

Oak Park City Council Agenda

October 16, 2017





AGENDA
REGULAR CITY COUNCIL MEETING
36th CITY COUNCIL
OAK PARK, MICHIGAN
October 16, 2017
7:00 PM

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**

The following routine items are presented for City Council approval without discussion, as a single agenda item. Should any Council Member wish to discuss or disapprove any item it must be dropped from the blanket motion of approval and considered as a separate item.

- A. Regular Council Meeting Minutes of October 2, 2017
 - B. Special Council Meeting Minutes of October 2, 2017
 - C. Planning Commission Meeting Minutes of September 11, 2017
 - D. Payment No. 4 (Final) for the 2015-16 Miscellaneous Concrete Repair Project, M-621 to Mattioli Cement Company, LLC in the amount of \$1,000.00
 - E. Payment of invoices from Orchard, Hiltz & McCliment (OHM) for Traffic Signal Optimization, Nine Mile TAP Grant Design and SAW Grant Support in the total amount of \$53,216.67
 - F. Licenses - New and Renewals as submitted for October 16, 2017
6. **RECOGNITION OF VISITING ELECTED OFFICIALS**
 7. **SPECIAL RECOGNITION/PRESENTATIONS:**
 - A. Public Safety Special Recognition
 8. **PUBLIC HEARINGS:**
 - A. Public hearing and adoption of Special Assessment Resolutions to confirm the rolls and set the due date of November 17, 2017 together with penalty of ten percent (10%) for Special Assessment Districts #664 - Delinquent Utilities; #665 - False Alarms, #666 - Miscellaneous Concrete Replacement, #667 - Property Blight, #668 - Sidewalk Replacement, and #669 - Weed Mowing
 9. **COMMUNICATIONS:** None
 10. **SPECIAL LICENSES:** None
 11. **ACCOUNTING REPORTS:**
 - A. Approval for payment of invoices submitted by Garan, Lucow, Miller, P.C. for legal services in the total amount of \$16,486.49
 - B. Approval for payment of an invoice submitted by Secrest, Wardle, Lynch, Hampton, Truex & Morley for legal services in the total amount of \$8,661.40
 12. **BIDS:** None
 13. **ORDINANCES:** None

14. CITY ATTORNEY:

15. CITY MANAGER:

Economic Development and Communications

- A. Request to accept the recommendation of the Planning Commission for approval of the Final Site Plan for Congregation Dovid Ben Nuchim, 14800 Lincoln, subject to conditions

16. CALL TO THE AUDIENCE

Each speaker's remarks are a matter of public record; the speaker, alone, is responsible for his or her comments and the City of Oak Park does not, by permitting such remarks, support, endorse or accept the content, thereof, as being true or accurate. "Any person while being heard at a City Council Meeting may be called to order by the Chair, or any Council Member for failure to be germane to the business of the City, vulgarity, or personal attacks on persons or institutions." There is a three minute time limit per speaker.

17. CALL TO THE COUNCIL

18. ADJOURNMENT

The City of Oak Park will comply with the spirit and intent of the American with Disabilities Act. We will provide support and make reasonable accommodations to assist people with disabilities to access and participate in our programs, facilities and services. Accommodations to participate at a Council Meeting will be made with 7-day prior notice.



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
36th OAK PARK CITY COUNCIL
October 2, 2017
7:00 PM**

MINUTES

The meeting was called to order at 7:00 PM by Mayor McClellan in the Council Chambers of City Hall located at 14000 Oak Park Boulevard, Oak Park, MI 48237. (248) 691-7544.

PRESENT: Mayor McClellan, Mayor Pro Tem Burns, Council Member Speech, Council Member Radner

ABSENT: Council Member Rich

OTHERS

PRESENT: City Manager Tungate, City Clerk Norris, City Attorney Duff

APPROVAL OF AGENDA:

CM-10-415-17 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS PRESENTED – APPROVED

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the agenda as presented.

Voice Vote:	Yes:	McClellan, Burns, Speech, Radner
	No:	None
	Absent:	Rich

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-10-416-17 (AGENDA ITEM #5A-G) CONSENT AGENDA - APPROVED

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the Consent Agenda consisting of the following items:

- A. Regular Council Meeting Minutes of September 18, 2017 **CM-10-417-17**
- B. Arts and Cultural Diversity Commission Meeting Minutes of July 13, 2017 and August 10, 2017 **CM-10-418-17**
- C. Beautification Advisory Commission Meeting Minutes of June 20, 2017 **CM-10-419-17**
- D. Recycling and Environmental Commission Meeting Minutes of August 17, 2017 **CM-10-420-17**
- E. Zoning Board of Appeals Meeting Minutes of August 22, 2017 **CM-10-421-17**
- F. Payment of an invoice from French Associates for design work for Court Room 1 Renovation at the 45th District Court in the total amount of \$6,323.41 **CM-10-422-17**
- G. Licenses - New and Renewals as submitted for September 18, 2017 **CM-10-423-17**

MERCHANT'S LICENSES – October 2, 2017
(Subject to All Departmental Approvals)

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
Stone for You	10700 Capital	\$150	Home Improvement
Midwest Recycling Services	10800 Capital	\$150	Transportation/Hauling
BSD Management	12750 Northend	\$225	Warehouse

<u>RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
American Data Security	13070 Northend	\$225	Data Security
National Time & Signal Corp	21800 Wyoming	\$150	Safety Systems

Roll Call Vote: Yes: McClellan, Burns, Speech, Radner
 No: None
 Absent: Rich

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS:

County Commissioner Helaine Zack presented information pertaining to Oakland County.

SPECIAL RECOGNITION/PRESENTATIONS:

(AGENDA ITEM #7A) City Manager Employee Recognition. City Manager Tungate presented an Employee Recognition Award to Cindy Victor from the Technical & Planning Department.

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES:

**CM-10-424-17 (AGENDA ITEM #10A) SPECIAL EVENT REQUEST –OAK PARK
 HIGH SCHOOL HOMECOMING PARADE – APPROVED**

Motion by Speech, seconded by Burns, CARRIED UNANIMOUSLY, to approve the following Special Event request subject to all departmental approvals:

Name	Event	Fee
Oak Park School District, 13900 Granzon St.	High School Homecoming Parade October 13, 2017 4:00 – 5:00 PM	App fee waived

Voice Vote: Yes: McClellan, Burns, Speech, Radner
 No: None
 Absent: Rich

MOTION DECLARED ADOPTED

ACCOUNTING REPORTS: None

BIDS: None

ORDINANCES:

CM-10-425-17

**(AGENDA ITEM #13A) FIRST READING OF AN ORDINANCE
TO AMEND ARTICLE III, NUISANCES, OF CHAPTER 38,
ENVIRONMENT, OF THE CODE OF ORDINANCES OF THE
CITY OF OAK PARK BY AMENDING SECTIONS 38-96, 38-98
AND 38-100 - APPROVED**

Motion by Burns, Seconded by Radner, CARRIED, to approve the first reading of the following ordinance:

**CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND ARTICLE III, NUISANCES, OF CHAPTER 38, ENVIRONMENT, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK BY AMENDING SECTIONS 38-96, 38-98 AND 38-100 THEREOF.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Sections 38-96, Cause of blight or blighting factors; 38-98, Notice to Remove; and 38-100, Abatement by city, of Article III, Nuisances, of Chapter 38, Environment, of the Code of Ordinances of the City of Oak Park are hereby amended to read as follows:

Sec. 38-96. - Cause of blight or blighting factors.

- (11) The existence of any personal property, garbage, yard debris or recyclables that have been placed upon any property outside of the collection schedule established by City Ordinance Section 62-33.
- (12) The existence of snow and ice on sidewalks in violation of City Ordinance Section 66-166.

Sec. 38-98. - Notice to remove.

- (a) Unless otherwise stated herein, the owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in this division are found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within five days after service of the notice upon him. If the blight is related to violations of the City snow removal or refuse collection ordinances, the owner shall only have 24 hours to abate the condition. Such notice shall be served as provided herein. As used in this division, the term "owner" shall mean the owner in whose name the property appears upon the local tax assessment records.

Sec. 38-100. - Abatement by city.

- (a) If the provisions of the notice to comply with the provisions of this division are not complied with after notice has been given in accordance with this division, the city manager or his or her designee shall cause the blighting factors to be removed and eliminated and the actual cost of such action, including charges incurred if the condition is removed by owner after the time for remediation has

elapsed, plus a 15 percent administrative fee for inspection and other additional cost in connection therewith, shall be collected as a special assessment against the premises as provided in section 12.14 of the City Charter.

SECTION 2. Severability.

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this ordinance, except as to the above sections and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park.

SECTION 4. Effective Date.

This ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

Roll Call Vote:	Yes:	McClellan, Burns, Speech
	No:	Radner
	Absent:	Rich

MOTION DECLARED ADOPTED

CM-10-426-17 (AGENDA ITEM #13B) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 1302, APPROVAL PROCESS OF ARTICLE XIII, PMF PLANNED MULTIFAMILY DISTRICTS, APPENDIX A, ZONING OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN - APPROVED

Motion by Burns, Seconded by Radner, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Section 1302, Approval Process of Article XIII, PMF Planned Multifamily Districts, Appendix A, Zoning of the Code of Ordinances of the City of Oak Park, Michigan:

**CITY OF OAK PARK, MICHIGAN
ORDINANCE NO.**

AN ORDINANCE TO AMEND SECTION 1302, APPROVAL PROCESS OF ARTICLE XIII, PMF PLANNED MULTIFAMILY DISTRICTS, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. Article XIII, PMF Planned Multifamily Districts, Section 1302, C, Approval process, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to the following:

Sec. 1302. – Approval process.

C. *Standards for approval.* Based upon the following standards, the planning commission may recommend approval or denial, and the city council may approve or deny the proposed planned multiple-family district:

1. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare or convenience or any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties or the environment.
2. The uses proposed shall be consistent with the land use plans adopted by the city.
3. The zoning is warranted by the design and amenities incorporated in the development proposal.
4. The city council may, if deemed appropriate, require for planned multiple-family districts more or less setbacks than that required by this Code.
5. The city council may, if deemed appropriate, require for planned multiple-family districts more or less usable open space than that required by this Code.
6. The city council may, if deemed appropriate, require for planned multiple-family districts more or less parking than that required by this Code.
7. The city council may, if deemed appropriate, require for planned multiple-family districts more or less screening and landscaping than that required by this Code.
8. Major natural, historical and architectural features of the district shall be preserved.

SECTION 2. Conflicting Provisions Repealed

All ordinances in conflict with the provisions of this ordinance are repealed only to the extent necessary to give this ordinance full force and effect; provided that all other provisions of the Oak Park Code of Ordinances as heretofore amended shall remain in full force and effect.

SECTION 3. Severability

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park, Michigan shall be affected by this ordinance except as to the above sections, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park, Michigan.

SECTION 4. Effective Date

This ordinance shall be published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

Roll Call Vote:	Yes:	McClellan, Burns, Speech, Radner
	No:	None
	Absent:	Rich

MOTION DECLARED ADOPTED

CM-10-427-17

**(AGENDA ITEM #13C) SECOND READING AND ADOPTION OF
AN ORDINANCE TO AMEND ARTICLE VI, PROPERTY
MAINTENANCE CODE, OF CHAPTER 18, BUILDINGS AND
BUILDING REGULATIONS, OF THE CODE OF ORDINANCES
OF THE CITY OF OAK PARK BY AMENDING SECTION 18-231 -
APPROVED**

Motion by Burns, Seconded by Radner, CARRIED, to approve the second reading and adopt the following ordinance to amend Article VI, Property Maintenance Code, of Chapter 18, Buildings and Building Regulations, of the Code of Ordinances of the City of Oak Park by amending section 18-231:

**CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND ARTICLE VI, PROPERTY MAINTENANCE CODE, OF CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK BY AMENDING SECTION 18-231 THEREOF.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Section 18-231, Adoption of property maintenance code by reference; amendments, of Article VI, Property Maintenance Code, of Chapter 18, Buildings and Building Regulations, of the Code of Ordinances of the City of Oak Park is hereby amended to read as follows:

Sec. 18-231. Adoption of property maintenance code by reference; amendments.

- (a) There is hereby adopted that certain code known as the *International Property Maintenance Code*, 2015 Edition, as published by the International Code Council, as the property maintenance code of the city for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the city clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, set forth in this section.
- (b) The *International Property Maintenance Code*, adopted by the provisions of this article as the property maintenance code of the city, is hereby amended, changed and altered in the following respects:

Section 101.1. Title: These regulations shall be known as the Property Maintenance Code of the City of Oak Park, Michigan, hereafter referred to as "this code."

Section 102.3. Application of Other Codes: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the following codes as currently adopted by the Michigan Department of Licensing and Regulatory Affairs: Michigan Building Code, International Fire Code, Michigan Plumbing Code, Michigan Mechanical Code, National Electric Code (with Part 8 State of Michigan Amendments), The International Fuel Gas Code, NFPA 25 (Standard), and ASTM F1346-91 (Standard).

Section 103.1. Code official: References to the "code official" shall be deemed to refer to the City of Oak Park Director of Technical and Planning Services, or his designee.

Section 103.2. Deleted.

Section 103.5. Fees: The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be determined by resolution of the City Council from time to time adopted.

Section 106.4. Violation Penalties: Any person, firm or corporation, who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$50.00 nor more than \$500.00 or imprisonment for a term not to exceed 90 days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Section 107.3 Method of service: Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. A copy posted in a conspicuous place in or about the structure / property affected by such notice.

Section 110. Deleted. The provisions contained in Section 110, Demolition, of the Property Maintenance Code, shall be and hereby are deleted.

Section 111.2. Board of Appeals: The City of Oak Park Building Board of Appeals shall serve as the board of appeals required by this Property Maintenance Code. All references herein to the "Board of Appeals" or the "Board", shall be deemed to refer to the Oak Park Building Board of Appeals.

Section 111.2.1. Deleted.

Section 112.4. Failure to Comply: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 dollars or more than \$500.00 dollars.

Section 302.4. Weeds: All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches (254mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Section 304.14. Insect screens: During the period from April 1 to December 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception. Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 308.3.1. Garbage Facilities: The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; or an approved leak-proof, covered, outside garbage container.

Section 602.3. Heat Supply: Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 15 to maintain a temperature of not less than 68° Fahrenheit (20° Celsius) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the Michigan Plumbing Code.
2. In the areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4. Occupiable Work Spaces: Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 15 to maintain a temperature of not less than 65° Fahrenheit (18° Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.
- 3.

SECTION 2. Savings Clause.

Nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby amended, or under the former Property Maintenance Code of the City of Oak Park, which is being replaced by the 2015 *International Property Maintenance Code*, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 3. Severability.

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this ordinance, except as to the above section and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park.

SECTION 4. Effective Date.

This ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

Roll Call Vote:	Yes:	McClellan, Burns, Speech
	No:	Radner
	Absent:	Rich

MOTION DECLARED ADOPTED

CM-10-428-17 (AGENDA ITEM #13D) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTIONS 42-36, 42-37 AND 42-38 OF CHAPTER 42, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES, CITY OF OAK PARK, THEREBY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE AS THE FIRE PREVENTION CODE OF THE CITY - APPROVED

Motion by Speech, Seconded by Burns, CARRIED, to approve the second reading and adopt the following ordinance to amend Sections 42-36, 42-37 and 42-38 of Chapter 42, Fire Prevention and Protection, of the Code of Ordinances, City of Oak Park, thereby adopting the 2015 Edition of the International Fire Code as the Fire Prevention Code of the City:

**CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND SECTIONS 42-36, 42-37 and 42-38 OF CHAPTER 42, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES, CITY OF OAK PARK, THEREBY ADOPTING THE 2015 EDITION OF THE *INTERNATIONAL FIRE CODE* AS THE FIRE PREVENTION CODE OF THE CITY, FOR THE PURPOSE OF REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING, AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CITY OF OAK PARK AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS, AND PROVIDING FOR APPEALS RELATING THERETO.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Section 42-36, Adoption by reference, of Article II, Fire Prevention Code, of Chapter 42, Fire Prevention and Protection, of the Code of Ordinances, City of Oak Park is hereby amended to read as follows:

Section 42-36. Adoption by reference.

The City of Oak Park hereby adopts by reference as the Fire Prevention Code for the City the 2015 Edition of the *International Fire Code*, including Appendix Chapters B, C, D and F only, as published and promulgated by the International Code Council, Inc., for the purpose of regulating and governing

the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Oak Park and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such *International Fire Code*, 2015 edition, hereby referred to, are adopted and made a part hereof as if fully set out herein, with amendments and deletions as set forth in Section 42-37 of this Chapter.

SECTION 2. Section 42-37, Amendments; Deletions, of Article II, Fire Prevention Code, of Chapter 42, Fire Prevention, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 42-37. Amendments; Deletions

- (a) **Amendments; Deletions.** The Fire Prevention Code adopted by the provisions of this Article is hereby amended, changed and altered in the following respects:

Section 101.1.Title. is amended to read as follows:

These regulations shall be known as the Fire Code of the City of Oak Park, Michigan, hereinafter referred to as ☐this Code☐.

Section 108.1.Board of appeals established. is amended to read as follows:

The City of Oak Park Building Board of Appeals, created by Section 18-126 of the Code of Ordinances of the City of Oak Park, is hereby designated to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this Code. The Board may, as required, adopt rules or procedures for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the fire code official.

Section 109.4.Violation Penalties. is amended to read as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4. Failure to Comply. is amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be responsible for a violation of this Code and liable to pay a fine as provided by ordinance. Every day that work shall continue shall constitute a separate and additional offense.

- (b) **Limits Established.** The geographic limits referred to in certain sections of the 2015 *International Fire Code* are hereby established as follows:

Section 5806.2 - (geographic limits in which the storage of flammable cryogenic fluids in stationery containers is prohibited): Prohibited in all areas of the City with the exception of areas zoned as light industrial that are more than 500 feet from any areas zoned residential, and more than 500 feet from the city limits.

Section 5704.2.9.6.1 - (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): Prohibited in all areas of the City with the exception of areas zoned as light industrial that are more than 500 feet from any areas zoned residential, and more than 500 feet from the city limits.

Section 5706.2.4.4 - (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): Prohibited in all areas of the City with the exception of areas zoned as light industrial that are more than 500 feet from any areas zoned residential, and more than 500 feet from the city limits.

Section 6104.2 - (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): Prohibited in all areas of the City with the exception of areas zoned as light industrial that are more than 500 feet from any areas zoned residential, and more than 500 feet from the city limits.

SECTION 3. Section 42-38 of Article II, Fire Prevention Code, of Chapter 42, Fire Prevention and Protection, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

Section 42-38. Copy on File.

A complete copy of the *International Fire Code*, 2015 edition, as adopted herein, shall be kept in the office of the City Clerk, available for inspection by and distribution to the public at all times, in compliance with state law requiring that records of public bodies be made available to the general public.

SECTION 4. **Savings Clause.**

That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance amended or repealed by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5. **Severability.**

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 6. **Effective Date.**

This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

Roll Call Vote: Yes: McClellan, Burns, Speech
 No: Radner
 Absent: Rich

MOTION DECLARED ADOPTED

CITY ATTORNEY: No report

CITY MANAGER:

Finance

CM-10-429-17 (AGENDA ITEM #15A) RESOLUTION AUTHORIZING THE CITY ASSESSOR TO PREPARE SPECIAL ASSESSMENT ROLLS, ASSESSING UNPAID CHARGES TOGETHER WITH A 10% PENALTY ON PRIVATE PROPERTY FOR DELINQUENT UTILITIES - \$32,666.86; FALSE ALARMS - \$1,595.00; MISCELLANEOUS CONCRETE REPLACEMENT - \$20,679.88; PROPERTY BLIGHT - \$9,556.12; SIDEWALK REPLACEMENT - \$293,316.60; AND WEED MOWING - \$12,693.52 - APPROVED

Motion by Burns, seconded by Speech, CARRIED UNANIMOUSLY, to approve the following resolution authorizing the City Assessor to prepare Special Assessment Rolls, assessing unpaid charges together with a 10% penalty on private property for Delinquent Utilities - \$32,666.86; False Alarms - \$1,595.00; Miscellaneous Concrete Replacement - \$20,679.88; Property Blight - \$9,556.12; Sidewalk Replacement - \$293,316.60; and Weed Mowing - \$12,693.52:

**PROPOSAL FOR
SPECIAL ASSESSMENT DISTRICTS**

WHEREAS, As required by City Code, Article III, Sec. 12.14, the City Treasurer has reported the sums expended which represent City expenses incurred on private premises which remain unpaid, or in respect thereto, listed herewith;

THEREFORE, BE IT RESOLVED, in accordance with Section 12.14 of the City Charter, that the Assessor of the City is hereby authorized and directed to make Special Assessment Rolls for said expenses incurred, together with a penalty of ten percent (10%), and to assess the lands in the Special Assessment Districts therefore according to the benefits derived in the sum of \$370,507.98:

False Alarms	\$1,595.00
Miscellaneous Concrete Replacement	\$20,679.88
Property Blight	\$9,556.12
Sidewalk Replacement	\$293,316.60
Weed Mowing	\$12,693.52
Delinquent Utilities	\$32,666.86, and

THAT, Said Special Assessment Rolls shall be numbered to correspond with the number of the Special Assessment to which it pertains; and

THAT, The Assessor, when s/he shall have completed the said assessment rolls, shall report the same to the Council in the manner provided by the City Charter.

Roll Call Vote:	Yes:	McClellan, Burns, Speech, Radner
	No:	None
	Absent:	Rich

MOTION DECLARED ADOPTED

CM-10-430-17 (AGENDA ITEM #15B) RESOLUTION RECEIVING SPECIAL ASSESSMENT ROLLS ESTABLISHING OCTOBER 16, 2017 AS THE DATE FOR THE PUBLIC HEARING ON THE ROLLS FOR UNPAID CHARGES FOR CITY EXPENSES INCURRED ON PRIVATE PREMISES FOR - APPROVED

Motion by Speech, seconded by Burns, CARRIED UNANIMOUSLY, to approve the following resolution receiving Special Assessment Rolls establishing April 19, 2017 as the date for the Public Hearing on the rolls for unpaid charges for city expenses incurred on private premises for Delinquent Utilities #664, False Alarms #665, Miscellaneous Concrete Replacement #666, Property Blight #667, Sidewalk Replacement #668, and Weed Mowing #669:

SPECIAL ASSESSMENT RESOLUTION

DISTRICT NO. 664, 665, 666, 667, 668 and 669

Meeting of the City Council held October 2, 2017, at 7:00 P.M.

The Assessor reported Special Assessment Rolls No. 664, 665, 666, 667, 668 and 669 to the City Council. Attached to said Special Assessment Roll was the certificate of the City Assessor in form as required in Chapter XII of the City Charter.

BE IT RESOLVED, that Special Assessment Rolls No. 664, 665, 666, 667, 668 and 669 this day submitted to the City Council by the City Assessor, be filed in the office of the City Clerk.

BE IT FURTHER RESOLVED, that the City Council and the City Assessor shall meet in the City Council room in the City of Oak Park, Michigan, on the 16th day of October, 2017 at 7:00 P.M. Eastern Standard Time, for the purpose of reviewing the assessment contained in said Special Assessment Rolls.

BE IT FURTHER RESOLVED, that the City Clerk be and is hereby ordered to cause notice of said review and of the filing of said Special Assessment Rolls to be published once prior to said hearing in the Daily Tribune, a newspaper circulating in said City of Oak Park, the first publication to be at least one week before such hearing, and that said notice shall be in form as provided in Chapter XII of the City Charter.

BE IT STILL FURTHER RESOLVED that the City Clerk be and is hereby instructed to serve notice of said Special Assessment Hearing to each owner of, or party in interest in, property to be assessed, whose name appears upon the last general tax assessment records by mailing the notice first class mail, addressed to such owner or party at the address shown on the tax records, at least ten (10) days before the date of said hearing.

Roll Call Vote:	Yes:	McClellan, Burns, Speech, Radner
	No:	None
	Absent:	Rich

MOTION DECLARED ADOPTED

Economic Development and Communications

CM-10-431-17 (AGENDA ITEM #15C) FAÇADE IMPROVEMENT GRANT TO ERNIE'S MARKET, 8500 CAPITAL, FOR 50% OF THE PROJECT COSTS NOT TO EXCEED \$2,500.00 - APPROVED

Motion by Burns, seconded by Speech, CARRIED UNANIMOUSLY, to approve a façade improvement grant to Ernie's Market, 8500 Capital, for 50% of the project costs not to exceed \$2,500.00.

Roll Call Vote:	Yes:	McClellan, Burns, Radner, Speech
	No:	None
	Absent:	Rich

MOTION DECLARED ADOPTED

Community & Economic Development Director Marrone reviewed the application for a Façade Improvement Grant from Ernie's Market, 8500 Capital. The project specifications have met city guidelines and improvements include replacing windows and the front door.

CALL TO THE AUDIENCE:

Teresa Gurney, 23111 Seneca, expressed concerns about the proposed Pocket Park to be located at Seneca and Sherman Streets.

Cheryl Bishoff, 23110 Seneca, expressed objections to the proposed changes to Nine Mile Road and concerns with problems related to the alley near her home.

CALL TO THE COUNCIL:

Mayor McClellan invited Economic Development Director Marrone to discuss the proposed re-design of Nine Mile Road.

Mayor Pro Tem Burns discussed upcoming events that will be taking place in Oak Park.

Council Member Radner wished everyone a good night.

Council Member Speech thanked everyone for attending the meeting and also thanked city staff for the work that is being done in the area of economic development. She also reminded everyone to refer to the quarterly city magazine for details about all the great things that are taking place in Oak Park.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:07 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor



**CITY OF OAK PARK, MICHIGAN
SPECIAL COUNCIL MEETING OF THE
36th OAK PARK CITY COUNCIL**

October 2, 2017

5:30 P.M.

MINUTES

This Special Meeting of the 36th Oak Park City Council was held in the Executive Conference Room of City Hall located at 14000 Oak Park Boulevard, Oak Park, MI 48237.

Notice of this Special Meeting was given in compliance with the provisions of Act 267 of the Public Acts of Michigan, 1976, as amended, the "Open Meetings Act".

The Special Meeting was called to order by Mayor McClellan at 5:30 P.M.

PRESENT: Mayor McClellan, Mayor Pro Tem Burns, Council Member Radner,
Council Member Speech (Arrived at 5:53 PM)

ABSENT: Council Member Rich

ALSO PRESENT: City Manager Tungate, City Clerk Norris, City Attorney Duff,
Director of Strategic Planning & Special Projects McClain, Library Director
Bowman, Communications Director DeSantis, Assistant City Manager Yee
and Recreation Director Stasiak

SPECIAL BUSINESS:

(AGENDA ITEM #3A) Library Discussion

City Manager Tungate presented a memo regarding proposed initiatives in response to library safety concerns and teen-based recreation programs. The proposed initiatives were in response to concerns expressed during the city council meeting held September 5, 2017 and a subsequent meeting that was held with students, the Oak Park High School principal, teachers, and parents. Mr. Tungate indicated the initiatives would help improve safety at the Library as well as implement new programs geared toward teens during the hours of 3-6 p.m. in the Community Center. He also outlined the following past actions the City has taken to address safety concerns at the Library:

1. Implemented a "zero-tolerance" policy regarding teen behavioral issues in the Library. (FY 2015-216)
2. Started a new policy requiring a Security Log and Incident Report in 2015. (FY 2015-16)
3. Invested approximately \$9,000 annually to open a designated area for teenagers in the Library called the Teen Center. (FY 2015-2016)
4. Began requiring a "check-in" policy for the Teen Center in which patrons would have to provide school identification in order to enter. (FY 2015-2016)
5. Invested approximately \$10,000 in new security cameras in the Library. (FY 2016-2017)

Council discussed the new initiatives and there was consensus among Council Members to postpone action on the following:

- Adding one drinking fountain to recreation rooms 3 and 4. (cost: up to \$2,500)
- Adding storage space for both the Library and the Department of Technical & Planning, as to make the operations within the Municipal Services building run more smoothly and free up more floor space for activities and programming. (cost: up to \$2,500)

**SCM-10-414-17 AUTHORIZATION TO IMPLEMENT ACTIONS PERTAINING
TO THE OAK PARK LIBRARY – APPROVED**

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to authorize the following actions pertaining to the Oak Park Library:

- Placing a new television on the wall behind the front desk of the Library that displays security camera footage and is faced outward so that patrons can see it. (cost: up to \$1,000)
- Moving bookshelves and orienting them to limit the access between the Teen Center and the rest of the Library. (no additional cost)
- Adding Community Center rooms 3 and 4 to the Teen Center. Room 4 will hold passive, non-structured programming, while room 3 will hold active, structured programming.
- Hiring an additional security professional for up to 15 hours per week at \$10 per hour to monitor the Library and Teen Center from 3-6pm. (cost: up to \$7,500 annually)
- Hiring a teen recreation instructor(s) for programming. (cost: up to \$2,500 annually)
- Buying miscellaneous equipment and supplies. (cost: up to \$1,000 annually)
- Moving between 2 and 4 computers to the Teen Center for the purpose of video gaming. (cost: no additional cost)
- Adding double doors between the Municipal Services building and the Teen Center rooms. (cost: no additional cost)
- Having the Department of Public Safety be present, via a squad car near the entrance of the Library, during “trouble times”. (cost: no additional cost)
- Adding 2 to 4 picnic tables in the open green space between the Library and City Hall. (cost: no additional cost)

Roll Call Vote:	Yes:	McClellan, Radner, Burns Speech
	No:	None
	Absent:	Rich

MOTION DECLARED ADOPTED

(AGENDA ITEM #3B AND #3C)

Mayor McClellan announced that Agenda Items 3B, Closed Session and 3C, Settlement Agreement – District Court Litigation would not be needed for this meeting and were removed from the agenda. There were no objections from Council Members.

City Manager Tungate provided an update on the court settlement discussions that have taken place and indicated that an additional meeting with the principal parties is scheduled for October 5, 2017.

CALL TO THE AUDIENCE:

There were no members of the audience wishing to speak.

ADJOURNMENT:

The Special Meeting adjourned at 6:27 p.m.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor

**CITY OF OAK PARK PLANNING COMMISSION
MONDAY, SEPTEMBER 11, 2017
MINUTES**

Meeting was called to order at 7:00 p.m., in the City Council Chambers, Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, MI, by Vice Chairperson Brown and roll call was made.

PRESENT:

- Chairperson Torgow
- Vice Chairperson Brown
- Commissioner Burns
- Commissioner Eizelman
- Commissioner McClellan
- Commissioner Seligson
- Commissioner Tkatch
- Commissioner Tungate
- Commissioner Walters-Gill (arrived at 7:03pm)

ABSENT: none

OTHERS PRESENT:

- City Planner, Kevin Rulkowski
- Community & Economic Development Director, Kimberly Marrone
- Deputy City Clerk, Lisa Vecchio

3. APPROVAL OF AGENDA OF SEPTEMBER 11, 2017 - APPROVED

4. APPROVAL OF MINUTES OF JULY 10, 2017 - APPROVED

MOTION by Eizelman, **SECONDED** by Burns, to approve the minutes of July 10, 2017 with no corrections.

VOTE: Yes: All
 No: None

MOTION CARRIED

5. COMMUNICATIONS/CORRESPONDENCE: None

6. PUBLIC HEARING:

- A. Public Hearing to receive comments on proposed text amendments to Article XIII, PMF, Planned Multi-Family Districts. The proposed text amendments to this district would allow for greater flexibility in the standards for required setbacks and screening.**

Chairperson Torgow referenced City Planner Rulkowski's report, dated August 30, 2017:

The Department of Community & Economic Development proposed at the July meeting some minor amendments to the PMF Planned Multifamily District that would allow for even greater flexibility in this district. A Public Hearing was scheduled for the August meeting to hear public comment on the proposed changes. Since that meeting was cancelled due to a lack of quorum, the required Public Hearing was advertised for the September meeting.

As was discussed with the Planning Commission in July, planned zoning districts such as the City's PMF, Planned Multifamily District, allow for greater flexibility in site requirements. In

keeping with some of the design principles discussed and incorporated during the Master Plan process, staff is proposing some minor amendments to the PMF Planned Multifamily District that would allow for even greater flexibility in this district. On the back of this page are the proposed PMF, Planned Multifamily District Standards for approval amendments along with a proposed ordinance to effectuate the changes.

If the proposed Zoning Ordinance text amendments are acceptable to the Planning Commission the Department of Community & Economic Development recommends approving the attached proposed ordinances.

Chairperson Torgow opened the Public Hearing at 7:02 p.m.

There was no comment from the public.

Chairperson Torgow closed the Public Hearing at 7:02 p.m.

B. Planning Commission action on proposed text amendments to Article XIII, PMF, Planned Multi-Family Districts.

MOTION by Eizelman, SECONDED by Brown, to approved the proposed text amendments to Article XIII, PMF, Planned Multi-Family Districts.

VOTE: Yes: Torgow, Brown, Burns, Eizelman, McClellan, Seligson, Tkatch, Tungate
 No: None

MOTION CARRIED

C. Public Hearing to consider a request submitted by Spero Housing Group and Southwest Housing Solutions on a Planned Multi-Family Development Site Plan, 21111-21435 Coolidge Highway.

Chairperson Torgow referenced City Planner Rulkowski's report, dated August 8, 2017:

In 2004, the City of Oak Park went through a Request for Proposal (RFP) process to select a developer to purchase and develop three parcels of property on the west side of Coolidge from just south of Pasadena Avenue to Northend Avenue. At that time, the Planning Commission approved a conceptual Planned Multifamily Development Plan and Final Site Plan which rezoned the property to PMF, Planned Multifamily District. The selected developer was able to construct only the first phase of the development south of Pasadena before the housing crisis ended the effort.

In 2010, the City purchased the remaining two parcels (from Pasadena Avenue to Northend Avenue) through the Oakland County Tax Foreclosure process. Since that time the City has been maintaining the property. The City Council approved the Economic Development Department to advertise the property for sale through an RFP process which began in August 2016. The first RFP deadline the City only received one bid. In the best interest of the City, City Council decided to repost the RFP which was due on May 1, 2017.

The new deadline produced three bids on the property. A panel of four participants from the City Staff and City Council met with each developer and scored them according to several factors important to the City. After careful consideration, the panel recommended to City

Council the RFP submitted jointly by South Oakland Shelter and Southwest Solutions. The proposal submitted by South Oakland Shelter/Southwest Solutions proposes the construction of 64 one, two, and three bedroom ranches and townhomes (ranging from 800-1,350 square feet). The project also includes a shared recreational space, a community center and a tot lot.

The property is currently zoned PMF, based on the actions of the Planning Commission in 2004 approving a Conceptual PMF Development Plan which resulted in the property's rezoning. Although a Final Site Plan was approved for all three parcels in 2004, because the development was not started within the required three year time frame, a Public Hearing must be conducted on a new PMF Development/Site Plan for the property.

The City's original hope for the property was a residential design that incorporated a minimal front yard setback, parking in the rear, and an environment that was friendly to people and conducive to walking. The preliminary design submitted by South Oakland Shelter/Southwest Solutions and included in your packet last month, preliminarily achieved those criteria.

However, after a detailed survey was completed, it was discovered that a 30 foot Oakland County sewer drain easement prevented the construction of any structures on top of the easement. The result is a modified site design that although necessitating a 30 foot building setback, is still able to achieve many of the City's initial design goals. The proposed Final Site Plan shows a majority of the parking in the rear of project, with the exception being on the northern portion of the property where the depth of the property is narrower. A meandering secondary sidewalk has been added to the front of the residential units and connects to the public sidewalk along Coolidge Highway. This sidewalk provides any easy access through the site for people walking as well as connecting the project to the surrounding neighborhood. The combination of the deeper building setbacks, large open space, and enhanced landscaping should give the project a very appealing visual character.

Planned zoning districts such as the PMF, Planned Multifamily District, allow for greater flexibility in site requirements. In Oak Park's PMF District, the Planning Commission may require:

- *More or less setbacks (subject to final approval of proposed text amendment)*
- *More or less usable open space*
- *More or less parking*
- *More or less screening and landscaping (subject to final approval of proposed text amendment)*

The proposed Site Plan meets the Zoning Ordinance's minimum requirements for height, and floor area. The proposed Site Plan meets the Zoning Ordinance's minimum requirements for building setbacks with the exception of the area where the property's depth narrows between Cloverdale and Northend Avenues. The required rear yard setback is 40 feet and the proposed setback is 25 feet. This area is proposed to receive additional landscaping which should help screen the impact of the buildings being slightly closer to the rear property line. The flexibility of the PMF District allows the Planning Commission to approve such a reduction in this setback requirement.

As required by the Zoning Ordinance, the proposed Site Plan includes a six foot high privacy fence along the rear property line. This type of screening is consistent with the screening method used in the first phase of the project constructed in 2005 and requested by the adjacent

neighbors at that time. A community meeting was held by the applicants on August 2nd to discuss the proposed project and input from those in attendance confirmed their preference for a vinyl privacy fence.

The proposed Site Plan identifies that there will be 64 residential units with a mixture of units ranging from one, two and three bedroom ranches to two and three bedroom townhomes. Sizes range from 800 square feet to 1,350 square feet. The front (and rear) elevations of the proposed buildings are attractive, combining composite stone and vinyl building finishes along with covered porches over entranceway doors.

The Zoning Ordinance parking provisions require two parking spaces per unit. The Site Plan shows 128 parking spaces for the residential units with an additional 25 parking spaces for the common building. The majority of the parking spaces are located in the rear of the property. Traffic circulation throughout the development is provided by a two-way, twenty-two foot wide drive that connects to Pasadena, Cloverdale, and Northend. The presented design is efficient and should satisfactorily evenly distribute the trips to and from the development to the adjacent streets. The Engineering Division has reviewed this layout and considers it acceptable.

Engineering plans (storm water management, etc.) for the site need to be submitted to the City Engineering Division for review and approval as part of a Land Development Permit.

The application submittal includes a detailed landscaping plan with a good variety of trees (Maples, Elms & Honeylocust) and shrubs (Forsythia, Lilac and Arbovitae) with the remainder non-hard surfaced areas grass. A note on the landscaping plan indicates an underground automatic irrigation system will be included as required by the Zoning Ordinance. The applicants will be presenting a slightly modified version of the landscaping plan at the Planning Commission meeting which will include additional landscaping for the area with a reduced rear yard setback (between Cloverdale and Northend Avenues).

Dumpsters have been positioned within the development in a way that should lead to easy servicing. A dumpster enclosure detail has been submitted that is acceptable.

There is no indication on the elevation or Site Plan of any proposed rooftop or ground mechanical equipment. Any proposed ground or rooftop mechanical equipment will need to be screened as required by Section 1716 of the Zoning Ordinance.

There is no outdoor parking lot lighting indicated on the proposed Site Plan. Any proposed outdoor lighting should be designed or shielded so it does not create a nuisance to adjacent properties or vehicular traffic.

No new signs are indicated on the Site Plan and therefore no signs are approved as part of the Site Plan review.

Based on the above considerations, the Planning Division recommends approval of the Final Site Plan, with the following conditions:

- 1) Plans for the proposed storm water management system will need to be reviewed and approved by the Engineering Division as part of a Land Improvement permit.*
- 2) All proposed roof top or ground level mechanical equipment must be screened as required in Section 1716.*

- 3) *Any proposed outdoor lighting should be designed or shielded so it does not create a nuisance to adjacent properties or vehicular traffic.*
- 4) *No signs are approved as part of the Site Plan Review. A separate permit must be requested for the inclusion of any signs at this site.*

Chairperson Torgow opened the Public Hearing at 7:04 p.m.

There was no comment from the public.

Chairperson Torgow closed the Public Hearing at 7:04 p.m.

D. Planning Commission action regarding a request submitted by Spero Housing Group and Southwest Housing Solutions on a Planned Multi-Family Development Site Plan, 21111-21435 Coolidge Highway.

Jim Papis from Spero Housing made a brief presentation to the Commission, explaining that the 68,000 square foot housing development will include 64 units, 153 parking spaces, a community building, and a playground.

MOTION by Burns, SECONDED by Seligson, to approve the Final Site Plan, with the following conditions:

- 1) Plans for the proposed storm water management system will need to be reviewed and approved by the Engineering Division as part of a Land Improvement permit.
- 2) All proposed roof top or ground level mechanical equipment must be screened as required in Section 1716.
- 3) Any proposed outdoor lighting should be designed or shielded so it does not create a nuisance to adjacent properties or vehicular traffic.
- 4) No signs are approved as part of the Site Plan Review. A separate permit must be requested for the inclusion of any signs at this site.

VOTE: Yes: Torgow, Brown, Burns, Eizelman, McClellan, Seligson, Tkatch, Tungate, Walters-Gill
 No: None

MOTION CARRIED

E. Public Hearing to consider a request submitted by 8MK Restaurant for Special Land Use approval to allow for a Restaurant that serves alcoholic liquor to be located at 12700 Eight Mile.

Chairperson Torgow referenced City Planner Rulkowski's report, dated August 29, 2017:

The Special Land Use section of the Zoning Ordinance (Article XIX) requires the proposed use for a Restaurant that serves Alcoholic Liquor to meet a number of general standards (Section 1900) as well as use specific standards for Restaurants Serving Alcoholic Liquor (Section 1930).

Section 1900 General Standards:

A. *The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.*

B. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location of and access to off-street parking, and provisions for pedestrian safety.

C. The location, size, intensity, site layout and periods of operation of any such proposed use shall be designed to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

D. The proposed use shall be such that the proposed location and height of building or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

E. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the city.

F. The proposed use is necessary for the public convenience at the proposed location.

G. The proposed use is designed, located, planned and to be operated that the public health, safety and welfare will be protected.

H. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

The Planning Division finds that the information contained in the application package and on the Site Plan satisfactorily meets the eight general standards identified in Section 1900 Special Land Uses in the Zoning Ordinance.

Section 1930 Restaurants Serving Alcoholic Liquor

Restaurants serving alcoholic liquor may be permitted in certain districts specified in this section if the establishment is continually operated according to the following:

A. There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.

B. Not more than 50 percent of the gross floor area open to the general public shall be used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aiseways. Public restroom facilities shall not be considered in this determination.

C. The proposed restaurant is not located within 500 feet of a church or school building. The distance between the church or school building and the contemplated location shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the church or school building nearest to the contemplated location and from the part of the contemplated location nearest to the church or school building. Notwithstanding the stated distance requirements, no proposed restaurant will be permitted to serve alcoholic liquor if the restaurant is located on a parcel of land adjacent to a parcel of land with a church or school building. This provision may be waived by the city council if the affected school(s) or place(s) of worship, through its duly appointed or elected governing body, affirmatively waives, in writing, its

right to object to the restaurant and the city council determines that the restaurant will not adversely affect the operation of the school or place of worship.

D. The layout of the site of the proposed restaurant serving alcoholic liquor and its relationship to streets providing access to the site shall be in a manner that vehicular and pedestrian traffic to and from the proposed restaurant serving alcoholic liquor, and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district.

E. The proposed restaurant serving alcoholic liquor will be compatible with adjacent uses of land, considering the proximity of residential dwellings, churches, schools, public structures, and other places of public gatherings.

F. The proposed restaurant serving alcoholic liquor will not be contrary to the public interest or injurious to nearby properties.

G. The proposed restaurant serving alcoholic liquor will not have the possible effect of downgrading and blighting the surrounding neighborhood.

H. The proposed restaurant serving alcoholic liquor will not reasonably be expected to diminish the value of properties in the immediate area.

Specific standards findings:

- 1. The location of the proposed restaurant meets the spacing requirements of Section 1930 C and is not located within 500 feet of a school, park, or place of worship.*
- 2. The interior layout of the proposed restaurant accommodates over 20 patrons as indicated on the submitted floor plan.*
- 3. Not more than 50 percent of the gross floor area open to the general public is used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aisle ways.*

The Planning Division finds the submitted information demonstrates the proposed 8MK Restaurant, satisfactorily meets the specific standards for Restaurants serving Alcoholic Liquor (Section 1930).

Site Plan Review

A Site Plan is required as part of the Special Land Use process. The Site Plan has been reviewed to ensure that the proposed use would function properly on the site. The proposal calls for the renovation of the 5,228 square foot former WWJ Transmitter Building into a restaurant that serves alcohol and a 5,103 square foot expansion to include a new kitchen and meeting/banquet facility. In addition, the applicant is proposing two outdoor dining areas on the rear western side of the building.

The property is zoned PTRED, Planned Technical, Research, Education Development District and rehabilitation of historic buildings into restaurants serving alcoholic liquor is a permitted use. This section of the Zoning Ordinance states "the determination of whether a building is historic will be made by the Planning Commission based on the review and consideration of a report developed by a qualified historic preservation professional". Attached is a report prepared by Ron Campbell, AIA, Principal Planner / Preservation Architect for Oakland County at the request of City Manager Erik Tungate. The report is very informative on the historical significance of the former WWJ Transmitter Building and concludes:

"The WWJ Building is one of the most iconic and intact Art Deco buildings in the region. Through its art and architecture it represents an important era in American History. The very reason of its construction is evidence to the coming of age of public broadcasting and the impact that it would have throughout the world. This structure embodies, not one, but three of the four criteria used by the Secretary of the Interior to determine historic designation.

Without hesitation I conclude that this structure should be designated historic and preserved/rehabilitated."

Based on the report it would be appropriate for the Planning Commission to make a determination the former WWJ building is historic.

The existing building and the proposed expansion meets the minimum setback requirements of the Zoning Ordinance as well as the maximum building height requirement.

The identified outdoor dining areas are required to meet the operational standards in Section 1709 Outdoor Dining of the Zoning Ordinance. The outdoor dining areas are located in appropriate areas on the site and should result in no negative impacts to adjacent properties or traffic on Eight Mile Road.

The Site Plan shows two new parking lots. The 120 parking space lot to the east will serve as the primary parking location for patrons to the facility. This lot can be accessed off of Eight Mile Road (one way in) or off of Meyers Road (two way directional access). The eastern parking lot has an efficient design that will allow for a good traffic circulation pattern. There is an additional 40 space parking lot on the western portion of the site. The combination of the two parking areas meets the minimum parking requirements of the Zoning Ordinance and will provide adequate parking for both patrons and the restaurant employees.

An application for a Land Development Permit will need to be submitted to the Engineering Division for review and approval of the on-site storm water management system for the parking lots. In addition, design of the entryways onto the site will need to be submitted to the Engineering Division for review and approval.

The combination of existing and proposed landscaping identified on the Site Plan appears to be sufficient to meet the minimum requirements of the Zoning Ordinance. However a more detailed landscaping plan is required to ensure the project meets the minimum Zoning Ordinance requirements. The Site Plan does not indicate that all landscaped areas will be irrigated as required by the Zoning Ordinance and should be noted as a condition of approval.

The Site Plan indicates parking lot pole lighting will be used but there are no details regarding this lighting. The Site Plan shows that the building will be illuminated with ground mounted lighting. All proposed exterior lighting will need to be shielded downward and away from adjacent properties and positioned as to not create a nuisance to automobile traffic or adjacent properties.

A six foot dumpster enclosure is noted on the Site Plan. A dumpster enclosure detail will need to be submitted that meets the minimum Zoning Ordinance requirements.

There is a ground level electrical transformer identified on the plan and a note states it will be screened with landscaping. Any additional ground or rooftop equipment will also need to be screened as required by the Zoning Ordinance.

A separate sign permit application must be submitted for the monument sign in the southeast corner of the property as well as any wall sign for the building

Staff Recommendation

It is the recommendation of the Planning Division to approve the Special Land Use and Site Plan for 8MK Restaurant, 12700 Eight Mile, as a restaurant serving alcoholic liquor with the following conditions:

- 1) The identified outdoor dining area is required to meet the standards in Section 1709 Outdoor Dining.*
- 2) An application for a Land Development Permit to be submitted to the Engineering Division for review and approval of the on-site storm water management system for the parking lots.*
- 3) Construction design details of parking lot entryways to be submitted to the Engineering Division for review and approval.*
- 4) A detailed landscaping plan meeting the minimum Zoning Ordinance standards, and including irrigation method, to be provided and approved by the Planning Division.*
- 5) All proposed exterior lighting will need to be shielded downward and away from adjacent properties and positioned as to not create a nuisance to automobile traffic or adjacent properties.*
- 6) All ground and rooftop equipment to be screened as required by the Zoning Ordinance.*
- 7) A dumpster enclosure detail which meets the Zoning Ordinance requirements to be submitted.*
- 8) No signs are approved as part of the Site Plan Review process. A separate sign permit application must be submitted.*
- 9) The proprietor shall make available a varied menu of food items consisting of not less than ten such food items cooked or prepared on the premises.*
- 10) During any 90-day period, no more than 50 percent of the gross revenues of the establishment shall be derived from the sale of alcoholic liquor. Admission charges or cover charges which exceed ten percent of the establishment's gross revenues shall be considered as derived from the sale of beer and wine for purposes of determining the percentage of sales of beer and wine. Sales of food or beer and wine to hotel or motel guests for consumption within their private rooms shall not be considered in determining the percentage ratio of sales of beer and wine.*

Chairperson Torgow opened a Public Hearing at 7:07 p.m.

There was no comment from the public.

Chairperson Torgow closed the Public Hearing at 7:07 p.m.

- F. Planning Commission action regarding a request submitted by 8MK Restaurant for Special Land Use approval to allow for a Restaurant that serves alcoholic liquor to be located at 12700 Eight Mile.**

MOTION by Brown, SECONDED by Burns, to approve the Special Land Use and Site Plan for 8MK Restaurant, 12700 Eight Mile, as a restaurant serving alcoholic liquor with the following conditions:

- 1) The identified outdoor dining area is required to meet the standards in Section 1709 Outdoor Dining.
- 2) An application for a Land Development Permit to be submitted to the Engineering Division for review and approval of the on-site storm water management system for the parking lots.
- 3) Construction design details of parking lot entryways to be submitted to the Engineering Division for review and approval.
- 4) A detailed landscaping plan meeting the minimum Zoning Ordinance standards, and including irrigation method, to be provided and approved by the Planning Division.
- 5) All proposed exterior lighting will need to be shielded downward and away from adjacent properties and positioned as to not create a nuisance to automobile traffic or adjacent properties.
- 6) All ground and rooftop equipment to be screened as required by the Zoning Ordinance.
- 7) A dumpster enclosure detail which meets the Zoning Ordinance requirements to be submitted.
- 8) No signs are approved as part of the Site Plan Review process. A separate sign permit application must be submitted.
- 9) The proprietor shall make available a varied menu of food items consisting of not less than ten such food items cooked or prepared on the premises.
- 10) During any 90-day period, no more than 50 percent of the gross revenues of the establishment shall be derived from the sale of alcoholic liquor. Admission charges or cover charges which exceed ten percent of the establishment's gross revenues shall be considered as derived from the sale of beer and wine for purposes of determining the percentage of sales of beer and wine. Sales of food or beer and wine to hotel or motel guests for consumption within their private rooms shall not be considered in determining the percentage ratio of sales of beer and wine.

VOTE: Yes: Burns, Eizelman, McClellan, Seligson, Tkatch, Tungate, Walters-Gill,
Torgow, Brown
No: None

MOTION CARRIED

7. CONSENT AGENDA: No Items Eligible This Month

8. MATTERS FOR CONSIDERATION

- A. OLD BUSINESS – None**
B. NEW BUSINESS
 1) **Michigan Dessert Associates, 10750 Capital, Final Site Plan Review**

Chairperson Torgow referenced City Planner Rulkowski's report, dated August 30, 2017:

Michigan Dessert is requesting Final Site Plan approval for a 23,291 square foot addition to the building at 10750 Capital, for additional warehouse space. The new addition will be located on a small section of the former Lessenger Park that was sold by City Council to Michigan Dessert

and rezoned to LI, Light Industrial District earlier this year. The proposed addition will connect Michigan Dessert's building at 10750 Capital to another building the company owns to the west at 10850 Capital.

The property is zoned LI, Light Industrial District and food product manufacturing and warehousing uses are permitted by right in this district.

The proposed addition meets all the height and setback requirements of the Zoning Ordinance.

The existing parking lot is being re-configured to accommodate better truck traffic flow and new landscaped areas. The Zoning Ordinance requires 60 parking spaces on-site for the different use types and the Site Plan identifies 81 parking spaces. The existing and proposed circulation patterns of the parking lots and drives are acceptable.

A storm water detention basin is shown in the northwest corner of the property. Storm water calculations for the detention basin are shown on the Site Plan. An application for a Land Development Permit will need to be submitted to the Engineering Department for review and approval of the on-site storm water management system.

The Site Plan indicates new landscaped areas throughout the site with a variety of plant types. The proposed landscaped areas of 16,667 square feet, exceeds the minimum Zoning Ordinance requirement. Particular attention has been placed on new landscaping at the front of the building along Capital Avenue and should be a nice site feature. The Site Plan notes that all landscaped areas will be irrigated with an automatic underground system.

The Site Plan does not indicate any details regarding new roof or ground mechanical equipment or exterior lighting. The Zoning Ordinance requires all roof top and ground level equipment to be screened. All proposed exterior lighting will need to be shielded downward and away from adjacent properties and positioned as to not create a nuisance to automobile traffic.

There is an existing monument sign in the front of the building that will remain.

Based on the above considerations, the Planning Division recommends approval of the Final Site Plan, with the following conditions:

- 1) An application for a Land Development Permit will need to be submitted to the Engineering Department for review and approval of the on-site storm water management system.*
- 2) Exterior lighting to be shielded downward and away from adjacent properties and positioned as to not create a nuisance to automobile traffic.*
- 3) All roof top and ground level mechanical equipment must be screened as required by the Zoning Ordinance.*

MOTION by Tkatch, SECONDED by Seligson, to approve the Final Site Plan for Michigan Dessert, with the following conditions:

- 1) An application for a Land Development Permit will need to be submitted to the Engineering Department for review and approval of the on-site storm water management system.**
- 2) Exterior lighting to be shielded downward and away from adjacent properties and positioned as to not create a nuisance to automobile traffic.**

- 3) All roof top and ground level mechanical equipment must be screened as required by the Zoning Ordinance.

VOTE: Yes: Torgow, Brown, Burns, Eizelman, McClellan, Seligson, Tkatch, Tungate, Walters-Gill
 No: None

MOTION CARRIED

2) CDRN, 8775 Capital, Final Site Plan Review

Chairperson Torgow referenced City Planner Rulkowski's report, dated August 30, 2017:

In April of 2016, CRDN (Huntington Cleaners), 8775 Capital, received Final Site Plan approval for a 10,600 square foot addition to their facility at 8775 Capital. Site Plan approvals expire one year after they are granted if application for a building permit has not been submitted and construction commenced. Because the applicant only recently applied for a building permit and has not begun construction the original approval has expired. The applicant has submitted the Site Plan originally approved in April of last year for reconsideration.

The property is zoned LI, Light Industrial District and commercial cleaning processes are permitted by right in this district. CRDN (Huntington Cleaners) performs fire restoration to a variety of fire damaged items at this facility.

The new addition meets all the height and setback requirements of the Zoning Ordinance with the exception of the rear yard setback. The new addition is proposed to be located on the rear property line to match the building footprint of the existing building. The applicant applied for a variance and the Zoning Board of Appeals granted the necessary variance on April 26, 2016.

A new eight space parking lot and drive is proposed for the Wyoming Avenue side (west side) of the property. The new drive and parking lot will have to meet all the requirements for storm water management. Preliminary engineering plans for the drive and parking lot will need to be submitted to the Engineering Department for review and approval.

Based on the proposed square footage of the building (20,860 square feet), the facility is required to provide parking for 50 vehicles. The Site Plan shows 70 parking spaces. The existing and proposed circulation patterns of the parking lots and drives are acceptable.

The Site Plan indicates new landscaping will be installed at the Capital/Wyoming corner of the property to meet the minimum landscaping requirement. The Site Plan indicates that this landscape area would be irrigated with an in-ground water irrigation system. The Site Plan does not give adequate detail on the nature of the new landscaping. A more detailed landscape plan can be submitted when applying for a building permit.

The Site Plan does not indicate any details regarding new mechanical equipment but does show some additional wall mounted lighting on the proposed building. The Zoning Ordinance requires all roof top and ground level equipment to be screened. All proposed exterior lighting will need to be shielded downward and away from adjacent properties and positioned as to not create a nuisance to automobile traffic.

There is no indication that any new signage is proposed.

Based on the above considerations, the Planning Division recommends approval of the Final Site Plan, with the following conditions:

- 1) Engineering plans (storm water management) for the new driveway and parking lot to be submitted for review and approval by the City Engineer.*
- 2) A more detailed landscape plan to be submitted as part of application for a building permit and approved by the City Planner.*
- 3) Exterior lighting to be shielded downward and away from adjacent properties and positioned as to not create a nuisance to automobile traffic.*
- 4) All roof top and ground level equipment must be screened as required by the Zoning Ordinance.*
- 5) No signs are approved as part of the Site Plan Review. A separate permit must be requested for the inclusion of any signs at this site.*

MOTION by Burns, SECONDED by Walters-Gill, to approve the Final Site Plan for CRDN, with the following conditions:

- 1) Engineering plans (storm water management) for the new driveway and parking lot to be submitted for review and approval by the City Engineer.**
- 2) A more detailed landscape plan to be submitted as part of application for a building permit and approved by the City Planner.**
- 3) Exterior lighting to be shielded downward and away from adjacent properties and positioned as to not create a nuisance to automobile traffic.**
- 4) All roof top and ground level equipment must be screened as required by the Zoning Ordinance.**
- 5) No signs are approved as part of the Site Plan Review. A separate permit must be requested for the inclusion of any signs at this site.**

VOTE: Yes: Torgow, Brown, Burns, Eizelman, McClellan, Seligson, Tkatch, Tungate, Walters-Gill
 No: None

MOTION CARRIED

9. PLANNING COMMISSION MATTERS FOR DISCUSSION – from members only: None

10. PUBLIC COMMENTS ON ITEMS NOT SCHEDULED FOR PUBLIC HEARING: None

11. ADJOURNMENT

There being no further business, Chairperson Torgow adjourned the meeting at 7:16 p.m.

Lisa Vecchio, Deputy City Clerk



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: October 16, 2017

AGENDA #

SUBJECT: Payment Application no. 4 (FINAL) for the 2015-2016 Miscellaneous Concrete Repair Project, M-621.

DEPARTMENT: DPW/Technical & Planning – Engineering GWS

SUMMARY: Attached is Payment Application no. 4 (FINAL) for the 2015-2016 Miscellaneous Concrete Repair Project, M-621. To date, this project is now 100% complete.

<u>FINANCIAL STATEMENT:</u>	Original Contract Amount:	\$268,334.80
	Change Order no. 1:	<u>(\$ 4,832.65)</u>
	Current Contract Amount:	\$263,502.15
	Total Completed to Date:	\$263,502.15
	Less Retainage:	\$ 0.00
	Net Earned:	\$263,502.15
	Deductions:	\$ 0.00
	Balance:	\$263,502.15
	Payments to Date:	<u>\$262,502.15</u>

Amount Due Mattioli Cement Company, LLC.: \$ 1,000.00

RECOMMENDED ACTION: It is recommended that Payment Application no. 4 (FINAL) to Mattioli Cement Company, LLC. for the 2015-2016 Miscellaneous Concrete Repair Project, M-621 be approved for the amount of \$1,000.00. Funding is available in the Water & Sewer Fund (592-18-538-930) and Local Street Fund (203-18-479-801) for this project.

APPROVALS:

City Manager: [Signature]

Department Director: [Signature]

Director of Finance: [Signature]

Budgeted: ☒

EXHIBITS: Payment Application No. 4 (FINAL)

PAYMENT APPLICATION

PROJECT: 2015-2016 MISCELLANEOUS CONCRETE PROJECT (SPRING)

JOB NUMBER: M-621

OWNER: CITY OF OAK PARK, MICHIGAN

APPLICATION NO.: 4

CONTRACTOR: MATTIOLI CEMENT COMPANY, LLC
6085 MCGUIRE ROAD
FENTON, MI 48430

PERIOD ENDING: 8/31/2017

ITEM	DESCRIPTION	ORIGINAL BID QUANTITY		UNIT PRICE	PERIOD QUANTITY	PERIOD AMOUNT	QUANTITY TO DATE	AMOUNT TO DATE
1	REMOVE CONCRETE PAVEMENT	3,600	SYD	\$ 9.72	0.00	\$ -	3,393.97	\$32,989.39
2	CONCRETE PVT W/INT CURB & GUTTER, 9" CONC.	3,400	SYD	\$ 48.17	0.00	\$ -	2,958.58	\$142,514.80
3	SIDEWALK CONC. NON-REINF 6" SIDEWALK/DRIVE APPROACH	750	SFT	\$ 5.18	0.00	\$ -	1,657.17	\$8,584.14
4	SIDEWALK CONC. NON-REINF 4" SIDEWALK	1,000	SFT	\$ 4.59	0.00	\$ -	1,942.50	\$8,916.08
5	CONC. PVT 24" CURB & GUTTER SECTION NON REINF 9" CONC.	50	LFT	\$ 38.88	0.00	\$ -	117.50	\$4,568.40
6	ADJUSTING DRAINAGE STRUCTURES	5	EA	\$ 432.00	0.00	\$ -	6.00	\$2,582.00
7	CAST IN PLACE DETECTABLE/TACTILE WARNING SURFACE	40	SFT	\$ 25.92	0.00	\$ -	48.00	\$1,244.16
8	AGGREGATE BASE UNDER 9" CONC. (6" 21AA CR LIMESTONE)	3,350	SYD	\$ 6.48	0.00	\$ -	482.45	\$3,126.28
9	AGGREGATE BASE UNDER 4" & 6" & 9" CONC. (3" 21AA CR LIMESTONE)	250	SYD	\$ 4.32	0.00	\$ -	2,799.18	\$12,082.46
10	DRAINAGE STRUCTURE COVER	760	LBS	\$ 1.90	0.00	\$ -	332.00	\$630.80
11	MINOR TRAFFIC DEVICES	1	LSUM	\$ 10,020.00	0.00	\$ -	1.00	\$10,020.00
12	PROJECT CLEAN UP	1	LSUM	\$ 756.00	0.00	\$ -	1.00	\$756.00
13	INSPECTION CREW DAYS	30	DAY	\$ 320.00	0.00	\$ -	9.50	\$3,040.00
14	ARROW BOARD (EACH)	15	DAY	\$ 100.00	0.00	\$ -	87.00	\$8,700.00
15	COOLIDGE CONCRETE REMOVAL	325	SYD	\$ 30.28	0.00	\$ -	151.56	\$4,589.24
16	ELGIN PARKING EXTRA	-	EACH	\$ 1,500.00	0.00	\$ -	1.00	\$1,500.00
17	KINGSTON ROAD	-	LSUM	\$ 17,638.40	0.00	\$ -	1.00	\$17,638.40

Period Total Amount:

\$ - Total Amount to Date: \$263,502.15

Original Contract Amount: \$ 288,334.80
Change Order No. 1: \$ (4,832.65)
Current Contract Amount: \$ 283,502.15

Earnings This Period: \$0.00

Total Earnings to Date: \$263,502.15

Less Retainage: \$0.00

Net Earned: \$263,502.15

Deductions: \$0.00

Balance: \$263,502.15

Payments to Date: \$262,502.15

AMOUNT DUE MATTIOLI CEMENT CO. SERVICES: \$1,000.00

Accepted By:

Mattioli Cement Company

Date:

10-3-17

Approved By:

Gerrah Surles
Assistant City Engineer

Date:

10/3/2017



5E

BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN**AGENDA OF:** October 16, 2017**AGENDA #****SUBJECT:** Payment request from Orchard, Hiltz, & McCliment for Engineering Consulting Services.**DEPARTMENT:** DPW/Technical & Planning – Engineering GWS**SUMMARY:** Attached are invoices from Orchard, Hiltz & McCliment for the project listed below:

Project	This Period	Prior Billings	To Date	Current Contract	Account Number
Traffic Signal Optimization	\$2,248.92	\$131,486.52	\$133,735.44	\$184,662.88	202-18-474-801
Nine Mile TAP Grant Design	\$37,331.50	\$0.00	\$37,331.50	\$126,000.00	202-18-479-801
SAW Grant Support	\$13,636.25	\$30,719.35	\$44,355.60	\$186,000.00	592-18-550-801
Totals	\$53,216.67	\$162,205.87	\$215,422.54	\$496,662.88	

RECOMMENDED ACTION: It is recommended that the invoices from OHM for the above listed projects be approved for the total amount of \$53,216.67. Funding is available in the above listed account.

APPROVALS:

City Manager: _____

Department Director: _____

Finance Director: _____

Budgeted ☒**EXHIBITS:** Invoices



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 08/29/2017
Invoice #: 187824
Project: 0037-15-0091

Project Name: Oak Park Wastewater AMP SAW Support

For Professional Services Rendered through: 8/12/2017

<i>Description</i>	<i>Fee</i>	<i>Prior Billed</i>	<i>Total Available</i>	<i>Current Billing</i>
0037150091 Professional Services	186,000.00	30,719.35	155,280.65	10,339.25
		Amount Due This Invoice **		10,339.25

REMIT TO:

OHM Advisors
34000 PLYMOUTH RD
LIVONIA, MICHIGAN 48150-1512

T 734.522.6711
F 734.522.6427

OHMAdvisors.com



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 08/29/2017
Invoice #: 187824
Project: 0037-15-0091

0037150091 Professional Services

Fixed Rates Labor

<i>Classification</i>	<i>Hours</i>	<i>Rate</i>	<i>Amount</i>
Associate	3.25	170.0000	552.50
Graduate Engineer II	0.25	115.0000	28.75
Technician II	98.50	92.0000	9,062.00
Technician IV	6.00	116.0000	696.00
Fixed Rates Labor subtotal	108.00		10,339.25
Total Professional Services			10,339.25

Total Project: 0037150091 - Oak Park Wastewater AMP SAW Support

10,339.25

REMIT TO:

OHM Advisors
34000 PLYMOUTH RD
UNIONVILLE, MICHIGAN 48150-4510

T 734.522.6711
F 734.522.6427

OHM-Advisors.com



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 09/25/2017
Invoice #: 188485
Project: 0037-15-0091

Project Name: Oak Park Wastewater AMP SAW Support

For Professional Services Rendered through: 9/9/2017

<i>Description</i>	<i>Fee</i>	<i>Prior Billed</i>	<i>Total Available</i>	<i>Current Billing</i>
0037150091 Professional Services	186,000.00	41,058.60	144,941.40	3,297.00
		Amount Due This Invoice **		3,297.00

REMIT TO:
OHM Advisors
34000 PLYMOUTH RD

T 734.522.6711



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 09/25/2017
Invoice #: 188485
Project: 0037-15-0091

0037150091 Professional Services

Fixed Rates Labor

<i>Classification</i>	<i>Hours</i>	<i>Rate</i>	<i>Amount</i>
Associate	0.50	170.0000	85.00
Technician II	30.50	92.0000	2,806.00
Technician IV	3.50	116.0000	406.00
Fixed Rates Labor subtotal	34.50		3,297.00
Total Professional Services			3,297.00

Total Project: 0037150091 - Oak Park Wastewater AMP SAW Support

3,297.00

REMIT TO:

OHM Advisors
34000 PLYMOUTH RD

T 734.522.6711



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 08/29/2017
Invoice #: 187825
Project: 0037-17-0010

Project Name: Nine Mile TAP Grant Final Design

For Professional Services Rendered through: 8/12/2017

<i>Description</i>	<i>Fee</i>	<i>Prior Billed</i>	<i>Total Available</i>	<i>Current Billing</i>
0037170010 Nine Mile TAP Grant Final Design	126,000.00	0.00	126,000.00	6,954.00
Amount Due This Invoice **				6,954.00

REMIT TO:
OHM Advisors
34000 PLYMOUTH RD

T 734.522.6711



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 08/29/2017
Invoice #: 187825
Project: 0037-17-0010

0037170010 Nine Mile TAP Grant Final Design

Fixed Rates Labor

Classification	Hours	Rate	Amount
Associate	3.50	170.0000	595.00
Grad. Arch./Landscape Arch. I	15.75	83.0000	1,307.25
Grad. Arch./Landscape Arch. II	3.00	94.0000	282.00
Grad. Arch./Landscape Arch. III	4.00	115.0000	460.00
Graduate Engineer I	18.00	106.0000	1,908.00
Graduate Engineer II	0.75	115.0000	86.25
Professional Engineer/Architect IV	11.50	165.0000	1,897.50
Surveyor III	1.00	103.0000	103.00
Technician I	4.50	70.0000	315.00
Fixed Rates Labor subtotal	62.00		6,954.00
Total Nine Mile TAP Grant Final Design			6,954.00

Total Project: 0037170010 - Nine Mile TAP Grant Final Design

6,954.00

REMIT TO:

OHM Advisors

34000 PLYMOUTH RD

PLYMOUTH, MI 48170-1510

T 734.522.6711

F 734.522.6107

OHM ADVISORS



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 09/25/2017
Invoice #: 188486
Project: 0037-17-0010

Project Name: Nine Mile TAP Grant Final Design

For Professional Services Rendered through: 9/9/2017

<i>Description</i>	<i>Fee</i>	<i>Prior Billed</i>	<i>Total Available</i>	<i>Current Billing</i>
0037170010 Nine Mile TAP Grant Final Design	126,000.00	6,954.00	119,046.00	30,377.50
Amount Due This Invoice **				30,377.50

REMIT TO:

OHM Advisors
34000 PLYMOUTH RD

T 734.522.6711



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 09/25/2017
Invoice #: 188486
Project: 0037-17-0010

0037170010 Nine Mile TAP Grant Final Design

Fixed Rates Labor

<i>Classification</i>	<i>Hours</i>	<i>Rate</i>	<i>Amount</i>
Associate	3.75	170.0000	637.50
Grad. Arch./Landscape Arch. I	61.00	83.0000	5,063.00
Grad. Arch./Landscape Arch. II	37.50	94.0000	3,525.00
Grad. Arch./Landscape Arch. III	8.25	115.0000	948.75
Graduate Engineer I	97.75	106.0000	10,361.50
Graduate Engineer II	10.25	115.0000	1,178.75
Professional Engineer/Architect I	16.00	119.0000	1,904.00
Professional Engineer/Architect IV	15.50	165.0000	2,557.50
Professional Surveyor II	10.00	132.0000	1,320.00
Professional Surveyor III	1.00	149.0000	149.00
Surveyor III	22.50	103.0000	2,317.50
Technician I	0.25	70.0000	17.50
Technician III	3.75	106.0000	397.50
Fixed Rates Labor subtotal		287.50	30,377.50
Total Nine Mile TAP Grant Final Design			30,377.50

Total Project: 0037170010 - Nine Mile TAP Grant Final Design

30,377.50

REMIT TO:

OHM Advisors
34000 PLYMOUTH RD

T 734.522.6711



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 08/28/2017
Invoice #: 187804
Project: 0037-15-0060

Project Name: Signal Optimization of 36 Locations
Progress Billing #16 Percent Complete 80%

For Professional Services Rendered through: 8/19/2017

Analysis of Costs

Direct Salaries	358.68
Overhead % 174.49	<u>625.84</u>
Total Direct Personnel	984.52
Total Other Direct Charges	
Cost of Money 0.85	<u>3.06</u>
Total Costs	987.58
Fixed Fee	<u>0.00</u>
Total Charges/Fees	<u>987.58</u>
Amount Due This Invoice **	987.58

Total Contract Amount	184,662.88
Total Amount Previously Invoiced	131,486.52
Total Amount For This Invoice	<u>987.58</u>
Total Amount Invoiced To Date	132,474.10
Contract Amount Remaining	52,188.78

REMIT TO:

OHM Advisors
34000 PLYMOUTH RD
LIVONIA, MICHIGAN 48150-1512

T 734.522.6711
F 734.522.6427

OHM-Advisors.com



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 08/28/2017
Invoice #: 187804
Project: 0037-15-0060

Professional Fees

Fixed Rates Labor

<i>Classification / Employee Name</i>	<i>Hours</i>	<i>Rate</i>	<i>Amount</i>
Professional Engineer/Architect IV			
STEVEN M. LOVELAND	7.50	45.6731	342.55
Technician II			
JAMIE LABATE	0.75	21.5000	16.13
Fixed Rates Labor subtotal	8.25		358.68
Total Professional Fees	8.25		987.58
Project Totals	Hours: 8.25	Labor:	358.68

Total Project: 0037150060 - Signal Optimization of 36 Locations	987.58
--	---------------

REMIT TO:

OHM Advisors
34000 PLYMOUTH RD
LIVONIA, MICHIGAN 48150-1512

T 734.522.6711
F 734.522.6427

OHM-Advisors.com



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 10/01/2017
Invoice #: 188531
Project: 0037-15-0060

Project Name: Signal Optimization of 36 Locations
Progress Billing #17 Percent Complete 80%

For Professional Services Rendered through: 9/16/2017

Analysis of Costs

Direct Salaries	458.10
Overhead % 174.49	799.35
Total Direct Personnel	<u>1,257.45</u>
Total Other Direct Charges	
Cost of Money 0.85	3.89
Total Costs	1,261.34
Fixed Fee	0.00
Total Charges/Fees	<u>1,261.34</u>
Amount Due This Invoice **	<u>1,261.34</u>

Total Contract Amount	184,662.88
Total Amount Previously Invoiced	132,474.10
Total Amount For This Invoice	<u>1,261.34</u>
Total Amount Invoiced To Date	133,735.44
Contract Amount Remaining	50,927.44

REMIT TO:

OHM Advisors
34000 PLYMOUTH RD
LIVONIA, MICHIGAN 48150-1512

T 734.522.6711
F 734.522.6427

OHM-Advisors.com



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 10/01/2017
Invoice #: 188531
Project: 0037-15-0060

Professional Fees

Fixed Rates Labor

<i>Classification / Employee Name</i>	<i>Hours</i>	<i>Rate</i>	<i>Amount</i>
Professional Engineer/Architect IV			
STEVEN M. LOVELAND	8.50	45.6731	388.22
Technician II			
JAMIE LABATE	3.25	21.5000	69.88
Fixed Rates Labor subtotal	11.75		458.10
Total Professional Fees	11.75		1,261.34
Project Totals	Hours: 11.75	Labor:	458.10

Total Project: 0037150060 - Signal Optimization of 36 Locations	1,261.34
---	----------

REMIT TO:

OHM Advisors
34000 PLYMOUTH RD
LIVONIA, MICHIGAN 48150-1512

T 734.522.6711
F 734 522 6427

OHM-Advisors.com

MERCHANT'S LICENSES – OCTOBER 16, 2017**(Subject to All Departmental Approvals)**

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
Hull Brothers Rental	12992 Eight Mile	\$450	Equipment Rental

<u>RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
L G Motors	13350 Capital	\$900	Auto Service / Repair

AGENDA #**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN**

AGENDA OF: October 16, 2017

SUBJECT: Public Hearing for Special Assessment Districts #664, #665, #666, #667, #668 and #669 and resolutions confirming the rolls, setting due dates and penalties.

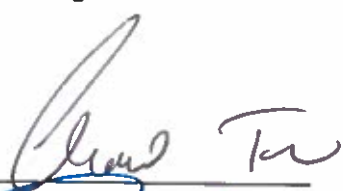
DEPARTMENT: Finance/Treasury

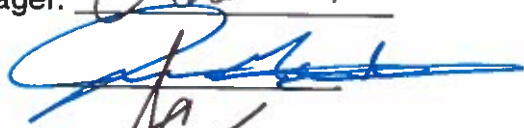
SUMMARY: At the council meeting of October 2, 2017, City Council adopted Special Assessment Resolutions No. 8, establishing October 16, 2017 as the date for the public hearing on the rolls of Special Assessment Districts #664 - Delinquent Utilities; #665 - False Alarms, #666 - Miscellaneous Concrete Replacement, #667 - Property Blight, #668 - Sidewalk Replacement, and #669 - Weed Mowing

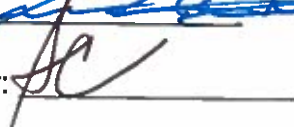
FINANCIAL STATEMENT: None

RECOMMENDED ACTION: To adopt Special Assessment Resolution No. 9 to confirm the rolls, and Special Assessment Resolution No. 10, setting the due date of November 17, 2017, together with penalty of ten percent (10%) for Special Assessment Districts #664 - Delinquent Utilities; #665 - False Alarms, #666 - Miscellaneous Concrete Replacement, #667 - Property Blight, #668 - Sidewalk Replacement, and #669 - Weed Mowing

APPROVALS:

City Manager: 

Director: 

Finance Director: 

Budgeted: No impact

**CITY OF OAK PARK
MICHIGAN**

SPECIAL ASSESSMENT RESOLUTION NO. 9

Meeting of the City Council October 16, 2017: The Mayor announced that this was the time set to review the Special Assessment Rolls as prepared and revised by the City Assessor for expenses incurred on private premises for Districts #664 - Delinquent Utilities; #665 - False Alarms, #666 - Miscellaneous Concrete Replacement, #667 - Property Blight, #668 - Sidewalk Replacement, and #669 - Weed Mowing

The Clerk announced that the following written objections had been filed:

Objections were received at the public hearing as follows:

The following exceptions were made to Special Assessment Rolls:

The following resolution was offered by _____, and supported by _____:

BE IT RESOLVED that Special Assessment Rolls #664, #665, #666, #667, #668 and #669, as prepared and revised by the City Assessor, are hereby confirmed.

ROLL CALL VOTE: Yes:
 No:
 Absent:

MOTION DECLARED ADOPTED

STATE OF MICHIGAN)
) §
COUNTY OF OAKLAND)

I, the undersigned duly qualified Clerk of the City of Oak Park, Michigan, do hereby certify that the foregoing is a true and complete copy of proceedings taken at a Regular Meeting of the Council of said City held on October 16, 2017, insofar as said proceedings relate to the Special Assessment Districts as described in the foregoing, the original of which proceedings is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature this 16th day of October, 2017.

T. Edwin Norris, City Clerk

**CITY OF OAK PARK
MICHIGAN**

SPECIAL ASSESSMENT RESOLUTION NO. 10

At a Regular Meeting of the City Council of the City of Oak Park, held the 16th day of October, 2017, at 7:00 P.M., at the City Hall, 14000 Oak Park Boulevard, in said City.

PRESENT:

ABSENT:

The following preamble and resolution was offered by _____, and supported by _____:

WHEREAS, by resolution adopted October 16, 2017, Special Assessment Rolls #664, #665, #666, #667, #668 and #669 were confirmed by City Council.

NOW, THEREFORE, BE IT RESOLVED THAT: Said Special Assessment Rolls shall be due in one (1) installment payable on November 17, 2017, in full, together with penalty of ten percent (10%).

BE IT FURTHER RESOLVED THAT: An unpaid installment of said Special Assessment Roll shall bear penalty at an annual rate of five percent (5%) after due date November 17, 2017.

ROLL CALL VOTE: Yes:
 No:
 Absent:

MOTION DECLARED ADOPTED

STATE OF MICHIGAN)
)§
COUNTY OF OAKLAND)

I, the undersigned duly qualified Clerk of the City of Oak Park, Michigan, do hereby certify that the foregoing is a true and complete copy of proceedings taken at a Regular meeting of the Council of said City held on October 16, 2017, insofar as said proceedings relate to the Special Assessment District as described in the foregoing, the original of which proceedings is on file in my office.

IN WITNESS WHEREOF I have hereunto set my official signature the 16th day of October, 2017.

T. Edwin Norris, City Clerk

**GARAN
LUCOW
MILLER P.C.**

CREAT LANTS LAW FIRM SERVING CLIENTS NATIONALLY

1155 Brewery Park Blvd, Ste 200
Detroit, Michigan 48207
313-446-1530
Tax I.D. 38-1879991

Invoice 483638**October 10, 2017**

Erik Tungate
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48327

*Re: Judy Kish and Joyce Bannon, et al v City of
Oak Park*

*Client 7406
Matter 31*

Statement for City Attorney Legal Services

For Legal Services Rendered Through Saturday, September 30, 2017

\$3,048.50**Fee Total****Costs Advanced:**

Date	Description	Amount
09/19/17	Electronic Filing Fee via TrueFiling - Defendant City of Oak Park's Application for Leave to Appeal	386.25
09/19/17	Fee for electronic filing in Oakland County - CA - Claim Of Appeal Filed	30.98
Total Costs Advanced		\$417.23

Total Fees and Disbursements: \$3,465.73

**GARAN
LUCOW
MILLER P.C.**

GREAT LAKES LAW FIRM SERVING CLIENTS NATIONALLY

1155 Brewery Park Blvd, Ste 200
Detroit, Michigan 48207
313-446-1530
Tax I.D. 38-1879991

Invoice 483639

October 10, 2017

Erik Tungate
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48327

Re: In Re: Prosecution Matters

*Client 7406
Matter 39*

Statement for City Attorney Legal Services

For Legal Services Rendered Through Saturday, September 30, 2017

\$84.00

Fee Total

Total Costs Advanced

\$0.00

Total Fees and Disbursements: \$84.00

*Invoices for legal services are due upon receipt. To ensure proper application of your payment,
Please indicate our invoice number and client/matter number on your remittance.*

**GARAN
LUCOW
MILLER P.C.**

GREAT LAKES LAW FIRM SERVING CLIENTS NATIONALLY

1155 Brewery Park Blvd, Ste 200
Detroit, Michigan 48207
313-446-1530
Tax I.D. 38-1879991

Invoice 483640

October 10, 2017

Erik Tungate
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48327

*Re: Harmony Montessori Center v City of Oak
Park*

*Client 7406
Matter 4*

Statement for City Attorney Legal Services

For Legal Services Rendered Through Saturday, September 30, 2017

\$392.00

Fee Total

Total Costs Advanced

\$0.00

Total Fees and Disbursements: \$392.00

*Invoices for legal services are due upon receipt. To ensure proper application of your payment,
Please indicate our invoice number and client/matter number on your remittance.*

**GARAN
LUCOW
MILLER P.C.**

GREAT LAKES LAW FIRM SERVING CLIENTS NATIONALLY

1155 Brewery Park Blvd, Ste 200
Detroit, Michigan 48207
313-446-1530
Tax I.D. 38-1879991

Invoice 483642

October 10, 2017

Erik Tungate
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48327

Re: In Re: City of Oak Park

*Client 7406
Matter 1*

Statement for City Attorney Legal Services

For Legal Services Rendered Through Saturday, September 30, 2017

\$12,083.34

Fee Total

Costs Advanced:

Date	Description	Amount
09/11/17	Reproduction Charges 291 @ .15	43.65
	291 @ 0.15	
09/15/17	Fee to Oakland County Register of Deeds for recording fee	60.00
09/18/17	Fee for electronic filing in Oakland County - C - Complaint Filed	183.27
09/18/17	Fee for electronic filing in Oakland County - SI - Summons Issued	2.58
09/21/17	Oakland County Register of Deeds title search - 12800 Nine Mile Road.	7.00
09/21/17	Travel to and from 43rd District Court in Ferndale, MI to pick up ordered court documents	11.66
	22 @ 0.53	
09/28/17	Reproduction Charges 823 @.15	123.45
	823 @ 0.15	
09/29/17	Fee to Novitex Enterprise Solutions, Inc. for GBC Binding x8	15.26
09/29/17	Reproduction Charges 97 @.15	14.55
	97 @ 0.15	
	Total Costs Advanced	\$461.42

In Re: City of Oak Park
10/10/17
Page 2

Total Fees and Disbursements: \$12,544.76

*Invoices for legal services are due upon receipt. To ensure proper application of your payment,
Please indicate our invoice number and client/matter number on your remittance.*

SECRET
SW
WARDLE

SECRET, WARDLE, LYNCH
HAMPTON, TRUEX & MORLEY
2600 TROY CENTER DRIVE P.O. BOX 5025
TROY, MICHIGAN 48007-5025
(248) 851-9500

IRS # 38-1863919

City of Oak Park
Erik Tungate
13600 Oak Park Blvd
Oak Park, MI 48237

October 5, 2017
Invoice # 1318509
Client No. M1409
Matter No. 100314

RE: Oak Park, City of (Building Fund)

INTERIM

Services Rendered:

CURRENT BILLING SUMMARY THROUGH SEPTEMBER 30, 2017

Fees for Professional Services	\$8,656.00
Expenses Advanced	\$5.40
CURRENT BILL DUE	\$8,661.40

PLEASE REMIT TO: SECRET, WARDLE, LYNCH,
HAMPTON, TRUEX & MORLEY, PC
P.O. BOX 772725
CHICAGO, IL 60677-2007



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: October 16, 2017

AGENDA #

SUBJECT: Recommendation of Planning Commission for Congregation Dovid Ben Nuchim, 14800 Lincoln, Final Site Plan Review.

DEPARTMENT: Community & Economic Development, Planning Division

SUMMARY: At the October 9, 2017 meeting, the Planning Commission reviewed a Site Plan for a 2,647 square foot addition at 14800 Lincoln Avenue that will house a larger library and conference room as well as offices. The main worship area for Congregation Dovid Ben Nuchim will not increase in size. The Planning Commission voted to recommend to the City Council approval of the Final Site Plan with conditions.

RECOMMENDED ACTION: The City Council consider accepting the recommendation of the Planning Commission for approval of the Final Site Plan for Congregation Dovid Ben Nuchim, 14800 Lincoln, subject to the following conditions:

- 1) Engineering plans (storm water management) for the modifications to the parking lot to be submitted for review and approval by the City Engineer.
- 2) A more detailed landscape plan to be submitted as part of application for a building permit and approved by the City Planner.
- 3) All roof top and ground level equipment must be screened as required by the Zoning Ordinance.
- 4) Final approval of the proposed Site Plan conditioned on the Zoning Board of Appeals granting the required variances.
- 5) No signs are approved as part of the Site Plan Review. A separate permit must be requested for the inclusion of any signs at this site.

APPROVALS:

City Manager:

Director:

Finance Director:

EXHIBITS: Memorandum, Site Plan.



CITY OF OAK PARK

MEMORANDUM

TO: Planning Commission Members DATE: October 4, 2017,
2017
FROM: Kevin Rulkowski, AICP, City Planner FILE: G/.../apIncom/Ben
Nuchim 14800
Lincoln
SUBJECT: Congregation Dovid Ben Nuchim, 14800 Lincoln, Final Site Plan Review

Congregation Dovid Ben Nuchim, has submitted a Site Plan for a building addition at 14800 Lincoln Avenue. The proposed 2,647 square foot addition will house a larger library and conference room as well as offices. The main worship area will not increase in size.

The property is zoned R-1, One Family Dwelling and places of worship are a permitted special land use in this district.

The new addition does not meet the setback requirements of the Zoning Ordinance. The Zoning Ordinance requires the setback to be two times the height of the building (14 foot building height = 28 foot minimum building setback). Although the proposed building addition maintains the current front building line it will require a three foot front yard setback variance due to the fact it is setback 25 feet. In addition, the proposed building addition will be within seven feet of the west property line and will require a 21 foot side yard variance.

Because of the location of the proposed addition, some existing parking and an exit drive will be eliminated on the west side of the building. It will be replaced with a new pedestrian walkway and side entrance. The modification will also result in a new rear parking lot traffic circulation pattern and a new two-way drive on the east side of the building.

Based on the number of seats in the main worship area, the facility is required to provide 67 parking spaces. The existing building site provides 72 parking spaces. The proposed Site Plan reduces parking and provides 49 parking spaces. The Site Plan notes that "the highest occupant load occurs on Saturdays and on Jewish holidays where driving is not permitted". A variance will be required because the facility will no longer provide the minimum number of required parking spaces. The applicant has submitted for the

setback and parking variances and is scheduled to appear at the October 24th Zoning Board of Appeals.

The Site Plan indicates new landscaping will be installed in the area on the west side of the building where the exit drive is eliminated. It appears this area is grass. Due to the close proximity of the building addition to the residential home on the west side of the property, additional landscaping such as pyramidal yews, should be placed in this area to soften the impact of the building being closer. A more detailed landscape plan including this additional landscaping can be submitted when applying for a building permit. The Site Plan notes that the new landscaped areas will be connected to the existing landscape irrigation system.

The Site Plan does not indicate any details regarding new mechanical equipment. The Zoning Ordinance requires all roof top and ground level equipment to be screened. The Site Plan notes that all proposed exterior lighting will need to be shielded downward.

There is no indication that any new signage is proposed.

Based on the above considerations, the Planning Division recommends approval of the Final Site Plan, with the following conditions:

1. Engineering plans (storm water management) for the modifications to the parking lot to be submitted for review and approval by the City Engineer.
2. A more detailed landscape plan to be submitted as part of application for a building permit and approved by the City Planner.
3. All roof top and ground level equipment must be screened as required by the Zoning Ordinance.
4. Final approval of the proposed Site Plan conditioned on the Zoning Board of Appeals granting the required variances.
5. No signs are approved as part of the Site Plan Review. A separate permit must be requested for the inclusion of any signs at this site.