PUBLIC NOTICE

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

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

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

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

2. APPOINTMENTS: Matter of appointing Planning Commission liaisons to the following Boards and Commissions:
   a. City Council (First and third Monday of every month at 7:00pm)
   b. Downtown Development Authority (Second Wednesday of every month at 8:30am)
   c. Chamber of Commerce (fourth Friday of every month at 8:00am)
   d. Environmental Advisory Committee (Fourth Thursday of every month at 6:30pm)

3. PRESENTATION: Proposed Downtown Master Plan presented by Lakota Group

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

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

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

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

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

LIAISON REPORTS
COMMISSIONER/STAFF COMMENTS
ADJOURN

Notice: Official Minutes of the City Planning Commission are stored and available for review at the office of the City Clerk.
The City of Berkley will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four working days notice to the city. Individuals with disabilities requiring auxiliary aids or services should contact the city by writing or calling City Clerk, ADA Contact, Berkley City Hall, 3338 Coolidge, Berkley, Michigan 48072, (248) 658-3300.
THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:30 PM, JUNE 25, 2019 AT CITY HALL BY CHAIR KAPELANSKI.

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

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

ABSENT: NONE

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

* * * * * * * * *

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

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

* * * * * * * * *

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

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

* * * * * * * * *

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

* * * * * * * * *

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

Chair Kapelanski responded that if City Council made any substantive changes to the Proposed District that it may have to come back before Planning Commission.
1. **PUBLIC HEARING**: POSTPONED UNTIL JULY MEETING

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

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

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

No public comments were made

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

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

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

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

Vice Chair Smith stated that LARA requirements are extensive.

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

Commissioner Kempner asked if screening requirements conflicted with existing ordinances.

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

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

AYES: Murad, Patterson, Richardson, Shadle, Smith, Trotto, Buckler, Kempner, Kapelanski
NAYS: None
ABSENT: None
5. **PLANNING COMMISSION BYLAWS: AMENDMENT**

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

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

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

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

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

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

6. **PLANNING COMMISSION: ANNUAL REPORT**

Received by Planning Commission

* * * * * * * *

**LIAISON REPORTS**

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

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

* * * * * * * *

**STAFF/COMMISSIONER COMMENTS**

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

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

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

To: Chair Kapelanski and Members of the Berkley Planning Commission
From: Matthew Baumgarten, City Manager
Date: July 15, 2019
Subject: Staff Report- July 23, 2019 Regular Meeting of the Berkley Planning Commission

Commissioners,

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

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<td><strong>MOGO INSTALLATION:</strong> Consideration of approval of MoGo Bike Station installations at Twelve Mile &amp; Robina, and Earlmont &amp; Coolidge.</td>
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MOGO INSTALLATION: Consideration of approval of MoGo Bike Station installations at Twelve Mile & Robina, and Earlmont & Coolidge.

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

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

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

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

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

- The installation of the station on Robina Plaza South will be installed on a City owned property.
- The Earlmont Avenue, east of Coolidge, will be installed in City owned controlled Right-of-Way.
- The primary goal for stations is to be located near key destinations with foot traffic, transit, bike routes, and parks.
- The goal of station siting is to limit the amount of new concrete pads for stations due to cost and the flexibility of moving a station to another location if usage is low.
- As part of the operations agreement with MoGo, maintenance of the stations and bikes, snow removal, etc. will be handled by Shift Transit (not DPW).
- Other caveats have been provided by the Department of Public Works review letter enclosed in your packet.
SITE PLAN REVIEW SP-04-19: St. Mary’s Orthodox Church is requesting site plan approval for the addition of a dome at 3212 Twelve Mile Road, between Gardner and Griffith.

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

NORTH
Downtown District / Parking (same parcel as Linda’s Dance Works)

WEST
Gardner Road / Downtown District

SOUTH
Twelve Mile Road / Downtown District

EAST
Downtown District / Linda’s Dance Works

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

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

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

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

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

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

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

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

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

**ENGINEERING:**
There are no comments under engineering.
SITE PLAN REVIEW SP-05-19: Joe Novitsky is requesting site plan approval for a façade change at 3818 Twelve Mile Road, between Prairie and Bacon.

**Existing Zoning / Land Use:** Twelve Mile District / Storage

**Surrounding Zoning / Land Use:**

**NORTH**
Single Family Residential District / Single Family Home

**WEST**
Prairie Avenue / Twelve Mile District

**EAST**
Twelve Mile District / Pine State Enterprises

**SOUTH**
Twelve Mile Road / Twelve Mile District

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

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

**DISCUSSION:**
The applicants are proposing a complete renovation of the building and its façade as well as a change of use. The building lies within the Twelve Mile District. This zoning district requires a maximum height of 40’ and a 10’ rear yard setback. The proposed renovation meets both those standards. The applicant has also provided a floor plan indicating how the proposed 3,846.7 square foot will be segmented into various uses, all of which are allowed as principal uses in Twelve Mile District.
In addition to the bulk requirements, the Twelve Mile district has additional design requirements set forth by Sec. 138-462. - Building design requirements. All of which appear to have been met based upon the application materials:

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

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

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

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

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

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

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

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

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

**ENGINEERING:**
Plans indicate that the roof will drain onto grade and into the drain in the parking lot. DPW Director has reviewed the plans and directed the property owner to install a restricted manhole cover in the parking lot to slow the flow of storm water into the combined sewer system.
CONDITIONAL REZONING REQUEST PRZ-01-19: 2219 Coolidge LLC, 2219 Coolidge Highway, southwest corner of Coolidge Highway and Oxford Road., Parcel ID: 25-18-431-022 is requesting a conditional rezoning from Office District (O-1) to Multiple-Family Residential District (R-M).

Existing Zoning / Land Use: Office District / Storage
Surrounding Zoning / Land Use:

NORTH
Coolidge District / Retail Center

WEST
Multi-family Residential District / Parking

SOUTH
Office District / House of Worship

EAST
Coolidge District / Coolidge Highway

(Result of Lot Split Not Show in picture above)

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

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

Staff Note
Richard Carlisle of Carlisle Wortman has been contracted to act as the City’s planner for this and subsequent applications related to this project. In separate documents, Mr. Carlisle has supplied to the Planning Commission an analysis of the appropriateness of a conditional rezoning and a review of application PRZ-01-19.
SITE ID: 67 - Coolidge Hwy & Earlmont Rd.

Preferred Location:

Includes: 7 docks and satellite kiosk.

Station Dimensions: 20.0' x 6.0'

Preferred Option: Sidewalk Location.

Site Ownership: City of Berkley, MI.

Abutters: n/a

Presence of Historic District: n/a.

Site Ownership: City of Berkley, MI.
Plan view diagram of Preferred Option

SITE ID: 67 - Coolidge Hwy & Earlmont Rd.
SITE ID: 67 - Coolidge Hwy & Earlmont Rd.

Traffic in adjacent lane will be temporarily diverted during station installation.

Photo view diagram of Preferred Option facing west.
Elevation + Axonometric View of a 7-Docks Satellite Station

Dock satellite bikeshare station

Axonometric View

Elevation View

Graphic representation of a satellite station.

Additional graphics and photographs.

SITE ID: 67 - Coolidge Hwy & Earlmont Rd.

Detroit Bike Share System
Detroit Bike Share System

Berkley, MI

SITE ID: 68-W72MileRd&RobinaAve

Preferred Option: Sidewalk Location

Station Dimensions: 20.0' x 6.0'

Includes: 7 docks and satellite kiosk

Presence of Historic District: N/A

Site Ownership: City of Berkley, MI

Abutters: N/A

Map view diagram showing preferred station location
Site ID: 68 - W 12 Mile Rd & Robina Ave

Bikes released towards building

7 dock satellite station

Station set back on sidewalk

20.0' x 6.0' station footprint

Detroit Bike Share System

Shift Detroit

Partnership

Downtown Detroit
Photo view diagram of Preferred Option facing north.
Detroit Bike Share System
Berkley, MI
SITE ID: 68 - W 12 Mile Rd & Robina Ave

Additional graphics and photographs

Dock satellite bike share station
Station equipped with and powered by solar panels and do not require hard wiring into the ground

Axonometric View

Elevation View

Graphic representation of a satellite station

Elevation + Axonometric View of a 7-

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

Photovoltaic panel - Steel kiosk - Steel dock - Bike parked in dock

(Sits within 20' x 6' footprint)
July 15, 2019 (via email)

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

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

Dear Ms. Carmody:

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

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

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

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

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

Sincerely,

Derrick Schueller, Director of Public Works
DLS
J:\DDA\MoGo\2019\MoGo Robina Earlmont Review #2 7-15-19.doc

cc: Matthew Baumgarten, City Manager (via email)
    Annette Boucher, City Clerk (via email)
    Matt Koehn, Public Safety Director (via email)
    Shawn Young, DPW Foreman (via email)
    John Staran, City Attorney (via email)
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: ST MARY'S ORTHODOX CHURCH Phone: 313-282-3453
Complete Address: 3912 W. 12 MILE RD. BERKLEY MII 48072

Property Owner (if different than above):
Name: ST MARY'S ORTHODOX CHURCH Phone: ______________________________________
Complete Address: ________________________________________________________________

Representative:
Name: Edward Abshaib Phone: ______________________________________ Title: Architect
Complete Address: ________________________________________________________________

Description of Property for Review:
Lot Number ___________________________ Subdivision ______________________________________
Street Address: 3912 W. 12 MILE RD.

Reason for Review by Planning Commission: Adding a new addition at the top of the church.

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

Signature of Applicant ___________________________ Date 6-17-2019

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

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

Office use only Account Number: 1019
Received 6-17-19 Receipt # __________ Hearing Date ______ Case # 03-04-19
Planning Commission Disposition: ____________________________________________
CITY OF BERKLEY, MICHIGAN
APPLICATION FOR SITE PLAN REVIEW

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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. NOWICKI**
Phone: (248) 433-2030

Complete Address: 3356 12 MILE, BERKLEY, MI, 48072

Property Owner (if different than above):

Name: **TIMOTHY AND NICOLETTE YANKE**
Phone: (248) 417-2982

Complete Address: 10864 NADINE AVE., HUNTINGTON WOODS, MI 48070

Representative:

Name: **JOE NOWICKI**
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: **FAÇADE CHANGE/NEW USE**

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

Signature of Applicant: ___________________________ Date: 6-20-19

Fees:
Site Plan Review: $350.00
Revision: $100.00

Facade Change: $200.00
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 # APS-05
Hearing Date _____
Case # APS-05-19

City Planning Commission Disposition: ________________________________
TRANSMITTAL LETTER

ARCHITECT'S PROJECT NO: 19067

DATE: 6/21/19

TO: CITY OF BAKLEY
3338 COOLIDGE HWY.
BAKERLEY, MI 48072

ATTN: TIM MCLEAN; COMM. DEV. DIRECTOR

WE TRANSMIT:

☑ herewith ( ) under separate cover via __________________________
☑ in accordance with your request

FOR YOUR:

☑ approval ( ) distribution to parties ( ) information
☑ review & comment ( ) record
☑ use ( )

THE FOLLOWING:

☑ Drawings ( ) Shop Drawing Prints
☑ Specifications ( ) Shop Drawing Reproducible
☑ Change Order ( ) Plan Review Application
☐ Information
☐ Shop Drawing Reprintable
☐ Product Literature

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<th>DATE</th>
<th>REV. NO.</th>
<th>DESCRIPTION</th>
<th>ACTION CODE</th>
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<tr>
<td>18</td>
<td>6/21/19</td>
<td></td>
<td>P.C. REVIEW DRAWINGS SEALED w/</td>
<td></td>
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<td></td>
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<td>(4) SHEETS EACH: S-1, S-2, A-1 &amp; A-2</td>
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<td>1</td>
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<td>PLAN REVIEW APPLICATION</td>
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<td>1</td>
<td>6/21/9</td>
<td></td>
<td>CHECK ($200.00) FOR REVIEW FEE(S)</td>
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<td>C.D. w/ 'pdf' COPIES OF REVIEW DWGS.</td>
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</table>

REMARKS

ACTION A. Action Indicated on item transmitted
CODE B. No action required
C. For signature and return to this office
D. For signature and forwarding as noted below under REMARKS
E. See REMARKS below

CC: T. YANKE

Maurice Charbonneau
FOR JOSEPH S. NOVITSKY

ARCHITECT
3856 12 Mile Road
Berkley, MI 48072
CITY OF BERKLEY, MICHIGAN
APPLICATION FOR REZONING
AMENDED AND RESTATED

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

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

Property Owner: (If different than above)
Name: Archdiocese of Detroit  Phone: 
Complete Address: 12 State Street, Detroit, MI 48322

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

Signature of Applicant

Office use only (account #1019)
Date Application Received Fee Receipt Number

Hearing Date Case Number
Planning Commission Hearing:
City Council, First Reading:
City Council, Second Reading:

January 2017
June 25, 2019

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

Re: 2219 Coolidge Highway

To Whom it May Concern,

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

Sincerely,

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

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

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

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

Applicant:
Name: John DePace Phone: 586-566-4904
Complete Address: 6900 Telegraph Rd Suite 2500
Bloomfield Twp MI 48301

Property Owner: (If different than above)
Name: Bradley Friedman Phone: 248-343-9475
Complete Address: 6900 Telegraph Rd Suite 2520
Bloomfield Twp MI 48301

Description of Property to be Rezoned:
Street Address: 2219 Coolidge Hwy
Between Oxford And Harvard
Lot Number:
Subdivision:
Zoning: Present: Office District
Proposed: P

Signature of Applicant Date

Office use only (account #1019)
Date Application Received 4-26-19 Fee $600.00 Receipt Number PRZ-01-19
Hearing Date Case Number
Planning Commission Hearing:
City Council, First Reading:
City Council, Second Reading:
CONDITIONAL REZONING AGREEMENT

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

RECITALS:

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

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

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

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

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

The parties agree as follows:

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

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

   (b) The existing building within the Property shall not be demolished and the
footprint of the building shall not be enlarged;

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

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

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

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

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

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

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

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

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

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

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

"DEVELOPER"

2219 Coolidge LLC
a Michigan limited liability company

By: ____________________________
   Steve Friedman
   Its: Manager

STATE OF MICHIGAN )
   ) ss.
COUNTY OF OAKLAND )

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

__________________________
Notary Public

___________ County, Michigan
Acting in ____________ County, Michigan
My Commission Expires: ________
CITY:

City of Berkley,
a Michigan municipal corporation

By: ______________________________
   Daniel Terbrak
   Its: Mayor

STATE OF MICHIGAN )
ss.
COUNTY OF OAKLAND )

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

__________________________________ Notary Public
                                      County, Michigan
Acting in ____________ County, Michigan
My Commission Expires: _______________
CITY:

City of Berkley,
a Michigan municipal corporation

By: __________________________
    Annette Boucher
    Its: City Clerk

STATE OF MICHIGAN )
    )ss.
COUNTY OF OAKLAND )

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

_________________________     Notary Public
                                      County, Michigan
Acting in _______________ County, Michigan
My Commission Expires:_____________
The undersigned owner of the Property described on Exhibit A attached hereto, hereby consents to the foregoing Conditional Rezoning Agreement and acknowledges and agrees that the Property shall be bound by the foregoing Conditional Rezoning Agreement.

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

STATE OF MICHIGAN )
COUNTY OF __________ )ss.

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

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

Drafted by and when recorded return to:

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

LEGAL DESCRIPTION

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

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

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Part of Tax Parcel Number(s): 25-18-431-022
NOTICE IS HEREBY GIVEN, that in accordance with the City of Berkley Code of Ordinances, Chapter 138 Zoning, Article VI Administration and Enforcement, Amendments, a Public Hearing will be held by the Berkley City Planning Commission on Tuesday, July 23, 2019 at 7:00 p.m. or as near thereto as the matter may be reached at the City Hall Council Chambers, 3338 Coolidge Highway, Berkley, Michigan to determine the necessity for and effect of rezoning property as follows.

Application Number PRZ-01-19

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

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

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

TIMOTHY MCLEAN
COMMUNITY DEVELOPMENT DIRECTOR

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The Daily Tribune
Royal Oak, Michigan
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The Chair of the Planning Commission has requested information about conditional rezonings in anticipation of the proposed conditional rezoning of the former LaSalette school.

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

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

Specifically, Sec. 3405 says the following:

**125.3405 Use and development of land as condition to rezoning.**

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

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

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

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

(5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner’s rights under this act, the ordinances of the local unit of government, or any other laws of this state.
Further explanation of the limiting condition is found in the Michigan Planning and Zoning Guidebook, Section 4.8 which states:

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

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

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

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

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

Yours Truly,

CARLISLE/WORTMAN ASSOC., INC.
Richard K. Carlisle, PCP, AICP
President
Conditional Rezoning Review
For
City of Berkley, Michigan

GENERAL INFORMATION

Applicant: 2219 Coolidge LLC
Project Name: N/A
Location: Southwest corner of Coolidge Hwy and Oxford Rd.
Zoning: Office District
Action Requested: Conditional Rezoning to RM-Multiple Family District
Required Information: Provided.

PROJECT AND SITE DESCRIPTION

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

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

125.3405 Use and development of land as condition to rezoning.
Sec. 405. (1) An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.
(2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.
(3) The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.

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

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


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

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

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

**NEIGHBORING ZONING AND LAND USE**

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

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

The rear 1.5 acre portion of the site is zoned RM – Multiple Family which would permit, among other uses, multiple family dwellings as of right. The permissible density in the RM-Multiple Family District is based upon the following formula:
"The total number of rooms (other than kitchen or sanitary facilities) provided shall not be more than the area of the parcel in square feet divided by 500."

**Items to be Addressed: None.**

Figure 1 – Zoning
The City’s Master Plan was adopted in 2007 and updated in 2017. The City is currently in the process of revising the Master Plan. The Future Land Use Plan (see Figure 2) designates the entire site as institutional reflecting the church and school use of the site. The site is adjacent to the church to the south. Property to the north across Oxford is designated as General Commercial and Services and Multiple Family. On the opposite side of Coolidge, property is designated for General Commercial and Services. The area behind the site is designated single family residential. The City adopted a Master Plan Amendment on February 28, 2017 addressing “Residential Future Land Use”. In the resolution of adoption, the Planning Commission recognized the following:

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

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

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

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

**Items to be Addressed:** None.
DEVELOPMENT POTENTIAL

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

The RM District permits all permitted and special uses from the R-2 (and thus R-1A) District along with multiple family dwellings. In this specific case, the applicant is restricting the use to multiple family
dwellings. In the RM Districts, the following density restrictions apply, as found in footnote (f) in Sec. 130-526, Schedule of Regulations:

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

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

NATURAL RESOURCES

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

Items to be Addressed: None.

ESSENTIAL FACILITIES AND SERVICES

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

Items to be Addressed: None.

SITE ACCESS AND CIRCULATION

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

Items to be Addressed: None.

FINDINGS OF FACT

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

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

Comments: Existing land use along the frontage of Coolidge on both sides is predominantly commercial. Properties to the interior of the commercial frontage are largely single family, with the exception of Oxford Park Towers on the east site of Coolidge.
Inasmuch as the balance of the former school is already zoned RM, rezoning of the subject parcel to RM would not be incompatible with surrounding land use patterns. This is particularly relevant since the existing building will remain and be redeveloped.

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted.