Engineer and Department of Public Works.

If you have any questions about this application or need additional information, please contact me at any time.

Sincerely,

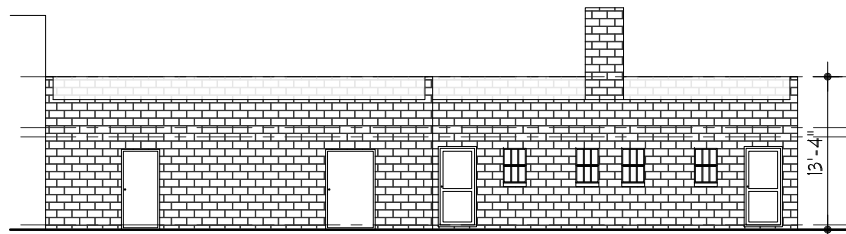
Erin Schlutow
Community Development Director

C: Matthew Baumgarten, City Manager
Gina Harold, Interim City Clerk
John Staran, City Attorney
Joe Novitsky, joe@jsn-aia.com



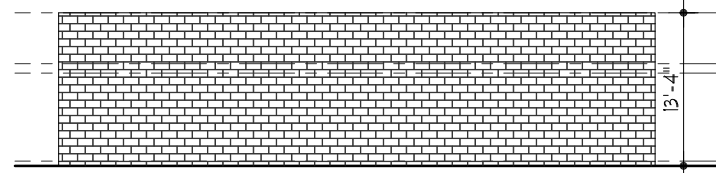
EXISTING SOUTH ELEVATION

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



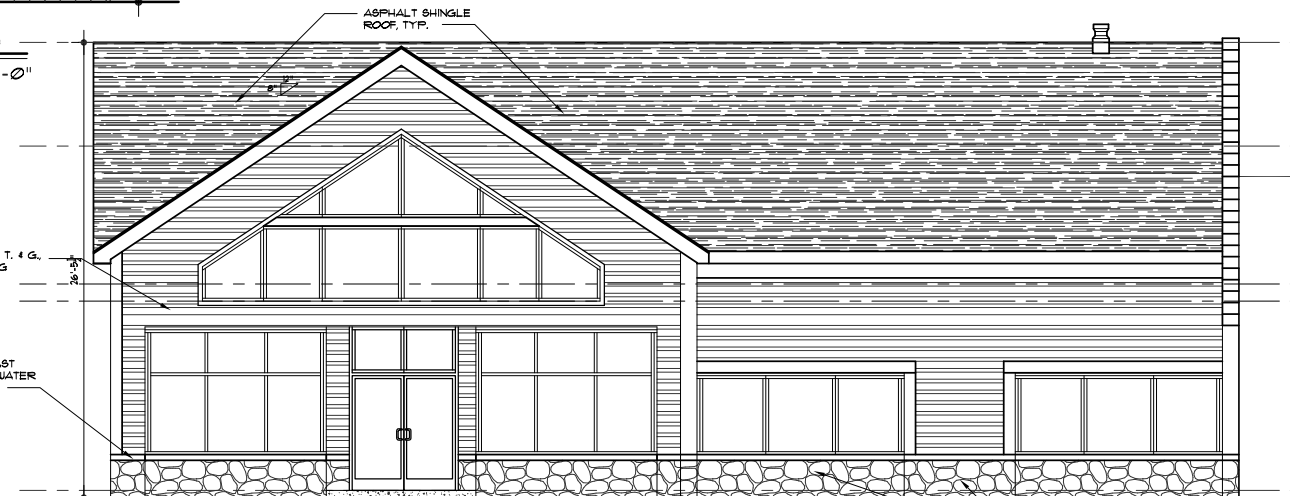
EXISTING NORTH ELEVATION

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



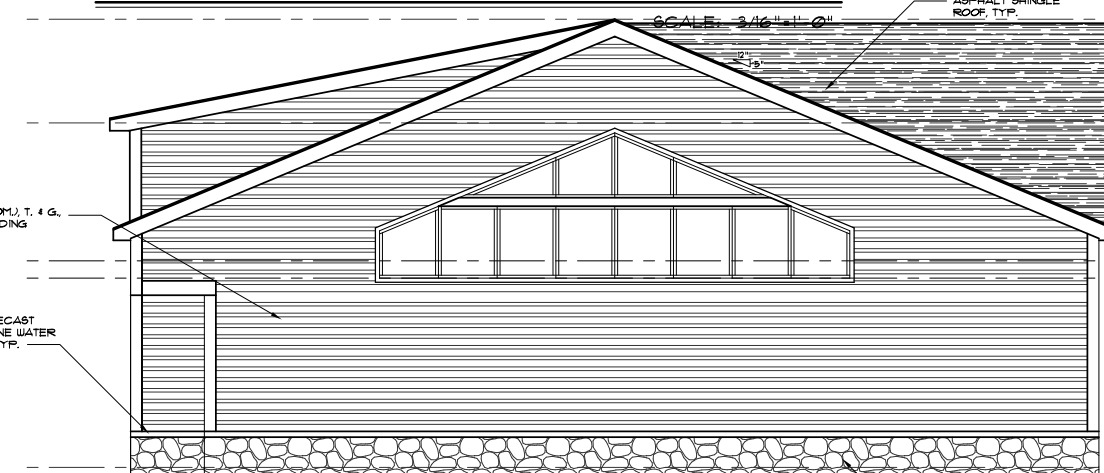
EXISTING WEST ELEVATION

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



PROPOSED SOUTH (FRONT) ELEVATION

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



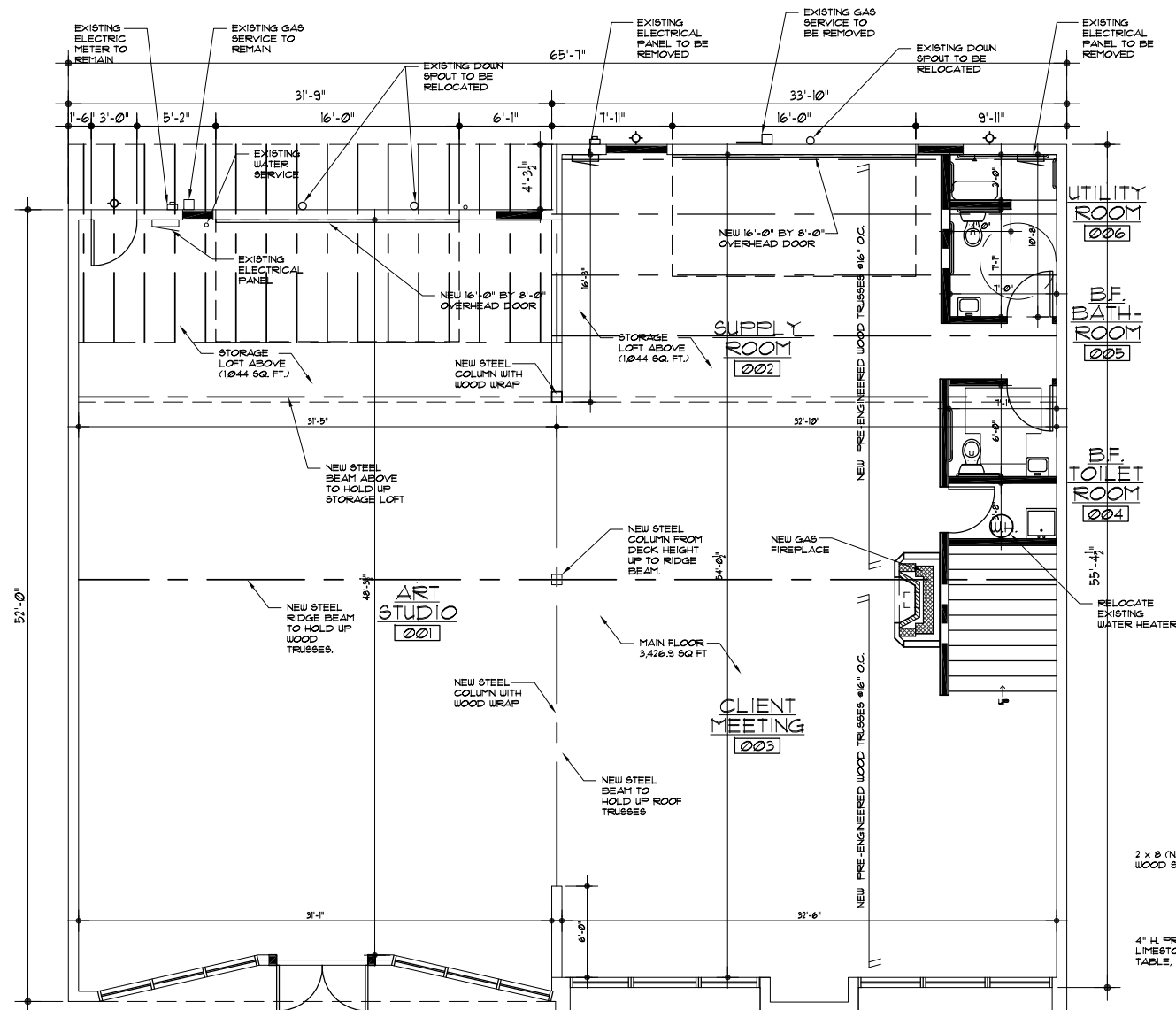
PROPOSED WEST (SIDE) ELEVATION

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



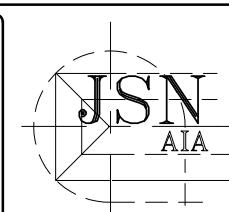
PROPOSED NORTH (REAR) ELEVATION

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



PROPOSED FLOOR PLAN

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



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

Seal

Revisions:

DATE	DESCRIPTION
05/31/2019	EXISTING CONDITIONS
06/10/2019	REVIEW
06/21/2019	P.C. REVIEW
07/23/2019	REVIEW
08/08/2019	P.C. REVIEW

Project Name:
3818 TWELVE MILE
BERKLEY, MI 48072

OWNER:
TIM YANKE
(248)-417-2992

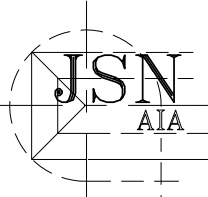
Sheet Title:
PROPOSED
FLOOR PLAN
& PROPOSED
ELEVATIONS

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

Project Number:
19067

Sheet Number:
A-1



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

Seal

Revisions:

DATE	DESCRIPTION
05/31/2019	EXISTING CONDITIONS
06/10/2019	REVIEW
06/21/2019	P.C. REVIEW
08/08/2019	P.C. REVIEW

Project Name:
3818 TWELVE MILE
BERKLEY, MI 48072

OWNER:
TIM YANKE
(248)-417-2992

Sheet Title:
PROPOSED
RENDERINGS

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Date: 06/14/2019
Drawn by: DJS

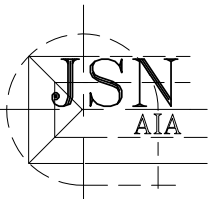
Project Number:
19067

Sheet Number:
A-2



RENDER OF PROPOSED BUILDING

SCALE: NT5



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

Seal

Revisions:

DATE	DESCRIPTION
07/19/2019	RENDER
08/08/2019	P.C. REVIEW

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

OWNER:
**TIM YANKE
(248)-417-2992**

Sheet Title:

**PROPOSED
STREET VIEW
RENDER**

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Date: 05/31/2019
Drawn by: DJS

Project Number:
19067

Sheet Number:
A-3

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

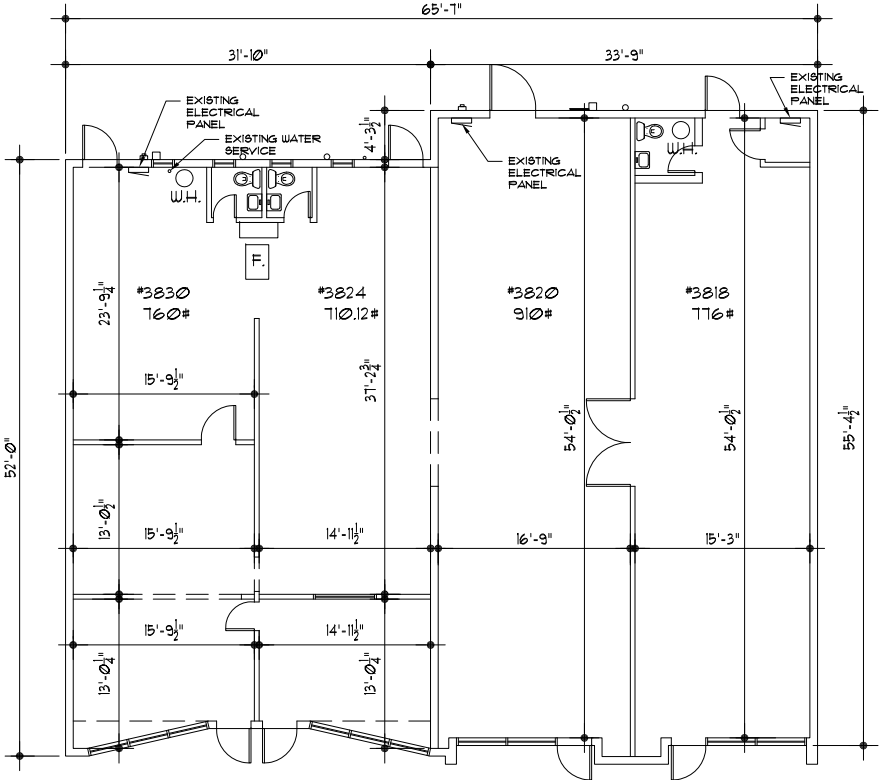
CHAPTER - 3	USE AND OCCUPANCY CLASSIFICATION 302.1 CLASSIFICATION USE GROUP: 'B' - BUSINESS
CHAPTER - 5	GENERAL BUILDING HEIGHTS AND AREAS SCOPE OF WORK AS PROPOSED DOES NOT INCREASE EXISTING BUILDING HEIGHT OR AREA. GENERAL AREA AND HEIGHT LIMITATIONS FOR THE EXISTING FACILITY HAVE BEEN REVIEWED AND APPROVED AS PART OF THE ORIGINAL BUILDING PERMIT.
CHAPTER - 6	TYPES OF CONSTRUCTION TYPE II-B (2-B), ONE STORY, NO FIRE SUPPRESSION
CHAPTER - 7	FIRE AND SMOKE PROTECTIVE FEATURES FIRE RESISTIVE RATING(S) FOR NEW CONSTRUCTION SHALL MEET THE REQUIREMENTS OF CHAPTER 7.
CHAPTER - 8	INTERIOR FINISHES ROOM FINISHES SHALL MEET THE REQUIREMENTS OF SECTION 803 AND TABLE 803.3. CLASS 'C' FOR INTERIOR ROOMS & CLASS 'B' FOR CORRIDORS & GENERAL AREAS. INTERIOR FLOORS SHALL MEET THE REQUIREMENTS OF SECTION 804. CLASS II IN CORRIDORS AND OPEN AREAS AND TYPE DOC FF-1 IN ENCLOSED ROOMS.
CHAPTER - 10	MEANS OF EGRESS SECTION 1004 OCCUPANT LOAD FOR PROP. TENANT - TABLE 1004.1.2 MAXIMUM OCCUPANT LOAD FOR THIS TENANT OCCUPANCY DOOR(S) PROVIDED ARE AT LEAST 36 INCHES WIDE WHICH MEET EGRESS AND ALSO BARRIER FREE REQUIREMENTS.
CHAPTER - 11	ACCESSIBILITY ALL NEW CONSTRUCTION SHALL COMPLY WITH CHAPTER 11 REQUIREMENTS.
CHAPTER - 12	INTERIOR ENVIRONMENT
SECTION 1205	THE LIGHTING AND NATURAL LIGHT REQUIREMENTS HAVE BEEN DESIGNED TO MEET OR EXCEED THE MINIMUM REQUIRED LIGHTING LEVELS FOR BOTH DAY AND NIGHT FOR THE PROPOSED LEASE SPACE.
SECTION 1203	EXISTING MECHANICAL VENTILATION TO BE DESIGNED AND MODIFIED TO CORRESPOND WITH THESE PLANS AND OWNER REQUIREMENTS. THE MECHANICAL CONTRACTOR SHALL SUBMIT AIR DISTRIBUTION DRAWINGS, IF APPLICABLE, FOR REVIEW BY THE ARCHITECT AND THE CITY.

APPLICABLE PARTS OF THE AMERICANS WITH DISABILITIES ACT SHALL APPLY TO THIS PROPOSED ADDITION. ALL DOORS WITH THIS ELECTRICAL DEVICES, PLUMBING DEVICES, CORRIDORS, SIGNAGE AND ALARM DEVICES SHALL MEET ADA FOR THE PHYSICALLY, VISUALLY AND HEARING IMPAIRED.

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

GENERAL NOTES

- THIS PROJECT HAS BEEN DESIGNED IN ACCORDANCE WITH THE MICHIGAN BUILDING CODE 2015, AND ALL CONSTRUCTION SHALL CONFORM TO ITS REQUIREMENTS.
- THESE NOTES ARE FOR GENERAL REFERENCE. WHERE CONFLICTS EXIST, THE MORE REQUIREMENTS SHALL APPLY.
- ANY DISCREPANCIES, ERRORS, AND/OR OMISSIONS IN THE DRAWINGS ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/DESIGNER. FAILURE TO DO SO MAY RESULT IN FUTURE CHANGES, THE COST OF WHICH WILL BE BORNE BY THE APPROPRIATE TRADE.
- DO NOT SCALE DRAWINGS, USE FIGURED DIMENSIONS!
- PROVIDE TEMPORARY BRACING AS REQUIRED, TO INSURE THE STABILITY OF THE STRUCTURE UNTIL THE PERMANENT FRAMING IS IN PLACE.
- PROVIDE SHOP DRAWINGS AND ENGINEERING DATA ON ALL STRUCTURAL STEEL AND PREFABRICATED TRUSSES, INCLUDING GIRDER TRUSSES. L.L. = 25 psf
- PROVIDE SAFETY GLAZING IN CONFORMANCE WITH CODE.
- ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE ICC BASIC BUILDING CODE AND ALL THE CITY AND LOCAL ORDINANCES AS ADOPTED BY THE STATE OF MICHIGAN.
- CONTRACTOR SHALL EXERCISE EXTREME CARE IN SETTING GRADES FOR NEW CONSTRUCTION AS THESE GRADES ARE CRITICAL.
- FOUNDATIONS SHALL BE CARRIED DOWN (MIN. 3'-6" DEEP) TO NATURAL UNDISTURBED SOILS CAPABLE OF SUPPORTING A 2500 P.S.F. BEARING CAPACITY, OR ENGINEERED FILL. IF POORLY CONSOLIDATED SOILS ARE ENCOUNTERED AT THE DEPTHS SHOWN, THE ARCHITECT /DESIGNER SHALL BE NOTIFIED AND THE FOUNDATIONS WILL BE MODIFIED ACCORDINGLY.
- SAND FILL UNDER SLABS SHALL BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY.
- CONCRETE SHALL HAVE COMPRESSIVE STRENGTH OF 3000 P.S.I./ FOR FOUNDATION WORK AND FLOOR SLABS WITH 4000 P.S.I. FOR WALKS AND STEPS. REINFORCING STEEL = #4 @ 12" O.C.
- STRUCTURAL STEEL = 36 KSI A57M GRADE 36.
- THE OWNER IS NOT RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION NOR FOR THE SAFETY OR THE JOB SITE. THESE RESPONSIBILITIES ARE INTENDED TO REST SOLELY WITH THE GENERAL CONTRACTOR.
- THE INTENT IS TO UTILIZE ALL EXISTING UTILITIES: 1a: PHONE, ELEC, GAS, WATER, SEWER.
- CONSULT WITH THE OWNER & INTERIOR DESIGNER FOR ALL INTERIOR FINISHING, INCLUDING BUT NOT LIMITED TO: WALLS, CEILINGS, FLOORS, LIGHTING FIXTURES, PLUMBING FIXTURES, CASEWORK, MILLWORK, HARDWARE FINISHES, ETC.



EXISTING FLOOR PLAN

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

LEGAL DESCRIPTION

PARCEL #25-07-381-033

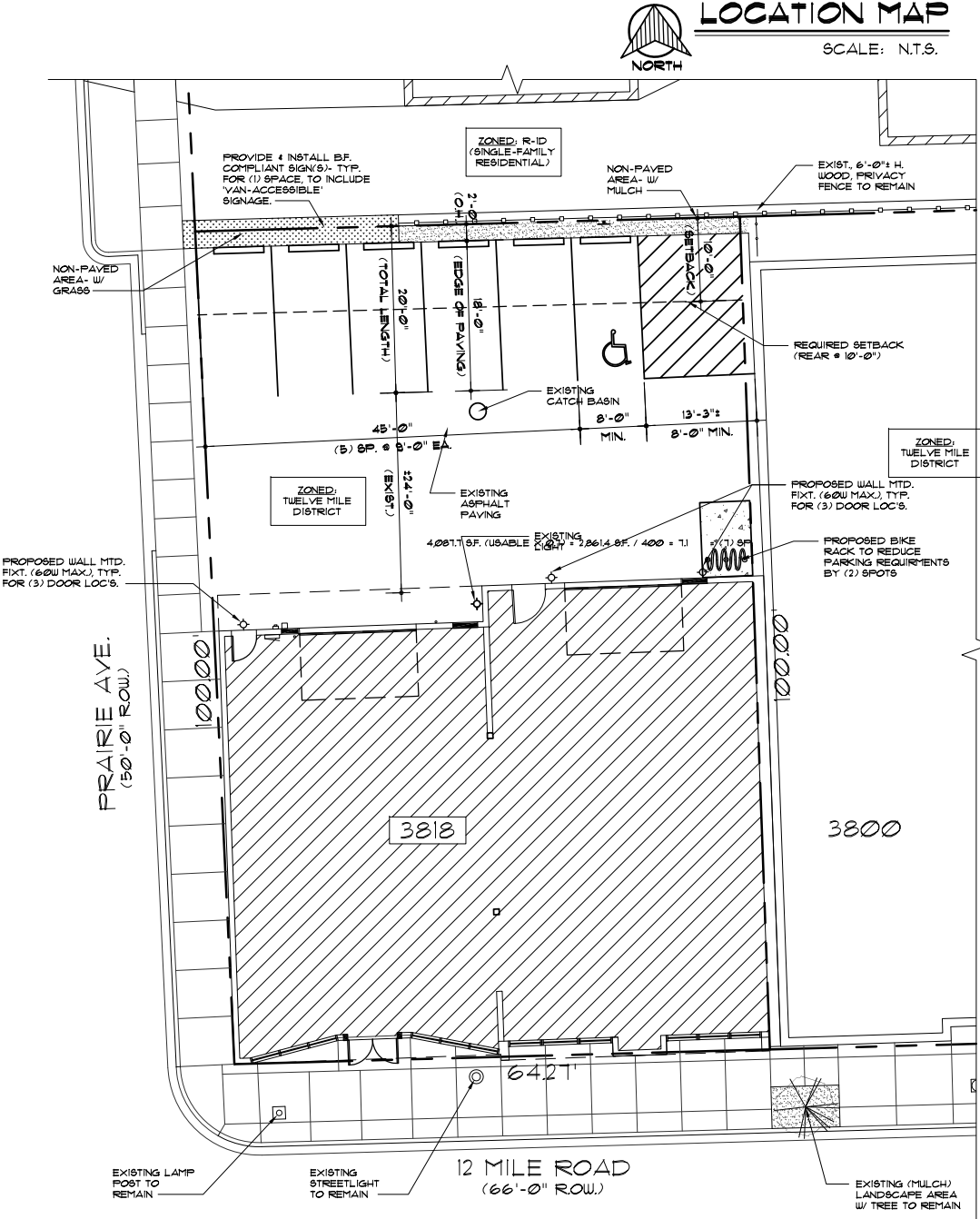
LEGAL DESCRIPTION: TIN, R1E, SEC. 7
ELLWOOD HEIGHTS LOTS 3, 4 & 5.

AREA/ SQUARE FOOT ANALYSIS

BLDG. FOOTPRINT (GROSS AREA): 3,490 SQ. FT.
TOTAL FLOOR AREA: 4,534.1 SQ. FT.
TOTAL USABLE AREA: 4,087 SQ. FT.

PARKING ANALYSIS

PARKING REQUIREMENT(S): PER SEC. 188-215:			
ART STUDIO-			
3,490 SF. (USABLE X 0.7) = 2,443 SF. / 400 = 6.1	= (6) SF.		
STORAGE LOT-			
1044 SF. (USABLE X 0.7) = 730.8 SF. / 400 = 1.8	= (2) SF.		
TOTAL REQUIRED BY AREA(S)	= (8) SPACES		
PARKING REDUCTION(S): PER SEC. 188-268:			
BICYCLE(S): (2) SF. REDUCTION PER (4) BICYCLE SPACES			
(4) BIKE SPACES / 4 = (2) SPACE REDUCTION			
TOTAL PARKING REDUCTION	= (2) SPACES		
PARKING TOTAL(S):			
(8) REQ. BY AREA CALC. - (2) REDUCTION			
TOTAL PARKING REQUIRED	= (6) SPACES		
TOTAL (PROVIDED) = 6 SPACES (PROPOSED)			



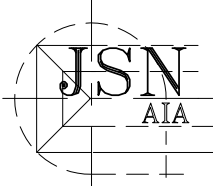
SITE PLAN

SCALE: 1"=10'-0"



LOCATION MAP

SCALE: N.T.S.



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

Seal

Revisions:

DATE	DESCRIPTION
05/31/2019	EXISTING CONDITIONS
06/10/2019	REVIEW
06/21/2019	P.C. REVIEW
08/02/2019	REVIEW
08/08/2019	P.C. REVIEW

Project Name:
3818 TWELVE MILE
BERKLEY, MI 48072

OWNER:
TIM YANKE
(248)-417-2992

Sheet Title:

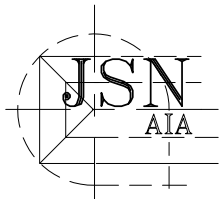
GENERAL
NOTES,
SITE
PLAN,
LOCATION
MAP,
&ZONING

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Date: 05/31/2019
Drawn by: CES

Project Number:
19067

Sheet Number:
S-1



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

Seal

Revisions:

DATE	DESCRIPTION
05/31/2019	EXISTING CONDITIONS
06/10/2019	REVIEW
06/21/2019	P.C. REVIEW
08/08/2019	P.C. REVIEW

Project Name:
3818 TWELVE MILE
BERKLEY, MI 48072

OWNER:
TIM YANKE
(248)-417-2892

Sheet Title:

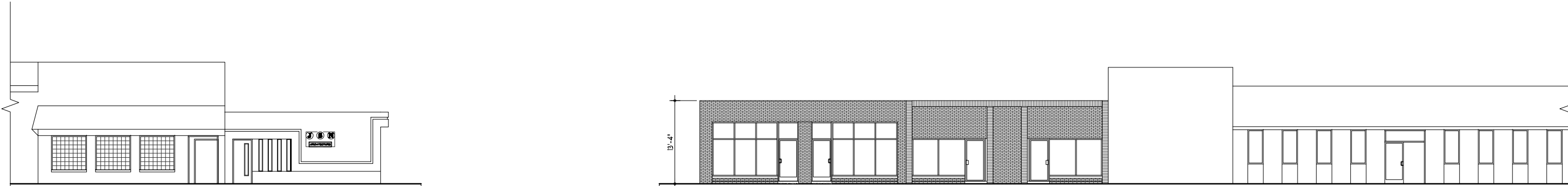
EXISTING
AND
PROPOSED
STREET
ELEVATIONS

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Date: 05/31/2019
Drawn by: CES

Project Number:
19067

Sheet Number:
S-2



EXISTING ELEVATION

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



PROPOSED ELEVATION

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



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

APPLICATION FOR REZONING

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

Applicant:

Name: Alex Builders - Grant Agency Phone: 734-536-6030
Complete Address: 1195 Rochester Rd Suite I
Troy MI 48063

Property Owner: (If different than above)

Name: _____ Phone: _____
Complete Address: _____

Description of Property to be Rezoned:

Street Address: 3339 Cummings Ave Berkley MI 48072
Between 12 mile Rd And Beverly Rd
Lot Number: S. 20 ft of Lot 113, Lot 114
Subdivision: Berkley School - Park
Sidwell Number: 042518103030
Zoning: Present: Parking District
Proposed: Single Family Residential
[Signature] 7/26/19
Signature of Applicant Date

Office use only (account #1019)

Date Application Received 7-26-19 Fee 600⁰⁰ Receipt Number PRZ-02-19
Hearing Date _____ Case Number _____
Planning Commission Hearing: _____
City Council, First Reading: _____
City Council, Second Reading: _____

CONDITIONAL REZONING AGREEMENT

This Conditional Rezoning Agreement ("**Agreement**"), dated Aug 23, 2019, is entered into by and between Atex Builders LLC, a Michigan limited liability company, whose address is 1195 Rochester Road, Suite 1, Troy, Michigan 48083 ("**Developer**"), and the City of Berkley, a Michigan municipal corporation, whose address is 3338 Coolidge Highway, Berkley, Michigan 48072 ("**City**").

RECITALS:

A. Developer has submitted to the City an Application for Rezoning with respect to the real property and improvements thereon commonly known as 3339 Cummings Avenue, Berkley, Michigan 48072, as more particularly described on **Exhibit A** attached hereto (the "**Property**"), which Developer owns.

B. The Rezoning Application seeks to rezone a forty (40) foot wide portion of the Property (which is sixty (60) feet wide in total) from Parking to R1-D Residential; and in connection with such Rezoning Application, the Developer proposes to also split off the remaining twenty (20) foot wide portion of the Property and offer the City a right of first refusal on this portion of the Property in order to acquire it at fair market value and develop it into City parking at the City's discretion (see **Exhibit B** attached hereto regarding the proposed Property split).

C. The forty (40) foot wide portion of the Property subject to the Developer's Rezoning Application currently contains a single family home in disrepair that Developer desires to demolish and remove in order to construct a new two-story single family home with a detached garage that will conform to R1-D standards.

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

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

Now, therefore, the parties agree as follows:

1. Developer agrees that, if the described forty (40) foot wide portion of the Property is rezoned from Parking to R1-D Residential, the following conditions and covenants shall apply to the rezoning (the "**Rezoning Conditions**"):

- (a) The Developer shall provide written notice to all adjoining property owners informing such persons of Developer's demolition and construction plans;
- (b) The existing single family home on the Property shall be demolished and removed by Developer;
- (c) A new two-story single family home with a detached garage will be constructed on the rezoned portion of the Property by Developer that will confirm to R1-D standards;
- (d) The new home and detached garage shall be constructed in accordance with a final site plan approved by the City and shall comply with all current and applicable Michigan building codes, City ordinances, and R1-D District rules and restrictions;
- (e) The exterior of the home and detached garage shall be constructed primarily as follows: roofing materials to be asphalt shingles; windows to be vinyl windows, siding to be vinyl with aluminum trim and stone accents;
- (f) The new home shall not exceed 3,000 square feet and the detached garage shall not exceed 624 square feet;
- (g) The appearance of the new home, detached garage and new landscaping shall be compatible with the overall appearance of the neighborhood in which the Property is located;
- (h) Developer shall prepare, execute and deliver to the City a right of first refusal agreement with respect to the twenty (20) foot wide portion of the Property not subject to the Rezoning Application which shall provide the City with the right to acquire such portion of the Property at fair market value, and such agreement shall be in form and content satisfactory to the City;
- (i) Developer shall prepare and submit to the City a full and complete lot split application with respect to the twenty (20) foot wide portion of the Property not subject to the Rezoning Application and will cooperate with the City to complete all related requirements;
- (j) If desired and requested by the City, Developer shall erect a new wooden fence between the forty (40) foot wide rezoned portion of the Property and the twenty (20) foot wide remaining portion of the Property subject to the City's right of first refusal; and

(k) The Developer shall complete the new single family home and detached garage project as described above according to the following schedule:

- Demolition of existing home by February 29, 2020 (contingent upon issuance of demolition permit by the City);
- Break ground on new home by June 30, 2020 (contingent upon issuance of building permit by the City);
- Completion of new home (and detached garage) and issuance of final Certificate of Occupancy by May 31, 2021; and

(l) If Developer does not commence and diligently pursue the completion of the new single family home and detached garage project according to the schedule outlined above, the City shall have the right to rezone the Property back to Parking; provided that, at Developer's request, the City shall not unreasonably withhold its approval to an extension of the foregoing deadline, if causes beyond Developer's reasonable control have delayed the project.

2. In consideration of the foregoing Rezoning Conditions voluntarily offered by Developer, the City hereby rezones the subject portion of the Property from Parking to RD-1 Residential. Such rezoning is expressly subject to the Rezoning Conditions.

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

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

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

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

7. This Agreement may only be amended by written agreement of the City and Developer or any successor in title.

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


[Signatures on the following pages]

[Developer Signature page to Conditional Rezoning Agreement]

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


DEVELOPER:

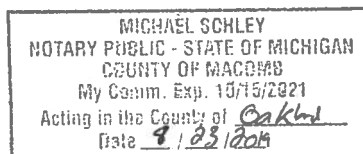
Atex Builders LLC
a Michigan limited liability company

By: 
Grant Dryovage
Its: Sole Member

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing Conditional Rezoning Agreement was acknowledged before me this 23rd day of August, 2019, by Grant Dryovage, Sole Member of Atex Builders LLC, a Michigan limited liability company, for and on behalf of such company.


Notary Public
Macomb County, Michigan
Acting in Oakland County, Michigan
My Commission Expires: 10-15-2021



[City Signature page to Conditional Rezoning Agreement]

CITY:

City of Berkley,
a Michigan municipal corporation

By: _____

Its: _____

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

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

Notary Public

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

EXHIBIT A

LEGAL DESCRIPTION

Real property located in the City of Berkley, County of Oakland, State of Michigan, described as follows:

Lot 114 and South 20 feet of Lot 113, Berkley School Park Subdivision, according to the recorded plat thereof, as recorded in Liber 30, Page 10, Oakland County Records.

Commonly known as: 3339 Cummings Avenue, Berkley, Michigan 48072

Property Identification Number: 25-18-103-030

EXHIBIT B

Scale 1" = 20'

CERTIFICATE OF SURVEY

RESIDENTIAL LOT SPLIT: 3339 Cummings Ave.

Prepared For: Atax Builders Inc.
1195 Rochester Rd. Suite 1
Troy, MI 48063
734-536-6030

EXISTING LEGAL DESCRIPTION: 04-25-18-103-030

South 20.0 ft. of Lot 113, also all of Lot 114, BERKLEY SCHOOL PARK, A Subdivision of the W.1/2 of N.W.1/4 of Section 18, T1N-R11E, Royal Oak Twp., CITY OF BERKLEY, Oakland County, Michigan.
Plat recorded LIBER 30, PAGE 10, Oakland County Records.
BEARINGS in relation to 12 Mile Rd. as platted.

PROPOSED LEGAL DESCRIPTIONS:

PARCEL "A"
South 20.0 ft. of Lot 113, BERKLEY SCHOOL PARK, City of Berkley, Oakland County, Michigan.
Plat recorded LIBER 30, PAGE 10, OCR.

PARCEL "B"
Lot 114, BERKLEY SCHOOL PARK, City of Berkley, Oakland County, Michigan.
Plat recorded LIBER 30, PAGE 10, OCR.

SEE DETAIL OF PROPERTY ON SHEET No. 2

SHEET 1 of 2

THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:30 PM, NOVEMBER 27, 2018 AT CITY HALL BY CHAIR KAPELANSKI.

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

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

ABSENT:

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

APPROVAL OF AGENDA

It was moved by Commissioner Kempner to approve the agenda as written and supported by Commissioner Patterson.

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

NAYS: None

Motion Carried.

APPROVAL OF MINUTES

It was moved by Commissioner Patterson to approve minutes from October 25, 2018 with one revision and supported by Commissioner Richardson.

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

NAYS: None

Motion Carried.

COMMUNICATIONS

Received written communication from residents (attached to minutes)

CITIZEN COMMENTS

None

1. REZONING REQUEST: RZ-01-18—GEORGE BANOT & EDDIE HANNA, 3910 ELEVEN MILE ROAD IS REQUESTING A REZONING FROM ELEVEN MILE DISTRICT TO SINGLE FAMILY RESIDENTIAL (R-1D).

Community Development Director McLean introduced this item. The applicant is seeking to rezone 3910 Eleven Mile Rd. from its current designation of Eleven Mile District to R-1D (Single Family Residential).

Applicant George Banot stated that due to the small size of the parcel, it will difficult to impossible to provide off-street parking for principal permitted uses in the Eleven Mile District. Mr. Banot also stated that in an effort to provide more parking, the detached garage on the property has been demolished. The existing building is 1,400 square feet and has a full basement. Mr. Banot is asking that the property be rezoned so it can be redeveloped as residential.

Chair Kapelanski opened the Public Hearing at 7:37PM

Anne McMinn, Cummings Ave: Stated that she has seen work being done to the building. Ms. McMinn felt that having one property as residential in the middle of the Eleven Mile District would be strange.

Linus Droggs, Eleven Mile Rd: Stated that he owns the business at 2916 Eleven Mile Rd. next to 3910 Eleven Mile Rd. Mr. Droggs stated that he has concerns about parking for that property if it is rezoned as residential. He also stated that there is no parking on-site if a garage is constructed. Mr. Droggs also stated he has concerns for overflow parking from 3910 Eleven Mile onto his property.

Chair Kapelanski closed the Public Hearing at 7:41PM

Commissioner Murad asked about the dimensions of the property. He stated that there is space for some on-site parking.

Commissioner Richardson stated that the existing building is 1,400 square feet and asked the applicant how many parking spaces could be provided.

Mr. Banot stated that there is room to accommodate four parking spaces.

Vice Chair Smith stated that he believes rezoning one parcel on Eleven Mile Rd. to R-1D would not be appropriate. Mr. Smith pointed out that the applicant does own a residential property on Eleven Mile Rd.

Mr. McLean informed the Planning Commission that if the rezoning is denied, the applicant has the option to seek a variance for parking from the Zoning Board of Appeals if a business meeting permitted uses in the Eleven Mile District wanted to use the building.

Commissioner Richardson stated that he believes rezoning this property would be a spot zoning, which is contrary to good planning.

Commissioner Shadle referenced the character of the Eleven Mile District. Ms. Shadle stated

that it would be difficult to support the rezoning of this property.

Commissioners Kempner and Patterson agreed with comments made by Ms. Shadle.

It was moved by Commissioner Murad to recommend that City Council deny RZ-01-18 and supported by Commissioner Patterson.

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

NAYS: None

Motion Carried.

2. REZONING REQUEST: RZ-02-18—ATEX BUILDERS, LLC, 3339 CUMMINGS AVE, IS REQUESTING A REZONING FROM PARKING DISTRICT (P-1) TO SINGLE FAMILY RESIDENTIAL (R-1D).

Community Development Director McLean gave a brief summary on the zoning history for this property. In 1986, the City initiated several rezonings of residential property to Parking District (P-1). Currently this property has an existing residence. The applicant is seeking a rezoning so that the existing residence may be demolished and a new home constructed.

Applicant Grant Dryovage stated that he has spoken with the neighbors about what he is proposing. He has received positive feedback from the neighbors. Mr. Dryovage stated that his company, Atex Builders, has several ongoing projects in Berkley. He indicated that when he recently purchased the property it was not disclosed to him that it was zoned P-1. He is proposing to demolish the existing structure and build a new single-family residence with an attached garage if the property is rezoned.

Chair Kapelanski opened the Public Hearing at 7:57PM

Wendi Zabramski, Gardner: Stated that there is a lack of parking in parts of the city.

Kurt Hite, Robina: Stated that in the cases where the City initiated rezonings of residential property to P-1 and the land was not developed as parking, the burden to have it rezoned to residential should not be on the property owner.

Chair Kapelanski closed the Public Hearing at 7:59PM.

Vice Chair Smith stated he was surprised that a title search on the property did not reveal that it was zoned Parking District (P-1). Mr. Smith also pointed out that the property was rezoned 32 years ago and it has remained residential in use. Mr. Smith believes the request to rezone to residential is appropriate. He also indicated that a similar rezoning request was approved in the last few years.

Commissioner Buckler disagreed with Commissioner Smith. Ms. Buckler stated that the City had a vision for those properties when they were rezoned in 1986. She also stated that there is a lack of parking in that area of Twelve Mile Rd.

Commissioner Shadle asked if there were additional residential properties zoned as P-1 in proximity to 3339 Cummings Ave.

Mr. McLean stated that the property to the west, 3340 Thomas currently has a residence and is zoned P-1.

Commissioner Shadle stated that it would be a tough decision to rezone the property in question.

Mr. McLean stated that 3339 Cummings was rezoned as P-1 in 1986 and has never been developed as parking. The Planning Commission must consider whether Parking District is the highest and best use for that property.

Commissioner Richardson stated that he was on the fence about the rezoning request. Mr. Richardson said there was no question that lack of parking was an issue in some parts of the city. He indicated it was possible that there could be less demand for parking in the future. He also noted that this property has not been developed as parking after 32 years.

Commissioner Kempner stated she was struggling with how to decide on this request. Ms. Kempner stated she sees a need for parking and that the City did have a vision for it when it was rezoned in 1986. Ms. Kempner stated she was very conflicted but was leaning toward keeping the property zoned as P-1.

Chair Kapelanski asked DDA Director Carmody about the parking study as part of the Downtown Master Plan.

Director Carmody stated that this property would fall within the DDA district and that the parking study was in process.

Chair Kapelanski stated she could understand both sides of the argument on whether or not to rezone this property.

Vice Chair Smith asked the schedule for completion of the Downtown Master Plan.

Director Carmody replied that a draft could be tentatively presented to the Planning Commission in May 2019.

Mr. McLean stated that the Planning Commission could opt to postpone action until the parking study was completed.

Commissioner Patterson stated that the existing residential structure has continued for 32 years after the property is rezoned. He also stated that the applicant has support from the neighbors for the proposed rezoning. Mr. Patterson stated he is leaning in favor of rezoning the property.

Vice Chair Smith asked the applicant could afford to wait until the parking study is completed.

Mr. Dryovage stated he could not wait, and would proceed with minor renovations to the existing building and use it as a rental property if the rezoning was not approved. He stated it would not be his preference to utilize this property as a rental.

Commissioner Richardson stated that decisions related to parking often lead to community opposition. Mr. Richardson stated that parking is not a happy issue.

Commissioner Buckler stated that the applicant should have looked at the zoning map to see how it was zoned before purchasing the property. Ms. Buckler indicated that the City had a vision for parking when it was rezoned in 1986.

Commissioner Trotto asked about what would be allowed with a non-conforming structure.

Mr. McLean responded that the applicant could make renovations to the existing building but increasing the size of the non-conformity would not be permitted.

It was moved by Commissioner Buckler to recommend that City Council deny RZ-02-18 and supported by Commissioner Kempner.

AYES: Richardson, Shadle, Buckler, Kempner, Kapelanski

NAYS: Patterson, Smith, Trotto, Murad

Motion Carried.

3. SPECIAL LAND USE REQUEST: PSU-02-18—MICHIGAN STATE FEDERAL CREDIT UNION, 3165 TWELVE MILE RD

Community Development Director McLean gave a brief description of the proposed Special Use. The applicant is seeking to utilize the property at 3165 Twelve Mile Rd. as a bank.

Applicant Erin Bowdell gave a brief description of the business, Michigan State Federal Credit Union. Ms. Bowdell indicated the only changes to the exterior of the building would be the addition of new wall signage.

Chair Kapelanski opened the Public Hearing at 8:33PM

Wendi Zabramski, Gardner: Referenced the written correspondence provided to the Planning Commission. Ms. Zabramski stated that an ATM was installed on the exterior of the building. Ms. Zabramski stated that she believes parking will be an issue.

Brian Grapentien, Building Manager: Stated that MSUFCU erred in stalling the ATM. Mr. Grapentien misunderstood what was required to install the ATM.

Chair Kapelanski closed the Public Hearing at 8:37PM

Mr. McLean clarified that an ATM was installed on the premises without any permits or site plans. He stated that this is an ordinance violation and that the occupant received a violation notice with a timeline for correction.

Chair Kapelanski asked applicant about the status of the ATM.

Commissioner Buckler stated there should be a complete set of site plans.

It was moved by Vice Chair Smith to postpone PSU-02-18 until a complete site plan is submitted and supported by Commissioner Richardson.

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

NAYS:

Motion Carried.

4. PUBLIC PARTICIPATION PLAN: APPROVAL

Mr. McLean stated that final revisions had been made to the Public Participation Plan. Mr. McLean stated that there was an extended public comment period for residents to leave feedback on the plan.

Vice Chair Smith asked what revisions had been made.

Mr. McLean responded that only a few minor typos were corrected.

Commissioner Kempner pointed out an additional revision.

Mr. McLean replied that the revision would be made.

Commissioner Richardson stated that the plan has the flexibility to adapt and that he was comfortable with the final draft.

It was moved by Commissioner Buckler to approve the final draft of the Public Participation Plan with the minor final revisions and supported by Commissioner Patterson.

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

NAYS:

Motion Carried.

5. DESIGN OVERLAY DISTRICT: DISCUSSION

Mr. McLean discussed revisions that had been made to the proposed draft.

Citizen Comments

Nancy Stimac, Princeton: Stated that the proposed district appears to be regulatory

Analise Pietras, Franklin: Stated that she likes the guidelines. Ms. Pietras stated that she believes residents and business owners should have the opportunity to serve on any Design Review Board. Ms. Pietras stated she was confused about language for new construction and renovations to existing buildings. She expressed concerns about criteria to meet the guidelines and if the guidelines were fair or clear enough.

Director Carmody stated that the Design Review Board is not a function of the Downtown Development Authority; rather a board established by the City.

Kurt Hite, Robina: States he likes the design guidelines but is concerned about recommendations vs requirements.

Wendi Zabramski, Gardner: Expressed concerns about the design review process. Ms. Zabramski expressed concerns about administrative review and stated she was not in favor of approval.

Commissioner Richardson asked about administrative review for existing buildings.

Director Carmody stated that a newer draft of the proposed overlay district was available.

Mr. McLean recommended that additional discussions be deferred until the Planning Commission has an opportunity to view the latest version.

LIAISON REPORTS

Commissioner Trotto stated he went to the November DDA meeting. Mr. Trotto suggested that the façade plan for 2838 Coolidge may need to come back to the Planning Commission.

Commissioner Richardson stated that the Environmental Committee would meet on November 29.

Chair Kapelanski stated that the open house for the Downtown Master Plan was well done and well attended.

STAFF/COMMISSIONER COMMENTS

Vice Chair Smith asked that ordinance language for administrative review be brought before the Planning Commission in December.

Chair Kapelanski asked that an annual calendar of meetings be brought before the Planning Commission in December.

With no further business, the meeting was adjourned at 9:33PM.

November 26, 2018

Timothy McLean

Community Development Director

City of Berkley

Dear Mr. McLean

I respectfully ask to have the Application Number PSU-02-18 for Michigan State Federal Credit Union, off the agenda because there hasn't been enough time for review by either the Planning Commision or the Public.

The Post card that was mailed October 30, 2018 said the complete application information is available for review at City Hall. When I came to City Hall today you showed me one sheet application. You also said you waiting for the complete application. Obviously, what you showed me is not a complete application (reminds me of another situation of an incomplete application, LaSalette). Another thing you told me is you were waiting for the applicant to provide the application. Then I asked you why there was already an ATM installed in the window. You told me they were not supposed to do that and did it without your knowledge and a violation letter was sent to them.

We also talked about the parking which requires according to the summary included in the Planning Commission packet says it would need 6 parking spaces. Then you said all they need is to be within 500 ft of a Municipal parking lot. I see this as a real problem if all those businesses along that strip and others only must be within 500 ft of a municipal parking and no regard to the amount of parking spaces in that parking lot. To me that just forces overflow parking into the residential streets with no concern from the City. I am concerned this is not correct information.

This is all very concerning with the City doing things internally, the Community Development department making these decisions.

I would like this letter to be included in the Planning Commissioner's packet and part of the public record.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wendi Zabramski", written in a cursive style.

Wendi Zabramski



Timothy McLean <tmclean@berkleymich.net>

Planning Commission Communication for the November 27 meeting

Chuck Tyrrell**Reply-To.****To: Timothy McLean <tmclean@berkleymich.net>****Mon, Nov 26, 2018 at 11:57 AM**

Tim,

I will not be able to attend the Planning Commission meeting on November 27, 2018. There is no official email address for the planning commission, so I am sending this to you to be included as official resident correspondence in the meeting. Specifically I am writing in regards to the Design Overlay District.

Let's start by using the correct terms. The published document refers to design "guidelines". What is being proposed are not guidelines. Guidelines can be followed, or not. What is being proposed are design mandates, design requirements. Specifically the document asks that these mandates become law by amending the site plan review ordinance to include the design mandates.

The document also talks of a design review "advisory" board. As proposed this board will not be advisory but instead will have regulatory power. If the board does not see a proposed design as being within the mandates, the board may recommend to the Planning Commission that the proposal be denied.

The question has been asked over and over, about this additional review and approval adding more time to a project's overall approval. The answer in the past has been that no, this will streamline the process and it will take less time. With the board only meeting monthly, and the applicant needing to appear at least once in front of the board for their approval, it will add time. Depending upon the board's schedule vis-a-vis the Planning Commission schedule it could add at least a month.

There are many, many more concerns such as this board being able to bypass zoning regulations and that there is not a requirement that all of the members of the board be Berkeley residents. I ask the Planning Commission reject this flawed, overly broad design overlay district.

Charles A. "Chuck" Tyrrell**Phone**



Timothy McLean <tmclean@berkleymich.net>

"True" Community Engagement

Wed, Nov 14, 2018 at 9:21 PM

Reply-To:

To: "tmclean@berkleymich.net" <tmclean@berkleymich.net>
"rnc122@gmail.com" <rnc122@gmail.com>

Dear Planning Commissioners and Community Development Director,

I wanted to forward along an article I came across recently which seems like a great next step.

<http://www.modeldmedia.com/features/community-engagement-exploring-103018.aspx>

I would like to see a "true" community engagement occur for several topics so we can be an interactive community far ahead of public hearings:

1. "city wide" Master Plan
2. "city wide" Zoning Ordinance
3. "city wide" Recreation Center or Community Center
4. Coolidge Road Diet

Being a "redevelopment ready community" seems like a distraction to doing the duty bound items of updating an old Zoning Ordinance and old city Master Plan.

I think it would be a good next step to engage a facilitator to engage the community. An example being the Lakola Group, who is leading the way for the Downtown DDA district Master Plan. The Lakola Group however, is just working with in the DDA boundary of their district. There are also local groups like "the work department" Homepage | The Work Department

Homepage | The Work Department

www.theworkdept.com

When I attended the DDA Downtown Master Plan event last evening, I was surprised to find that many suggestions were met with "...well, that would be outside the Downtown "district" or that would be handled by the this "Tree" or "other" committee.

I suspect that until a "city-wide", rather than only a DDA pursuit is taken, there won't be a way to truly fix or grow that bridge across committee lines which affects residents and businesses alike.

Engaging a consultant to facilitate community engagement would be a fresh start at interactive communication as priorities are reset and updated city wide.

Thank you for your time and consideration.

Analise Pietras
2253 Franklin Rd
Berkeley, MI



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where you want to be

Community Development
3338 Coolidge Hwy
Berkley, MI 48072
(248) 658-3320

August 10, 2019

Planning Commission
City of Berkley
3338 Coolidge Hwy
Berkley, MI 48072

Subject: PRZ-02-19; 3339 Cummings Ave.
Conditional Rezoning Application Review
Application Submitted on July 26, 2019

Location: West side of Cummings Ave., south of Twelve Mile Rd.

Applicant: Atex Builders, LLC., represented by Grant Dryovage

Dear Planning Commissioners:

This case involves the proposed conditional rezoning of 5,232 sq. ft. of Parcel # 25-18-103-030; Lot 114 of Berkley School Park Subdivision, from Parking District to R-1D, Single Family Residential. The south 20 ft. of Lot 113, part of Parcel #25-18-103-030, shall remain in the Parking District; wherein, Parcel #25-18-103-030 is proposed to be located in two (2) zoning districts – Parking District and R-1D, Single Family Residential.

While split zoning a parcel is not ideal, if Lot 114 is rezoned to R-1D, Single Family Residential, the property owner is proposing to split the parcel along the lot line, so as Lot 113 would be located entirely in the Parking District and Lot 114 would be located entirely in the R-1D, Single Family Residential District.

Currently, the north 20 ft. of Lot 113 is in the Parking District is being used as a parking area that services the commercial businesses on Twelve Mile Rd. The south 20 ft. of Lot 113 has the potential to be developed with additional parking spaces to serve the Twelve Mile District.

Conditional Rezoning

The Michigan Zoning Enabling Act PA110 of 2006, as amended, permits a property owner to voluntarily offer conditions of rezoning to local unit of government. Section 405 states:

124.3405 Use and development of land as condition to rezoning

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



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

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

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

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

The applicant has provided the following conditions to the rezoning that are set forth in the letter from the applicant. The conditions set forth are as follows:

- (a) The City would have first right of refusal to 20 ft. x 130 ft. that would be zoned parking at fair market value, subject to be agreed upon by both parties;
- (b) The Lot (Parcel #25-18-103-030; South 20 ft. of Lot 113, all of Lot 114 of Berkley School Park Subdivision) would be split into a 20 ft. x 130 ft. (parking) and 40 ft. x 130 ft. (changed to residential) parcels.

In summary, the property owner is proposing to split the parcel and sell the south 20 ft. of Lot 113 to the City. This portion of the parcel would remain in the Parking District and would be restricted to all permitted uses and construction regulations of the district.

Background Information

In 1986, the City of Berkley initiated several rezonings along the Twelve Mile corridor from residential to parking. It was intended that the rezoned residential properties would be redeveloped as parking for the commercial businesses on Twelve Mile Rd. Several of the rezoned properties have been redeveloped as parking, though a few properties have continued with non-conforming residential structures.

In 2018, Atex Builders, LLC. purchased 3339 Cummings Ave. for the purpose of demolishing the existing single family residence and building a new two-story residence with detached garage. Prior to purchasing the property, the owner was not aware that the property was located in the Parking District, and would not be permitted to construct a non-conforming use on the parcel.

On November 27, 2018, Atex Builders, LLC requested Planning Commission to recommend to City Council to rezone 3339 Cummings Ave. from Parking District to R-1D, Single Family Residential. A public hearing was held and comments from the public were received and recorded. After discussion, the Planning Commission voted to recommend that City Council deny the rezoning from Parking to R-1D (Case # RZ-02-18).



At the December 3, 2018 City Council meeting, the City Council denied the rezoning of 3339 Cummings Ave.

The applicant has resubmitted the rezoning request with changes of condition, wherein the property owner is requesting to rezone all of Lot 114 of Parcel 25-18-103-030 to R-1D, Single Family Residential, and the south 20 ft. of Lot 113 will remain in the Parking District.

Rezoning Procedures

The procedures and criteria for rezoning are set forth in Chapter 138 (Zoning), Article VI (Administration and Enforcement), Division 3 (Amendments). The Planning Commission must hold a public hearing and will make a recommendation to the City Council. The City Council has the authority to take final action on a rezoning request.

Review Considerations

Section 138-585 of the Zoning Ordinance sets forth requirements to evaluate rezoning proposals. The City Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the City Council at the conclusion of the public hearing. The Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

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

The subject site, Lot 114, and properties to the south, east, and west are currently used as single family residences. Land to the north, Lot 113, is being used as parking, which serves the commercial retail businesses along Twelve Mile Rd. Rezoning Lot 114 as Single Family Residential would not be incompatible with surrounding land use patterns. This is relevant since the property owner is proposing to demolish the existing structure and construct a new single family residence with detached garage.

	Existing Land Use
Subject Property - Lot 114	Single Family Residence
North - Lot 113	Parking
South	Single Family Residence
East	Single Family Residence
West	Single Family Residence

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



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Greenfield District
Parking District
R-1D; Single Family Residential
Twelve Mile District

The properties to the east and south of the subject property are zoned R-1D. The proposed rezoning of Lot 114 to R-1D would not be incompatible with surrounding zoning patterns.

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

Demolition of the existing structure and new construction of a single family home would continue the residential character of the neighborhood. Residential uses are not permitted in the Parking District and the existing structure is classified as a legal non-conforming structure.

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

In general, there is a trend in the City of Berkley and other suburban communities for demolishing older, post-World War II homes and building modern, two-story homes on the same lot. The structure at 3339 Cummings Ave. was constructed in 1959, according to Oakland County records. The applicant has noted that the existing structure would need



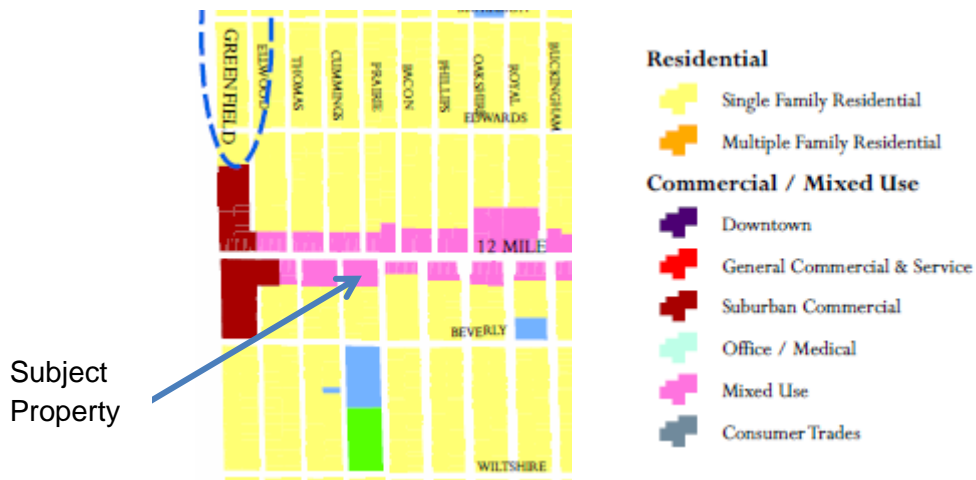
considerable work to bring it into compliance with the Michigan Building Code and he has opted to remove the existing structure entirely.

Since 2011, there have been two (2) properties in the surrounding neighborhood that has followed this trend and have been redeveloped with a modern single family home. Four (4) other properties in the neighborhood of the subject property have pending applications with the Berkley Building Department.

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

The subject property and land to the north and west is designated as Mixed Use on the Future Land Use Map.

	Future Land Use
Subject Property - Lot 114	Mixed Use
North – Lot 113	Mixed Use
South	Single-Family Residential
East	Single-Family Residential
West	Mixed Use



The Mixed Use designation allows for development with a mix of residential and non-residential uses. This includes attached condominiums, upper story residential units, loft



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apartments, live/work units. The Mixed Use designation was a new land use category introduced in the 2007 Master Plan and Future Land Use Map. "The intent of the district is to promote a complimentary mixture of uses that will help support the Downtown, provide an opportunity for new businesses and housing types, and spur reinvestment in properties along the portions of Twelve and Eleven Mile."

The Future Land Use Map does not clearly delineate properties that are included in the Mixed Use and Single Family Residential areas, shown on the previous page. The Planning Commission can determine if the subject property, Lot 114 exclusively, is within the Single Family Residential or Mixed Use areas.

Based on the intent of the district in the 2007 Master Plan and Future Land Use Map, the proposed split zoning of the property and subsequent split of the parcel itself would allow for the residential use (single family residential) and complimentary uses that will help support the downtown (parking).

The Master Plan and Future Land Use Map does not clearly designate parcel boundaries, leaving it up to interpretation as to where the Mixed Use and Single Family Residential areas are separated. The Planning Commission can determine if Lot 114 has been included in the Mixed Use District and if single family residential would be compliant with the intent of the Master Plan.

Recommendation

Based upon the above review and analysis, we recommend that the Planning Commission recommend approving of the rezoning proposed by Atex Builders, LLC from Parking District to R-1D, Single Family Residential, subject to the Conditional Rezoning Agreement.

If you have any questions about this application or need additional information, please contact me at any time.

Sincerely,

Erin Schlutow
Community Development Director

C: Matthew Baumgarten, City Manager
Gina Harold, Interim City Clerk
John Staran, City Attorney
gddryovage@atexbuilders.com

Atex Builders, LLC
3339 Cummings Ave.
Berkley, MI 48072

Barbara Monaco
183 Hampshire
Troy, MI 48085

Alan Richard Mesyn
3238 Cummings Ave
Berkley, MI 48072

Atex Builders, LLC
1195 Rochester R Suite 1
Troy, MI 48083

Laurie Grushky
3340 Cummings Ave
Berkley, MI 48072

P. Hersey
3257 Bacon
Berkley, MI 48072

Paul & Rachel Knapp
3325 Cummings Ave
Berkley, MI 48072

Robert & Christine Tighe
3039 Settlers Parkway
Elgin, IL 60124

Dr. Amit Mohindra
3269 Bacon
Berkley, MI 48072

James Volz
3309 Cummings Ave
Berkley, MI 48072

Occupant
3324 Cummings Ave
Berkley, MI 48072

Glenn Schwanke
3281 Bacon
Berkley, MI 48072

Robin Denby
3293 Cummings Ave
Berkley, MI 48072

Danielle Douglas
3308 Cummings Ave
Berkley, MI 48072

Karl Grunst
3293 Bacon
Berkley, MI 48072

Nicholas Crudo
3281 Cummings Ave
Berkley, MI 48072

Michael Andrus
3292 Cummings Ave
Berkley, MI 48072

Steven & Rachel Raimi
3309 Bacon
Berkley, MI 48072

Christopher Ethridge
3269 Cummings Ave
Berkley, MI 48072

Angela Macey
3280 Cummings Ave
Berkley, MI 48072

Ronald Anderson
3325 Bacon
Berkley, MI 48072

Jacob Phillips
3257 Cummings Ave
Berkley, MI 48072

Connor Ledwidge
3270 Cummings Ave
Berkley, MI 48072

David Wayne Ackerman
3339 Bacon
Berkley, MI 48072

Scott & Katrina Davis
3247 Cummings Ave
Berkley, MI 48072

Lindsey Tocco & Kevin Mead
3258 Cummings Ave
Berkley, MI 48072

Doris Diaz
3355 Bacon
Berkley, MI 48072

RT 3811 West Holdings LLC
Tom Parker
3214 Chicago Dr.
Hudsonville, MI 49426

RT Software Systems/Aero-Pacific
Mitchell Moses
3811 Twelve Mile
Berkley, MI 48072

Deborah Kobayashi
PO Box 721171
3912 Cumberland Rd
Berkley, MI 48072

Articipate Art Studio
3833 Twelve Mile
Berkley, MI 48072

Donna Bishop
2192 Cummings Ave
Berkley, MI 48072

Donna Bishop
3839 Twelve Mile
Berkley, MI 48072

Armadillo, LLC
Dave Lakatos
3861 Twelve Mile
Berkley, MI 48072

Zifkin Holdings, LLC
Anneke Zifkin
26001 Coolidge Hwy
Oak Park, MI 48237

JSN Architecture
3856 Twelve Mile
Berkley, MI 48072

Zalman's Treasures
3875 Twelve Mile
Berkley, MI 48072

America's Stamp Stop
Todd Schaffer
3860 Twelve Mile
Berkley, MI 48072

Roman Stadnyk
6399 Shagbark Dr
Troy, MI 48098

State Farm
3900 Twelve Mile
Berkley, MI 48072

Berkley Equities, LLC
Barton R. Tinsley
4240 Delemere Ct.
Royal Oak, MI 48073

Occupant
3912 Twelve Mile
Berkley, MI 48072

JW Tek Holdings, LLC
Eli Nakhleh
2649 Yorkshire Rd
Birmingham, MI 48009

Intelliform, Inc.
Gregg Archambault
3918 Twelve Mile
Berkley, MI 48072

Paul Buchanan
3924 Twelve Mile
Berkley, MI 48072

Munro Properties, LLC
3948 Twelve Mile
Berkley, MI 48072

Ross Munro Corp
3954 Twelve Mil
Berkley, MI 48072

Grooming with Love
Tina Taylor
3984 Twelve Mile
Berkley, MI 48072

Urban Rose Salon
Lisa Curry & Emily Holoday
3990 Twelve Mile
Berkley, MI 48072

Berkah, LLC
Julie Bankstahl
67410 Lilac Land
Ray, MI 48096

Berkley Animal Clinic
Thomas Bankstahl
3996 Twelve Mile
Berkley, MI 48072

Gezim Pllumaj & Lize Pllumaj
42620 Silverwood Dr
Sterling Heights, MI 48314

Country Oven of Berkley
4075 Twelve Mile
Berkley, MI 48072

Berkley Green Lantern Properties, LLC
28960 John R Rd.
Madison Heights, MI 48071

Green Lantern
John Spreitzer Jr.
4033 Twelve Mile
Berkley MI 48072

Rachael Pickle
3325 Thomas
Berkley, MI 48072

Ashley & Ian O'Gieblyn
3309 Thomas
Berkley, MI 48072

Monica Majewski & Matthew Fountia
3293 Thomas
Berkley, MI 48072

Anna Lee Bunge
3247 Thomas
Berkley, MI 48072

Teachable Moments
Kent & Charlotte Jackson
3933 Twelve Mile
Berkley, MI 48072

Eric C. Engman
12078 Greenview Ct.
Grand Blanc, MI 48439

TKB Company, LLC
507 Forest
Royal Oak, MI 48067

Kaya Nicholas
3340 Thomas
Berkley, MI 48072

Eric Smith
3281 Thomas
Berkley, MI 48072

Gate Keeper Games
3961 Twelve Mile
Berkley, MI 48072

Christopher Kimber
3324 Thomas
Berkley, MI 48072

Gary Kwiecinski
41801 Elk Rd.
Plymouth, MI 48170

3947 Berk, LLC
Rob Rappold
22513 Milner St.
St. Clair Shores, MI 48081

Judith Ann Stiltner
3310 Thomas
Berkley, MI 48072

Kathy Kerr
3269 Thomas
Berkley, MI 48072

Christ the Good Shepherd
3947 Twelve Mile
Berkley, MI 48072

Lori J. Zinser
3292 Thomas
Berkley, MI 48072

Brent Edwards
3257 Thomas
Berkley, MI 48072

Jackson Legacy Development, LLC
21800 Glenwild Dr.
Northville, MI 48167

Carmella Downen
3270 Thomas
Berkley, MI 48072

Dennis Downen
3256 Thomas
Berkley, MI 48072

Larry & Melissa Peura
3248 Thomas
Berkley, MI 48072

Dorothy Bennoune
3226 Thomas
Berkley, MI 48072

Richard Strapec
3356 Cummings Ave
Berkley, MI 48072

Steve & George Wooldridge
3248 Cummings Ave
Berkley, MI 48072

Zoning Board of Appeals
Berkley City Hall
3338 Coolidge Hwy.
Berkley, MI 48072

Re: New Construction
3339 Cummings Ave.
Berkley, MI 48072

Dear Board Members,

My name is Grant Dryovage with Atex Builders LLC.

Last year we purchased a property in your community, and we are interested in building a new residence there. Unbeknownst to us, the property was zoned as a Parking District. My intention is to remove the existing house that is in disrepair and build a new modern two-story home with a detached garage that will conform to R1-D standards and split off 20' of the lot to be zoned as parking.

Last year we purchased we submitted for a rezoning, what has changed in the last year is that the city has expressed interest in buying 20' of the 60' lot, leaving 40' of the lot, which if rezoned to residential would be buildable to residential standards under existing code. What we are asking for is a conditional rezoning of the 40' remaining of the property allowing us to build after a lot split.

We are asking for a conditional rezoning under the following conditions:

- Give the city first right of refusal to 20'x130' that would be zoned parking at fair market value, subject to be agreed upon by both parties
- Lot would be split into a 20'x130'(parking) and 40'x130'(changed to residential) parcels

We are a licensed and insured residential builder (License #2102207084) and have completed multiple projects in the area this year. I intend to build a home that fits into the style of the neighborhood.

We would like your support.

I have attached signatures of neighbors in support of this project from last year.

Thank you for your help.



Grant Dryovage
Owner/President
Atex Builders LLC

25.Oct.18

Re: New Construction
3339 Cummings Ave.
Berkley, MI 48072

Neighbors:

My name is Grant Dryovage.

I recently purchased property in your neighborhood and am interested in building a new residence there.

To do so, I will demolish the existing structure and replace it with a modern two-story home with an attached garage.

To build the new house on this property, the City of Berkley requires a zoning change. The lot is currently zoned as a Parking District and will need to be changed to Single Family Residential.

I am a licensed and insured residential builder (License #2102207084) and have completed multiple new builds in the area this year. I intend to build a home that fits into the style (and scale) of the neighborhood.

I would like your support.

I have attached a rendering of the home I intend to build. If you are ok with the proposed new construction, I would appreciate it you could sign at the bottom of the page. (I'm told that the support of the neighborhood is an important factor when considering a zoning request.)

If you have any feedback on the new construction, please feel free to contact me.

Thanks for your help.



Grant Dryovage
Owner/President
Atex Builders LLC

3339 Cummings Ave.
Berkley, MI 48072

Name: _____

Address: _____

Signature: _____

Comments: _____

Name: Paul Knapp

Address: 3325 Cummings Ave

Signature: [Signature]

Comments: _____

Name: Danielle Douglas

Address: 3308 Cummings Ave

Signature: [Signature]

Comments: _____

Name: Michael H. Graham

Address: 3292 Cummings Ave

Signature: [Signature]

Comments: _____

Name: Leila Chen

Address: 3340 Thomas

Signature: [Signature]

Comments: _____

Name:

Melissa Kendall & Chris Kimber

Address:

3324 Thomas

Signature:

Melissa

Comments:

Name:

Address:

Signature:

Comments:

Name:

Address:

Signature:

Comments:

Name:

Address:

Signature:

Comments:

Name:

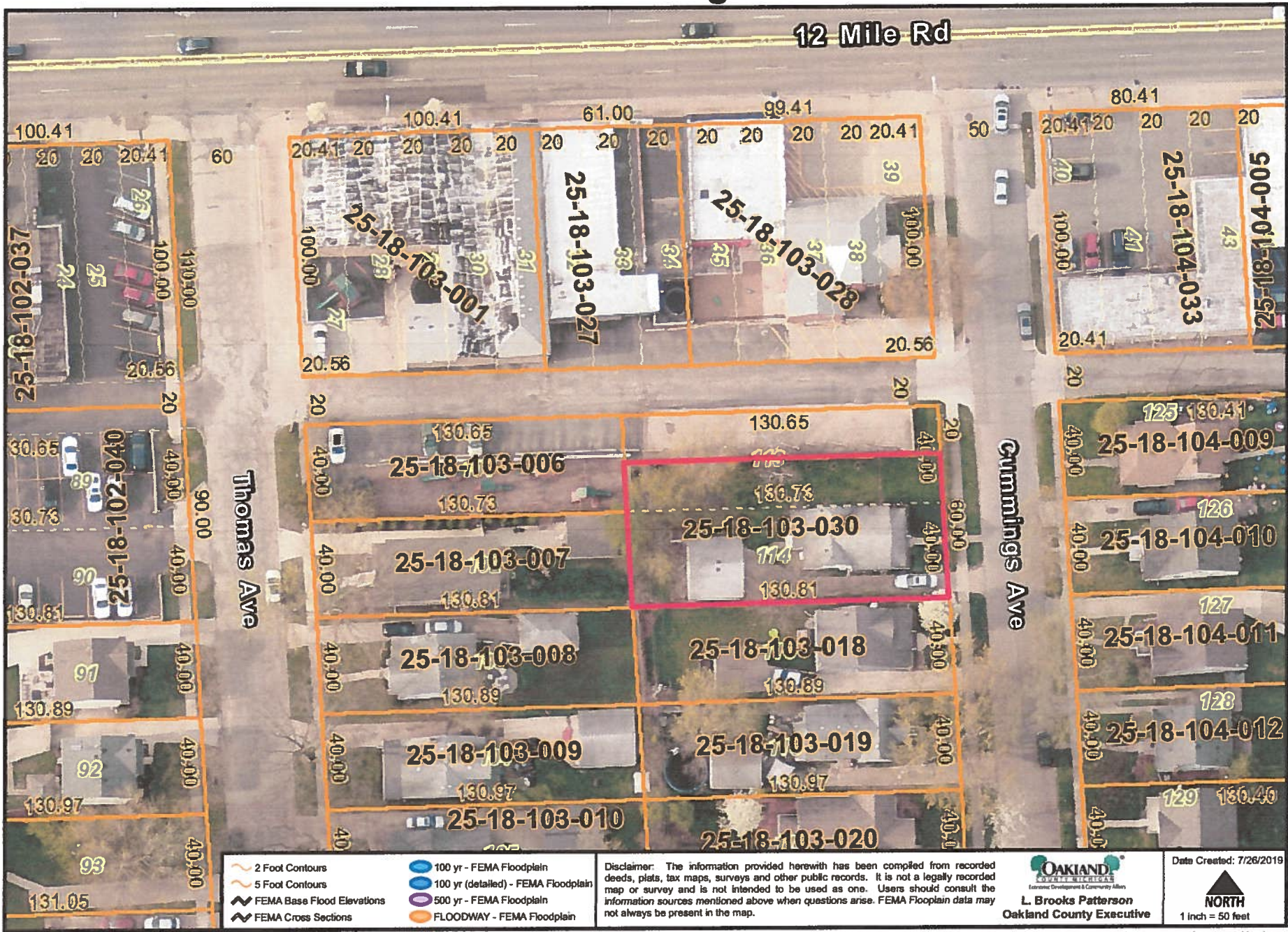
Address:

Signature:

Comments:

3339 Cummings Ave

12 Mile Rd



Original intended plans

GUARANTY SURVEY CO.
REGISTERED LAND SURVEYORS

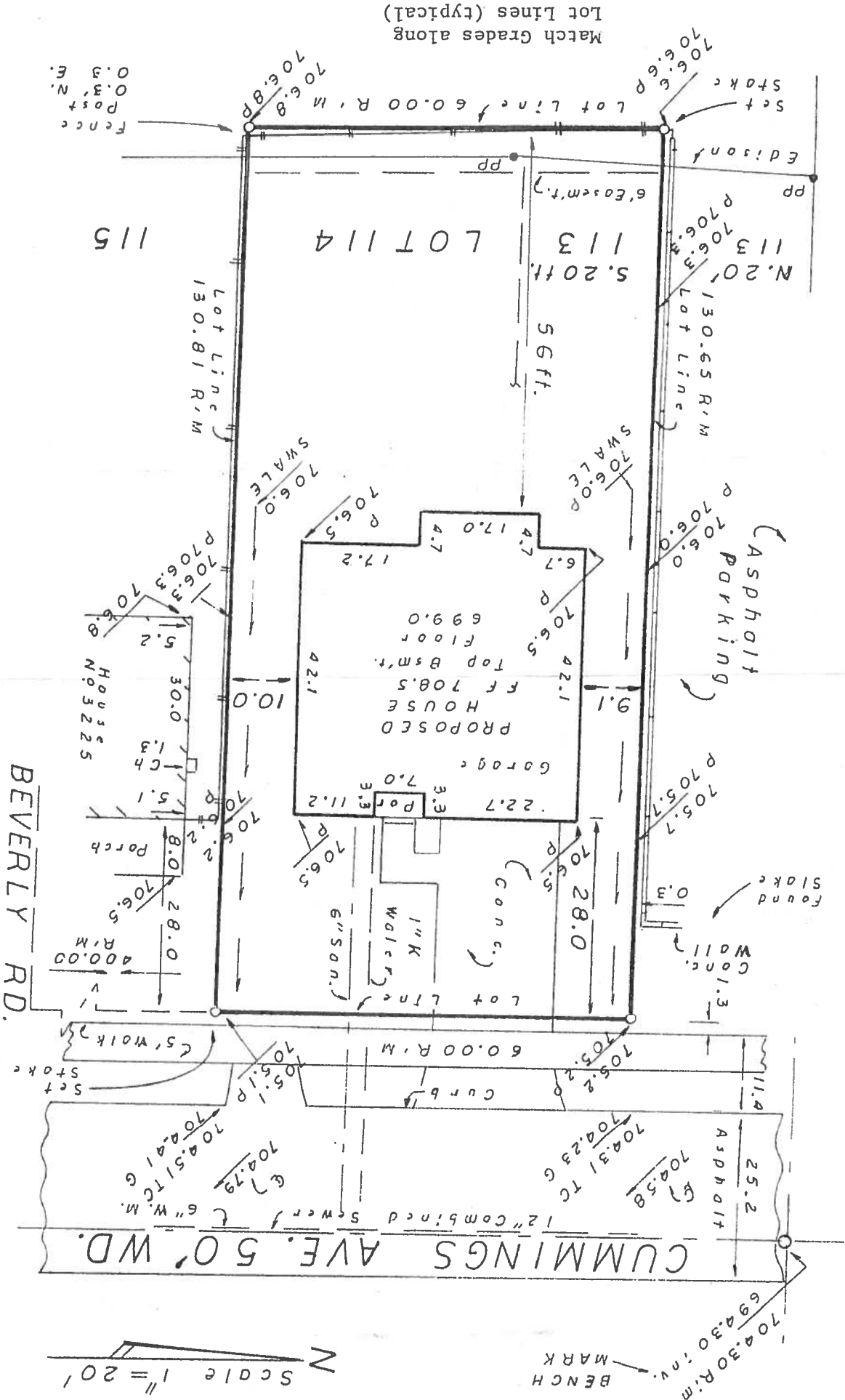
1660 ROCHESTER ROAD
TROY, MI 48063
ESTABLISHED 1939

PETER G. PITCHFORD
TOM NORTHROP
FAX (248) 528-1746
(248) 528-1717

SHEET 2 of 2

RESIDENTIAL PLOT PLAN
DATE: Oct. 12, 2018
Job No. 191485
NOTE: Existing House - Garage
to be removed - replaced.

Existing
Elevation
Proposed
Elevation





Erin Schlutow <eschlutow@berkleymich.net>

3339 Cummings Public Rezoning Hearing

1 message

lindsey tocco <lindsey.tocco@gmail.com>

Tue, Aug 20, 2019 at 12:35 PM

To: eschlutow@berkleymich.net

Cc: Kevin Mead <kevin7mead@gmail.com>, Matthew Baumgarten <mbaumgarten@berkleymich.net>

Hi Erin,

Please consider this our official written support for the rezoning of the property at 3339 Cummings Ave from parking to single family residential. This property has been sitting vacant and blighted for about a year now. It is unsightly and I'm tired of driving by it everyday looking so terrible. The residents on my block work hard to keep our homes and yards looking attractive and inviting. This property needs to be rezoned so that it can be used as an area for a home again.

Thank you for your time and consideration in this matter.

Sincerely,
Lindsey and Kevin
3258 Cummings

CERTIFICATE OF SURVEY

RESIDENTIAL LOT SPLIT: 3339 Cummings Ave.

Prepared For: Atex Builders Inc.
1195 Rochester Rd. Suite I
Troy, MI 48083
734-536-6030

EXISTING LEGAL DESCRIPTION: 04-25-18-103-030

South 20.0 ft. of Lot 113, also all of Lot 114, BERKLEY SCHOOL PARK, A Subdivision of the W.1/2 of N.W.1/4 of Section 18, T1N-R11E, Royal Oak Twp., CITY OF BERKLEY, Oakland County, Michigan.
Plat recorded LIBER 30, PAGE 10, Oakland County Records.
BEARINGS in relation to 12 Mile Rd. as platted.

PROPOSED LEGAL DESCRIPTIONS:

PARCEL "A"
South 20.0 ft. of Lot 113, BERKLEY SCHOOL PARK, City of Berkley, Oakland County, Michigan.
Plat recorded LIBER 30, PAGE 10, OCR.

PARCEL "B"
Lot 114, BERKLEY SCHOOL PARK, City of Berkley, Oakland County, Michigan.
Plat recorded LIBER 30, PAGE 10, OCR.

SEE DETAIL OF PROPERTY ON SHEET No. 2

SHEET 1 of 2

I HEREBY CERTIFY, that I have surveyed and mapped the property herein described; and that said survey was performed with a relative error of closure of no greater than 1 in 5000 and that all the requirements of P.A. 132, 1970 have been complied with.

GUARANTY SURVEY CO.
REGISTERED LAND SURVEYORS

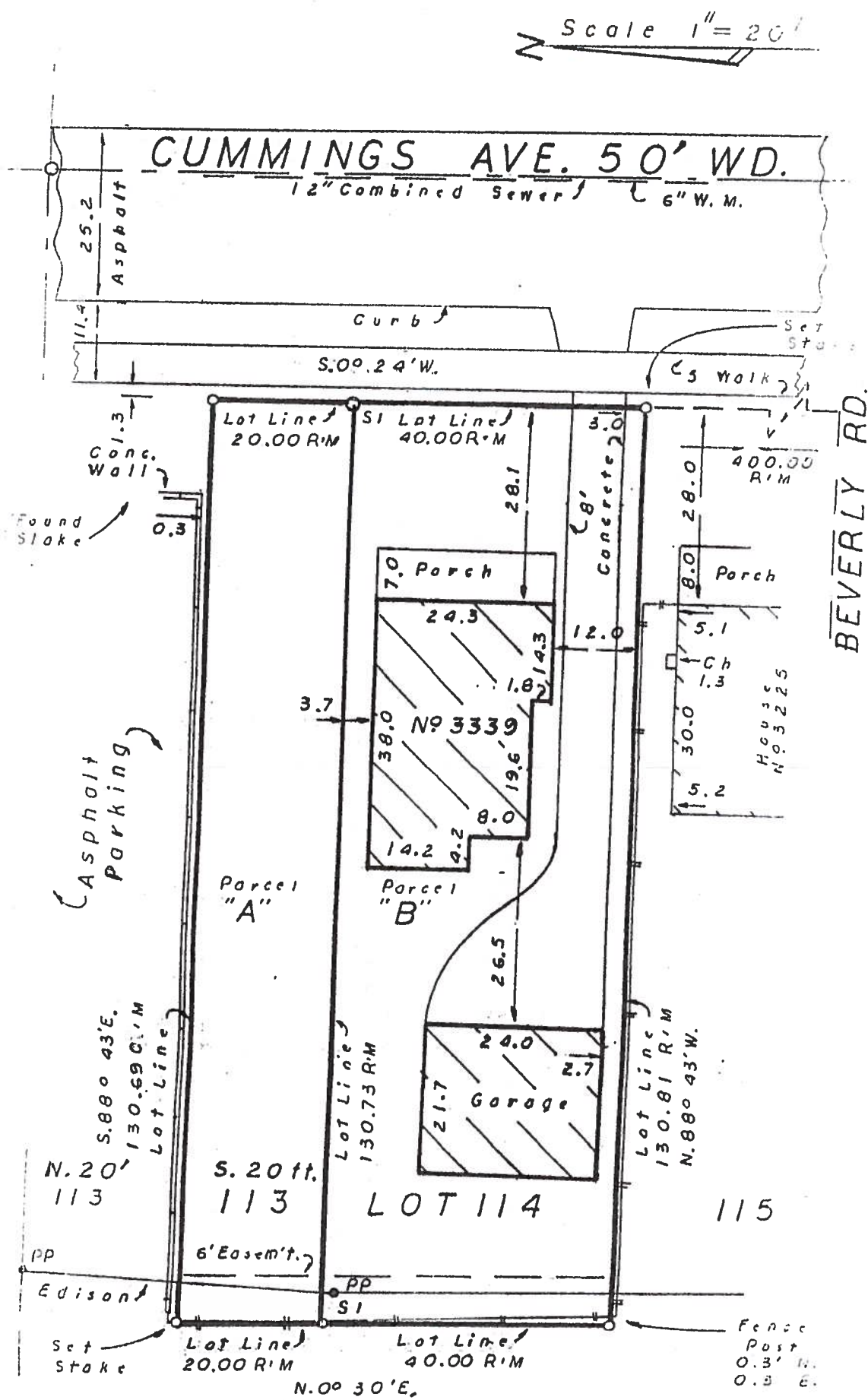
1660 ROCHESTER ROAD
TROY, MI 48083
ESTABLISHED 1939

PETER G. PITCHFORD
TOM NORTHRUP

(248) 526-1771
FAX (248) 526-1774

ORDER No. 191485 DATE July 31 2019

BY: 



NOTE: Parcel A to be combined with parking Lot
House to be removed - replaced on Parcel B

RESIDENTIAL LOT SPLIT
Job No. 191485
July 31, 2019

Job No. 191485



GUARANTY SURVEY CO.
REGISTERED LAND SURVEYORS
1660 ROCHESTER ROAD
TROY, MI 48083
ESTABLISHED 1939

PETER G. PITCHFORD
TOM NORTHROP

(248) 528-1717
FAX (248) 528-1746



Office of the
City Manager

Memo

To: Planning Commission
From: Matthew Baumgarten, City Manager
Date: August 23, 2019
Subject: Marihuana Zoning Ordinance Draft

Members of Planning Commission,

In November 2018, voters of the State of Michigan voted in favor of legalizing adult-use marihuana and allowing communities to create marihuana business frameworks. In May 2019, the City Council directed the administration to begin building the regulatory framework to allow marihuana business to open within the City. The regulatory framework is being considered in two pieces, licensing and zoning requirements.

Presented before you is the draft Zoning Ordinance change which effectively adds marihuana business uses to the zoning districts within the City, this change requires a Public Hearing which we are requesting the Planning Commission hold at the September 24, 2019 meeting.

Thank you,

Matthew Baumgarten

AN ORDINANCE

of the City Council of the City of Berkley, Michigan to Amend Sections 138-363, 138-382, 138-387, 138-427, 138-457, 138-472, 138-487 and Add New Section 138-528 to Chapter 138 Zoning, to Establish Zoning Requirements for Marihuana Businesses.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 138-382 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-382. – Principal uses permitted.

No land, building or premises within the Office District shall be used for other than the following specified purposes:

(1)-(9) *No change.*

(10) Marihuana Safety Compliance facilities.

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

Sec. 138-387. – Principal uses permitted.

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

(1)-(15) *No change.*

(16) Marihuana Retailers, Medical Marihuana Provisioning Centers, Marihuana Microbusinesses, and Marihuana Safety Compliance facilities.

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

Sec. 138-487. – Principal uses permitted.

Principal uses permitted in the Downtown District are as follows:

(1)-(10) *No change.*

(22) Marihuana Retailers, Medical Marihuana Provisioning Centers, and Marihuana Microbusinesses.

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

Sec. 138-427. – Principal uses permitted.

Principal uses permitted in the Gateway District are as follows:

(1)-(15) *No change.*

(16) Marihuana Retailers and Medical Marihuana Provisioning Centers.

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

Sec. 138-457. – Principal uses permitted.

Principal uses permitted in the Coolidge District are as follows:

(1)-(15) *No change.*

(16) Marihuana Retailers, Medical Marihuana Provisioning Centers, Marihuana Microbusinesses, and Marihuana Safety Compliance facilities.

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

Sec. 138-457. – Principal uses permitted.

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

(1)-(15) *No change.*

(16) Marihuana Retailers, Medical Marihuana Provisioning Centers, and Marihuana Microbusinesses.

SECTION 7: Section 138-472 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-472. – Principal uses permitted.

Principal uses permitted in the Woodward District are as follows:

(1) *No change.*

- (2) Any retail business or service establishment permitted in the LB local business districts as principal uses permitted, not including Marihuana Safety Compliance facilities.

(3)– (4) *No Change.*

SECTION 8: Section 138-487 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-487. – Principal uses permitted.

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

(1)-(21) *No change.*

(22) Marihuana Grower facilities, Marihuana Safety Compliance facilities, Marihuana Processor facilities, Marihuana Retailers, Medical Marihuana Provisioning Centers, and Marihuana Microbusinesses.

SECTION 9: New Sec. 138-528 shall be added to Chapter 138 of the Berkley Code of Ordinances, as follows:

Sec. 138-528. – Marihuana Business regulations

- (a) A Marihuana Business must front on a major thoroughfare with the primary ingress/egress onto a major thoroughfare.
- (b) The Marihuana Business must have all applicable state and local licenses and approvals to operate.
- (c) The property where the Marihuana Business will be located must be entirely within the boundaries of the City, and must not be within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.
- (d) Notwithstanding any other provision in the zoning ordinance, a Marihuana Business must operate within a fully enclosed building.
- (e) The City shall prefer the Marihuana Business to be located at least 500 ft., measured from the edge of the right-of-way, from the following intersections:
 - a. Eleven Mile and Greenfield, Eleven Mile and Coolidge, Eleven Mile and Woodward
 - b. Twelve Mile and Greenfield, Twelve Mile and Coolidge, Twelve Mile and Woodward

SECTION 10: Severability Clause

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

SECTION 11: Effective Date

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

SECTION 12: Publication

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

Dan Terbrack
Mayor

Attest:

City Clerk



Office of the
City Manager

Memo

To: Planning Commission
From: Matthew Baumgarten, City Manager
Date: August 23, 2019
Subject: Updating Zoning Code: Misdemeanors

Member of the Planning Commission,

In recent months the administration has begun taking a detailed look at the regulations and practices the City uses to ensure the health, safety, and welfare of the community. In examining our City's Code of Ordinances it can be observed that many violations of the ordinances presently result in the issuance of a misdemeanor, a criminal offense, which could be overly aggressive in enforcing minor infractions.

In the fall of 2018, during a visioning work session the City Council indicated their intent to transition many of the prescribed misdemeanor violations to municipal civil infractions. The City Administration is moving forward with this vision and recommending that all violations in the Zoning Ordinance be converted to a Municipal Civil Infraction.

Thank you,

Matthew Baumgarten

AN ORDINANCE

**of the City Council of the City of Berkley, Michigan to Amend Section 138-551
of Chapter 138 Zoning, to Change Zoning Ordinance Violations of the Chapter
From Misdemeanors to Municipal Civil Infractions**

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 138-551 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-551. – Violations.

Violations of this chapter are ~~misdemeanors~~ municipal civil infractions.

SECTION 2: Severability Clause

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

SECTION 3: Penalty

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

SECTION 4: Effective Date

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

SECTION 5: Publication

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

Dan Terbrack
Mayor

Attest:

City Clerk