



LINCOLN PARK PLANNING COMMISSION
CITY HALL – COUNCIL
CHAMBERS 1355 SOUTHFIELD
ROAD LINCOLN PARK, MICHIGAN

January 10, 2018 at 7:00 p.m.

AGENDA

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Approval of previous minutes**
- V. Approval of Agenda**
- VI. Old Business – None**
- VII. New Business**
 - A. 3419 Fort St. (Restaurant) – Site Plan Review
 - B. 4057 Dix (Car Wash) – Conceptual Review for Special Land Use
 - C. Officer Elections
 - D. Annual Report
 - E. Sample Bylaws
- VIII. Policy Review and Discussion - None**
- IX. Reports from Departments and Other Boards and Commissions**
 - A. Master Plan – Steering Committee Report
- X. Public Comments**
- XI. Comments from Planning Commissioners**
- XII. Adjournment**

The City of Lincoln Park will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed material being considered at the meeting to individuals with disabilities at the meeting/hearing upon seven (7) days prior notice to the City of Lincoln Park. Individuals with disabilities requiring auxiliary aides or services should contact the City of Lincoln Park by writing or calling the following: The Building Department, 1355 Southfield Road, Lincoln Park, MI 48146(313) 386-1800 Ext. 1296

4057 Dix – Quality Auto Wash Site Plan Review

| | |
|----------------|-----------------------------|
| Applicant | Odell Lechevalier |
| Project | Quality Auto Wash |
| Address | 4057 Dix Highway |
| Date | January 10, 2018 |
| Request | Conceptual Site Plan Review |
| Recommendation | None, advisory only |

GENERAL

All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Zoning Code. The site plan shall conform with all requirements of this Zoning Code, including those of the applicable zoning district(s).

Project and Site Description

The applicant proposes to re-open an automobile wash facility after a period of non-operation greater than one year. Currently, this use is permitted by Special Land Use approval in this district. It is unclear whether Special Land Use approval was ever granted for this parcel, but §1262.08 states that failure to continue to operation for a one-year period constitutes abandonment of the Special Land Use. Therefore, a valid and current Special Land Use approval is required for this use to resume.

Site conditions

The site is located at the corner of Dix Highway and St. John's Blvd. Circulation appears to be designed for entry and exit at separate drives on St. John's Boulevard. Despite the property's address on Dix, the curb cut to that road appears to have been closed, and a guard rail extends the length of an asphalt-covered area immediately on the property side of the sidewalk. The property is served by sidewalks along both Dix and St. Johns.

A greenbelt on the western edge of the property is the only landscaping feature, adjacent to both sides of the sidewalk until the aforementioned guard rail, and then continues only along the Dix right-of-way.

The south branch of the Ecorse River abuts the property to the south. Because of a grade change separation, it appears that the property does not fall within the Flood Hazard Overlay Zone.



Figure 1: Aerial View



Figure 2: Flood Zone

Master Plan

Future Land Use Classification

The 2007 Comprehensive Development plan for the city of Lincoln Park designates this site as "General Commercial."

Intent; Desirable Uses and Elements

The General Commercial land use category is "the appropriate flocation for automobile-oriented uses, including...car washes."

Land Use and Zoning

Zoning

The zoning classification on this property is Municipal Business District. Car washes are permitted by Special Land Use approval in this district.



Figure 3: Zoning Map

Proposed and Existing Uses

| | |
|-------|----------------------------------|
| Site | MBD, Car Wash |
| North | ROW then NBD; commercial |
| East | Residential; |
| South | MBD and Ecorse Creek; commercial |
| West | ROW then MBD; commercial |

Dimensional Standards

The dimensional requirements of the RBD district are described in the chart below. (§1294.32, except where noted.)

| | Required | Provided | Compliance |
|-------------------------------|--|----------------------|------------|
| Lot Width | 40 | ~132' | Met |
| Street Frontage (§1294.09) | Shrubbery and low retaining walls 2 ½' < height < 8' | | Met |
| Lot Area | 4000 | 13,992 | Met |
| Lot Coverage | 50% | 24% | Met |
| Height | 2 stories / 25' | 19' | Met |
| Setback – Front | By context | 30' | Met |
| Setback – Sides | 0 | 18' north; 45' south | Met |
| Setback – Rear | 0 | 40' | Met |

Items to be addressed

None

BUILDING DESIGN

The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development. In addition to following design guidelines adopted in specific district or sub-area plans, the building design shall meet the requirements of Section 1296.04, Standards for Architecture and Building Materials.

| Required | Compliance |
|---|----------------|
| <ul style="list-style-type: none"> Building mass, height, bulk and width-to-height ratio within 50-150% of buildings within 500' | Met |
| <ul style="list-style-type: none"> Architectural variety Similar materials and entrances to buildings within 500' | Met |
| <ul style="list-style-type: none"> Building materials: primarily natural products conveying permanence (brick, decorative masonry block, stone, or beveled wood siding) totaling 75% of each façade (industrial districts, 50% if facing ROW) Applicant to indicate the material percentages of each building façade 25% may be glass, exterior insulation finish systems (EIFS), vinyl, aluminum, or steel siding; or similar synthetic or highly-reflective materials (industrial districts not facing public streets or freeways, these and pre-cast concrete or plain masonry block) Natural colors (bright for decorative features only) | Unknown |
| <ul style="list-style-type: none"> Façade: <100' uninterrupted If >100' = recesses, off-sets, angular forms, arches, colonnades, columns, pilasters, detailed trim, brick bands, contrasting courses of material, cornices or porches All sides similar | Met |

| Required | Compliance |
|--|-----------------------|
| <ul style="list-style-type: none"> • Windows: vertical, recessed, visually-obvious sills • Spaces between windows = columns, mullions, or material found elsewhere on the façade • Front facades > 25% windows • Size, shape, orientation, spacing to match buildings within 500' | <p>Not applicable</p> |
| <ul style="list-style-type: none"> • Main entrances: doors larger • Framing devices (overhangs, recesses, peaked roof forms, porches, arches, canopies, parapets, awnings, display windows, accent colors, tile work, moldings, pedestrian-scale lighting, distinctive door pulls) <p>Only garage doors are shown on the drawings; at least two additional doors are visible from Google Street View. Applicant to revise drawings to show all building features.</p> | <p>Unknown</p> |
| <ul style="list-style-type: none"> • Pitched / shingled roof forms suggested; overhanging eaves with slope of 0.5 to 1 • Rooflines >100' = roof forms, parapets, cornice lines • Roof-top mechanical equipment screened by roof form. | <p>Met</p> |

Applicant to provide West elevation.

Items to be addressed

- West elevation to be included in drawings
- Drawings to be revised to show all building features
- Applicant to indicate percentages of each material on each building façade

PRESERVATION OF SIGNIFICANT NATURAL FEATURES

Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural, historical, and architectural features as deemed in this Zoning Code, in particular flood hazard areas and wetlands designated/regulated by the Michigan Department of Environmental Quality, and, to a lesser extent, flood hazard areas and wetlands which are not regulated by the Department.

No significant natural features remain on the site to be preserved.

Items to be addressed

None

SIDEWALKS, PEDESTRIAN AND BICYCLE CIRCULATION

The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/ pedestrian or bicycle pathways in the area. There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/ service restaurants and other uses which generate a considerable amount of pedestrian or bicycle traffic.

The site is served by sidewalks along both Dix Highway and St. Johns Blvd. Striping and/or signage is recommended at the car wash exit alerting drivers to watch for, and yield to, pedestrians and bicycles.

The City Engineer notes that the concrete sidewalks must be brought up to City Standards, including the replacement or repair of any broken or cracked sidewalks in the Dix Hwy and St. Johns Blvd right-of-way and onsite. There are several sidewalk flags that are cracked on the north and west side of the existing building within the right of way that will need to be replaced as directed by the City. Additionally, there are some broken curbs on St. Johns Blvd that will need to be replaced as directed by the City.

Items to be addressed

- Striping and/or signage to be placed at the car wash exit alerting drivers to watch for, and yield to, pedestrians and bicycles
- Concrete sidewalks must be brought up to City Standards, including the replacement or repair of any broken or cracked sidewalks in the Dix Hwy and St. Johns Blvd right-of-way and onsite
- Curbs to be replaced or repaired as directed by City

PARKING

The number and dimensions of off-street parking [spaces] shall be sufficient to meet the minimum required by this Zoning Code. However, where warranted by overlapping or shared parking arrangements, the Planning Commission may reduce the required number of parking spaces, as provided in this Zoning Code.

| Use | Required | Proposed | Compliance |
|-----------------------------------|--|-------------------|-----------------|
| Car wash | Two (2) Plus one (1) for each employee and manager = 2 Plus two (2) for post-wash detailing. Total = 6 | 2 3 4? 9 | Exceeded |
| Car wash (stacking, per §1290.03) | A minimum of sixteen (16) for cars waiting to be washed for each conveyor system Plus one (1) upon exiting each conveyor system | Unclear 1 | Not met |

| Parking Area | Required | Proposed | Compliance |
|-----------------|--|----------|--|
| Type B §1290.05 | Adequate means of ingress and egress shall be provided and shown | | Addressed under Access Management, below |

| Parking | Required | Proposed | Compliance |
|---------|---|------------------------|----------------|
| | Parking facilities, access drives, and maneuvering aisles shall be hard surfaced with concrete or plant-mixed bituminous material, maintained in a usable dustproof condition and graded and drained appropriately | Not shown | Unknown |
| | Concrete curbs and gutters | Not shown | Unknown |
| | When adjoining residential property and/or a residential street or alley: 6' solid masonry wall, ornamental on both sides, with bumper guards | Existing 4' block wall | Not met |
| | Entrance only from the adjoining principal use or adjoining alley; no use of street for backing or maneuvering | | Met |
| | In all cases where such parking facilities abut public sidewalks, a wall or curb at least six (6) inches high, or steel posts twenty-four (24) to thirty (30) inches high and not more than five (5) feet apart, set three (3) feet in concrete, shall be placed thereon so that a motor vehicle cannot be driven or parked with any part thereof extending within two (2) feet of a public sidewalk. | Existing guard rail | Met |

The City acknowledges that the required stacking arrangements are a challenge on this site, which was built without the benefit of these Special Land Use requirements. In an effort to satisfy the requirements, two sets of drawings have been submitted, each with different challenges. Because the hand-drawn version is not to scale and does not represent a realistic arrangement of actual vehicles, only the arrangement presented on sheet SP-1 has been considered here.

Parking

A total of 6 parking spaces are required on the site. Five (5) parking spaces are shown on the southeast corner of the site. Additionally, four spaces that are intended to be stacking spaces are shown inside and just to the south of the building's auto detailing area. These cannot be considered stacking spaces as they are outside the flow of the "stack," but they could be used to meet the "post-wash detailing" requirements. Alternately, they are marked as "employee parking" on the hand-drawn sketch layout, and this would be acceptable also (but would require finding another location for the post-wash detailing spaces). **Applicant to clarify where the 6 required parking spaces will be located.**

The 5 parking spaces on the southwest corner of the site measure 8' x 23'. Per §1290.08, this is the measurement that would apply to a parallel or slightly angled parking space. These spaces, which have a 90 degree parking pattern, should measure 9.5' by 20'. **Applicant to ensure that parking space dimensions correspond with the parking pattern in which they are arranged.**

Stacking

The vehicle stacking arrangement presented on Sheet SP-1 shows one line of 8 stacking spaces between the street and the entrance to the car wash. Adjacent to that is another line of 4 stacking spaces, evidently intended to merge into the first line. If this is the case, striping should be shown on the parking lot surface which would direct drivers to the appropriate place in which to wait. As mentioned above, another 4 spaces has been shown immediately inside and outside the auto detailing building, but these cannot be considered stacking spaces as they are outside the flow of cars.

It is acknowledged that fitting 16 stacking spaces onto this site is a challenge that it may not be possible to meet. However, **a better and more realistic flow of stacking spaces should be represented on the site plan to offer an understanding of the potential traffic impacts.** If there is a realistic way to smoothly accommodate two lanes of waiting cars, this is the preferred configuration. Once the most desirable arrangement has been developed by the applicant and approved by the Planning Commission, the City will support a variance request to waive any outstanding stacking spaces in consideration of the site’s constraints and the intervening regulatory requirements.

Parking Lot

An initial review of the parking lot by the City Engineer finds it in poor condition. The parking lot will need to be brought up to City standards.

Items to be addressed

- Applicant to clarify where the 6 required parking spaces will be located.
- Applicant to ensure that parking space dimensions correspond with the parking pattern in which they are arranged
- Applicant to revise site plan to show the most likely and realistic accommodation of as many of the 16 required stacking spaces as possible
- Applicant to confirm parking lot paving material
- Applicant to show curbs, gutters, and wheelstops where required
- Parking lot to be brought up to City standards
- 6’ solid masonry wall, ornamental on both sides, with bumper guards, to be provided on east side of lot adjacent to Residential land use and zoning

BARRIER-FREE ACCESS

The site has been designed to provide barrier-free parking and pedestrian circulation.

| Required Spaces | Required Barrier-Free Spaces | Proposed Barrier-Free Spaces | Compliance |
|-----------------|------------------------------|------------------------------|----------------|
| 6 | 1 | 0 | Not met |

Items to be addressed

- One barrier-free parking space to be provided

LOADING

All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened in accordance with this Zoning Code.

| Gross Floor Area | Loading Spaces – Required | Loading Spaces – Provided | Compliance |
|------------------|---------------------------|---------------------------|----------------|
| 3289 sf | 1 | 1 @ 10x46' | Not met |

Items to be addressed

- Loading space dimensions to be 10'x50

ACCESS, DRIVEWAYS, AND VEHICULAR CIRCULATION

Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. All driveways shall meet the design and construction standards of the City. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site. For uses having frontage and/or access on a major traffic route, as defined in the City of Lincoln Park Comprehensive Development Plan, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of Section 1290.10, Access Management Standards.

Although the site’s address is on Dix Highway, the curb cut facing Dix is closed. Ingress and egress to the site are via St. Johns Blvd, which is not regulated by §1290.01.

Currently, St. Johns Blvd is separated from the northern edge of the site only by a sidewalk and a rolled curb, which effectively serves as a curb cut for the length of the site. This configuration is poorly defined, increasing the opportunities for conflict between the vehicles entering and exiting the site, and the pedestrians and bicyclists using the sidewalk. The poor conditions of the curb, the sidewalk, and the parking lot may represent an opportunity to address this. **A comprehensive assessment of the improvements needed to bring these up to City standards should be performed, and the feasibility of reconstructing these features to allow for individual curb cuts should be assessed.** At a minimum, pavement markings and signage should alert drivers to the potential presence of pedestrian and bicycle traffic on the sidewalk.

Items to be addressed

- A comprehensive assessment of the improvements needed to bring the curb, sidewalk, and parking lot on the north side of the property up to City standards should be performed, and the feasibility of reconstructing these features to allow for individual curb cuts for ingress and egress should be assessed

EMERGENCY VEHICLE ACCESS

All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department and Police Department.

Review by the Lincoln Park Fire Department and Police Department is underway.

Items to be addressed

None

STREETS

All streets shall be developed in accordance with the City of Lincoln Park Subdivision Control Ordinance and construction standards, unless developed as a private road in accordance with the requirements of the City.

No new streets are proposed as part of this development application.

Items to be addressed

None

LANDSCAPING, SCREENING, AND OPEN SPACE

The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Zoning Code. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers, greenbelts, fencing, walls and other protective barriers shall be provided and designed in accordance with the provisions of Section 1296.03, Landscaping Standards. Recreation and open space areas shall be provided in all multiple-family residential and educational developments.

| | Required | Proposed | Compliance |
|----------------------|---|--|----------------|
| Street Landscaping | Greenbelt, 10' width minimum with groundcover | Existing 10' and greater greenbelt along west side of property. No greenbelt on north side of property; design should be included in assessment of curb, sidewalk, and asphalt | Not met |
| | 1 tree and 4 shrubs per 40' of street frontage 242' total = 6 trees and 24 shrubs With 70% waiver = 2 trees and 7 shrubs | 1 tree and 13 shrubs | Not met |
| | Where headlights from parked vehicles will shine into the ROW, may require a totally obscuring hedge | Final parking arrangement has not yet been determined | Unknown |
| Interior Landscaping | 10% of total lot area landscaped, including groundcover (13,500 sf *0.1) = 1350 sf landscaping With 70% waiver = 405 sf landscaping | No interior landscaping has been provided | Not met |
| | Interior landscaping to be grouped near entrances, foundations, walkways, service areas | | |

| | Required | Proposed | Compliance |
|-------------|---|--|----------------|
| | 1 tree per 400 sf of required landscaping and 1 shrub per 250 sf of required landscaping 1350 sf = 3 trees and 5 shrubs With 70% waiver = 1 tree and 2 shrubs | 2 shrubs have been provided, though they are not placed in the interior of the lot | Not met |
| Parking Lot | 1 deciduous or ornamental tree per 10 parking spaces 6/10 = 1 tree | No parking lot vegetation has been proposed | Not met |
| | 100 sf of planting area per tree | | |
| Screening | Waste receptacle: Decorative masonry wall of at least 6' with solid or impervious gate | Applicant proposes no waste receptacle | Not applicable |
| | Abutting residential: greenbelt, 15' with 5' evergreens (PC may waive); solid 6' masonry wall ornamental on both sides | No residential greenbelt has been provided Solid 6' masonry wall required along eastern property line | Not met |

A separate landscape plan shall be submitted in accordance with the provisions of 1296.03.b.1.

Items to be addressed

- Applicant to submit a separate landscape plan in accordance with the provisions of 1296.03.b.1.
- The assessment and possible redesign of the curb, sidewalk, and pavement along the northern edge of the property should consider the possibility of including the required 10' greenbelt
- 1 additional tree to be provided along ROW
- 405 sf of interior landscaping to be provided, to include 1 tree and 2 shrubs
- 1 parking lot tree to be provided
- 15' greenbelt with 5' evergreens to be provided along eastern edge of parcel abutting a residential use and district
- 6' masonry wall to be provided along eastern edge of parcel abutting a residential use and district

SOIL EROSION CONTROL

The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Building Superintendent or City Engineer.

Soil erosion control is under the purview of Wayne County. All appropriate permits shall be secured.

Items to be addressed

- Applicant to obtain all appropriate soil erosion permits from Wayne County.

UTILITIES

Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.

The City Engineer notes that based on the site plan submitted all existing utilities and leads are being reused. It is important that the developer realize these existing utilities are very old and may have reached their life expectancy. It is our strong recommendation for the developer to at least videotape the existing sewer lead to determine its condition prior to performing any new renovation on the building. If the service lead needs to be replaced the installation of the new service will need to be inspected by the City's engineer.

The developer should verify with the City the existing sanitary service type and size. If it is undersized for the proposed building use it must be placed. The developer's engineer or architect shall determine the sanitary service lead capacity.

The developer should verify with the City the existing water service type and size. If it is a lead service or if the service is undersized for the proposed building use, it should be placed. The developer's engineer or architect shall determine the water service lead capacity.

The Engineer notes that the east side of the existing building is constructed over a vacated alley, over which the City maintains an easement. The building is also constructed over an existing, active 18" sanitary sewer located within the easement. The City is not responsible for the building constructed over the existing sewer.

Items to be addressed

- Applicant to videotape existing sewer lead to determine its condition prior to performing any new renovation
- Service lead replacement installations shall be inspected by the City's engineer
- Applicant shall verify with the City the existing sanitary service type and size, and shall replace if it is undersized for the proposed building use it must be placed
- Applicant's engineer or architect shall determine the sanitary service lead capacity
- Applicant shall verify with the City the existing water service type and size, and shall replace if it is a lead service or if the service is undersized for the proposed building use
- Applicant's engineer or architect shall determine the water service lead capacity
- The east side of the existing building is constructed over a vacated alley over which the City maintains an easement, and within which is an existing, active 18" sanitary sewer. The City is not responsible for the building constructed over the existing sewer.

STORMWATER MANAGEMENT

Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/ retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.

The City Engineer notes that based on the elevations from the November survey, the majority of the parking lot and paved areas are surface draining into the Sexton-Kilfoil Drain. There is only one storm sewer structure in the paved area of the site, which appears to have a 4" outlet to the County Drain. Stormwater management is under the purview of Wayne County, and drainage improvements may be required on the parking lot and paved areas. Applicant shall work with the City engineer to comply with all applicable stormwater regulations and practices.

Items to be addressed

- Applicant shall work with the City engineer and Wayne County to comply with all applicable stormwater regulations and practices.

LIGHTING

Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

Where new lighting fixtures are proposed, applicant shall supply manufacturer's specifications for each fixture. Where existing fixtures will be reused, the applicant shall submit a photograph of each fixture under both illuminated and non-illuminated conditions to verify directional shielding. Applicant shall document the height of each pole-mounted light fixture. If possible, a photometric plan showing illumination in foot-candles along the perimeter of the property shall be submitted.

Items to be addressed

- Where new lighting fixtures are proposed, applicant shall supply manufacturer's specifications for each fixture
- Where existing fixtures will be reused, the applicant shall submit a photograph of each fixture under both illuminated and non-illuminated conditions to verify directional shielding
- Applicant shall document the height of each pole-mounted light fixture
- If possible, a photometric plan showing illumination in foot-candles along the perimeter of the property shall be submitted

NOISE

The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.

No negative noise impacts are expected from the development which will not be buffered by the six-foot masonry wall.

Items to be addressed

None

MECHANICAL EQUIPMENT

Mechanical equipment, both roof and ground mounted, shall be screened in accordance with the requirements of this Zoning Code.

No roof- or ground-mounted mechanical equipment requires screening.

Items to be addressed

None

SIGNS

The standards of the City's Sign Code are met.

All applicable sign codes shall be met, and all signs shall be appropriately permitted through the Building Department.

Items to be addressed

- All signs shall receive appropriate permits through the Lincoln Park Building Department.

HAZARDOUS MATERIALS OR WASTE

For businesses utilizing, storing or handling hazardous material such as automobile service and automobile repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.

No hazardous materials or waste are expected as a result of this development.

Items to be addressed

None

SITE DESIGN STANDARDS FOR USES PERMITTED AFTER SPECIAL APPROVAL

All applicable standards for uses permitted after special approval are met.

§1296.02

B. Automobile and Other Vehicle Wash Establishments

1. A minimum front yard setback of twenty (20) feet shall be required for all structures.
2. Required off-street parking and vehicle waiting areas shall be provided in accordance with Chapter 1290, Off-Street Parking and Loading.

1. This condition is effectively met. Although the property address is on Dix, all access to the site is via St. Johns Blvd, where there is a 20' setback between the building and the property line.
2. This condition is addressed under "Parking," above.

Items to be addressed

None

OTHER AGENCY REVIEWS

The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Transportation, Wayne County Drain Commission, Wayne County Health Department, and other federal and state agencies, as applicable.

Applicant shall procure a business license per Chapter 806 of the Lincoln Park Code of Ordinances.

Items to be addressed

- Applicant to secure a business license per Chapter 806 of the Lincoln Park Code of Ordinances.
-

VARIANCES

The need for variances as a part of this project shall be determined during the course of preparing the Final Site Plan.

Items to be addressed

- Variance requests to be noted as part of Final Site Plan submission

RECOMMENDATIONS

Findings

The proposed site plan as submitted does not yet contain enough information to determine whether it substantially complies with the provisions of 1296.01, Site Plan Review. It does contain enough information to proceed to Final Site Plan Review after addressing the conditions listed in this report and summarized below.

Conditions and Waivers

- West elevation to be included in drawings
- Drawings to be revised to show all building features
- Applicant to indicate percentages of each material on each building façade
- Striping and/or signage to be placed at the car wash exit alerting drivers to watch for, and yield to, pedestrians and bicycles
- Concrete sidewalks must be brought up to City Standards, including the replacement or repair of any broken or cracked sidewalks in the Dix Hwy and St. Johns Blvd right-of-way and onsite
- Curbs to be replaced or repaired as directed by City
- Applicant to clarify where the 6 required parking spaces will be located.
- Applicant to ensure that parking space dimensions correspond with the parking pattern in which they are arranged
- Applicant to revise site plan to show the most likely and realistic accommodation of as many of the 16 required stacking spaces as possible
- Applicant to confirm parking lot paving material
- Applicant to show curbs, gutters, and wheelstops where required
- Parking lot to be brought up to City standards
- 6' solid masonry wall, ornamental on both sides, with bumper guards, to be provided on east side of lot adjacent to Residential land use and zoning
- One barrier-free parking space to be provided
- Loading space dimensions to be 10'x50
- A comprehensive assessment of the improvements needed to bring the curb, sidewalk, and parking lot on the north side of the property up to City standards should be performed, and the feasibility of reconstructing these features to allow for individual curb cuts for ingress and egress should be assessed
- Applicant to submit a separate landscape plan in accordance with the provisions of 1296.03.b.1.
- The assessment and possible redesign of the curb, sidewalk, and pavement along the northern edge of the property should consider the possibility of including the required 10' greenbelt

- 1 additional tree to be provided along ROW
- 405 sf of interior landscaping to be provided, to include 1 tree and 2 shrubs
- 1 parking lot tree to be provided
- 15' greenbelt with 5' evergreens to be provided along eastern edge of parcel abutting a residential use and district
- 6' masonry wall to be provided along eastern edge of parcel abutting a residential use and district
- Applicant to obtain all appropriate soil erosion permits from Wayne County.
- Applicant to videotape existing sewer lead to determine its condition prior to performing any new renovation
- Service lead replacement installations shall be inspected by the City's engineer
- Applicant shall verify with the City the existing sanitary service type and size, and shall replace if it is undersized for the proposed building use it must be placed
- Applicant's engineer or architect shall determine the sanitary service lead capacity
- Applicant shall verify with the City the existing water service type and size, and shall replace if it is a lead service or if the service is undersized for the proposed building use
- Applicant's engineer or architect shall determine the water service lead capacity
- The east side of the existing building is constructed over a vacated alley over which the City maintains an easement, and within which is an existing, active 18" sanitary sewer. The City is not responsible for the building constructed over the existing sewer.
- Applicant shall work with the City Engineer and Wayne County to comply with all applicable stormwater regulations and practices
- Where new lighting fixtures are proposed, applicant shall supply manufacturer's specifications for each fixture
- Where existing fixtures will be reused, the applicant shall submit a photograph of each fixture under both illuminated and non-illuminated conditions to verify directional shielding
- Applicant shall document the height of each pole-mounted light fixture
- If possible, a photometric plan showing illumination in foot-candles along the perimeter of the property shall be submitted
- All signs shall receive appropriate permits through the Lincoln Park Building Department.
- Applicant to secure a business license per Chapter 806 of the Lincoln Park Code of Ordinances.
- Variance requests to be noted as part of Final Site Plan submission

Recommendations

No recommendations are associated with Conceptual Review. Comments from the Planning Commission are advisory only.

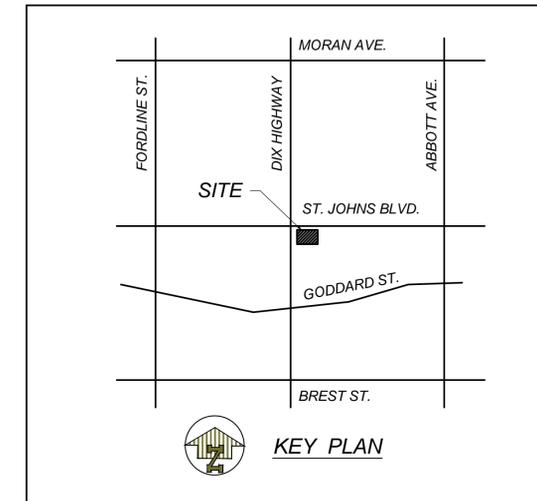
QUALITY AUTO WASH 4057 DIX HIGHWAY LINCOLN PARK, MI

INDEX:

SHT. SP1 EXISTING SITE PLAN

OWNER:

ODELL LECHEVALIER
11681 SYCAMORE
PLYMOUTH, MI 48170
PHONE: 734-620-8225



KEY PLAN

DATA:

GROSS SITE AREA = 19,155 SQ. FT.
EXISTING BUILDING = 3,871 SQ. FT.

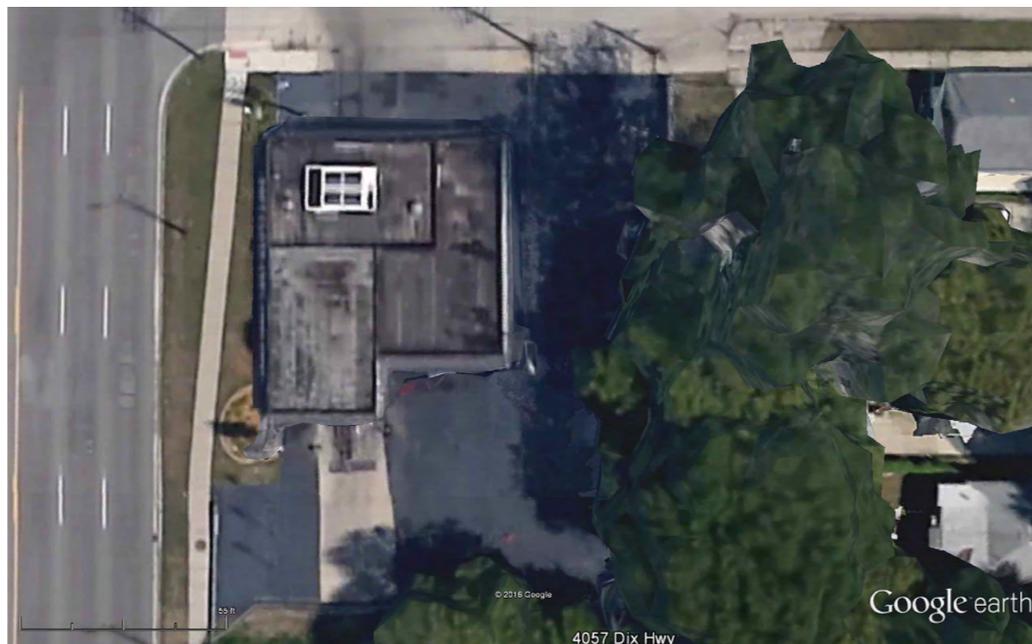
USE GROUP = GROUP B
CONSTRUCTION TYPE = IIB
ZONING = MUNICIPAL BUSINESS DISTRICT

MICHIGAN BUILDING CODE 2015

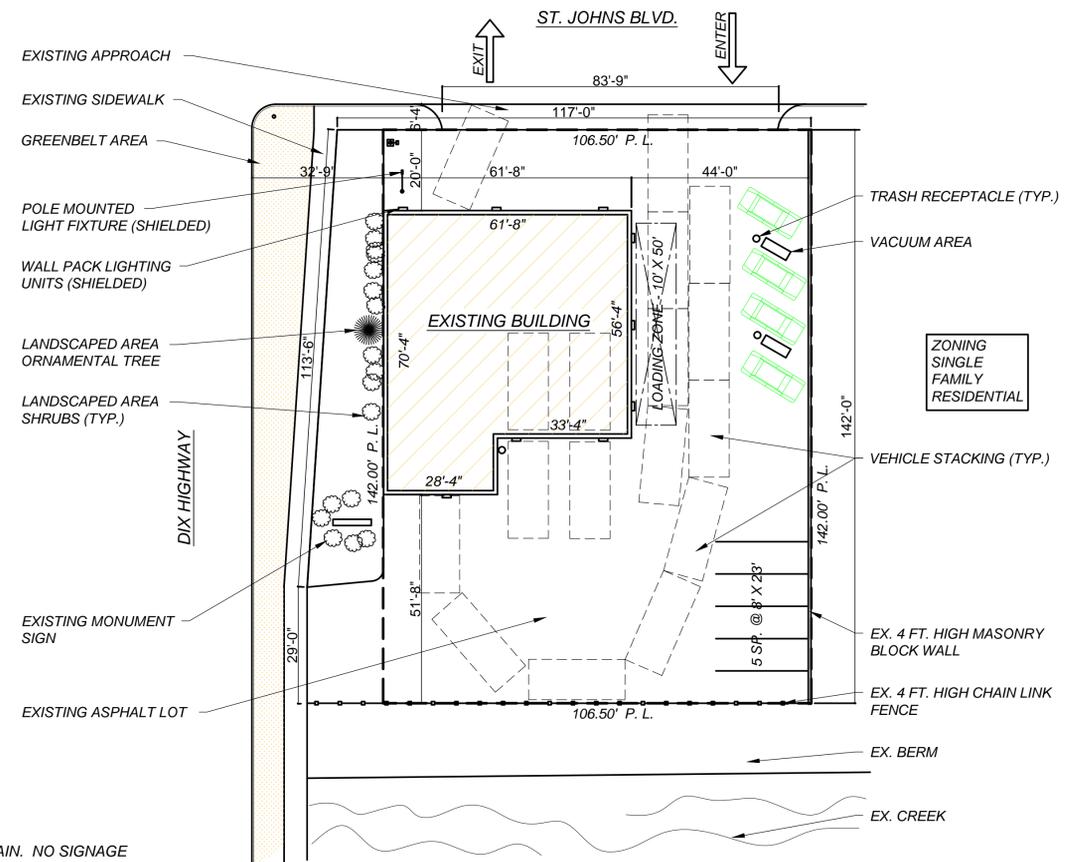
LEGAL DESCRIPTION:

QM96A 113A TO 119A N 142 FT. OF LOT 96 AND ADJ VAC ALLEY
16 FT. WD ALSO LOTS 113 TO 119 EXC WLY PT MEAS 49.36 FT.
ON N LINE AND 52.91 FT. ON S LINE DIX AVENUE MANOR NO. 1
SUB PC 116 L47 P38 WCR.

PARCEL ID: # 82 45 022 05 0096 001



AERIAL VIEW



NOTES:

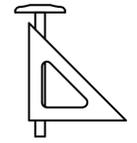
- EXISTING SIGNAGE TO REMAIN. NO SIGNAGE TO BE PROPOSED.
- ALL EXISTING SCREENING, WALLS AND FENCING TO REMAIN. NO CHANGE TO EXISTING.

PLEASE NOTE:

QUALITY AUTO WASH IS AN EXISTING STRUCTURE.
THERE IS NO FURTHER DEVELOPMENT REQUIRED
FOR THIS SITE.



EXISTING SITE PLAN @ SCALE 1" = 20' - 0"



SKETCH DESIGN GROUP
26520 GRAND RIVER
STE. 101
REDFORD, MI 48240
(248)-890-3036
Email: sketchtimedesign@gmail.com

HARVARD ENGINEERING
28947 GLENBROOK
FARMINGTON HILLS, MI 48331
PHONE: 504-376-6498

ARCHITECT / ENGINEER SEAL:

QUALITY AUTO WASH
4057 DIX HIGHWAY
LINCOLN PARK, MI

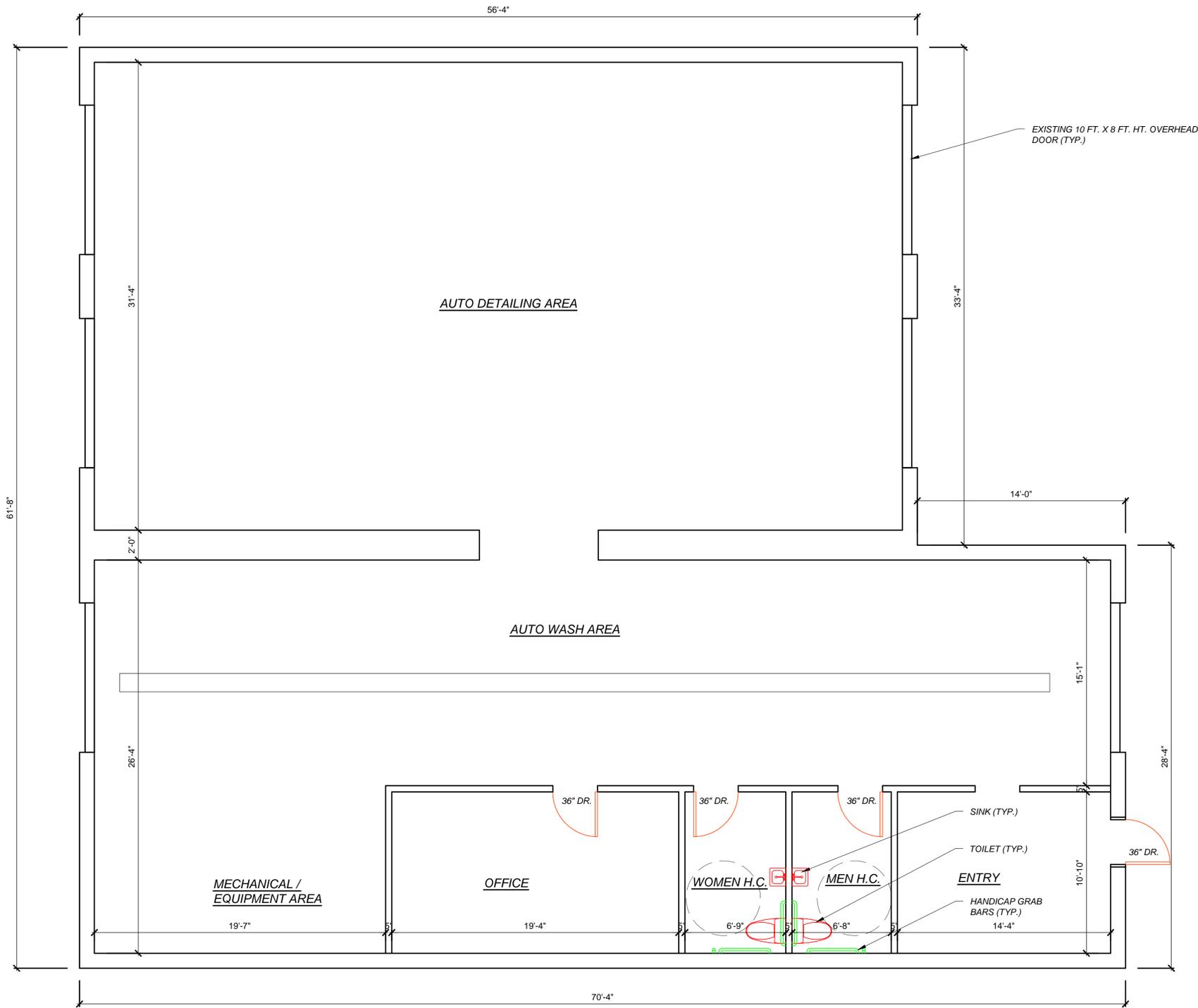
| | |
|---------|-------|
| DRAWN | DAVID |
| CHECKED | |
| SCALE | SHOWN |

| DATE | REV # | ISSUED FOR |
|----------|-------|-------------|
| 08/29/17 | | PLAN REVIEW |
| 12/11/17 | 1 | REVISION |

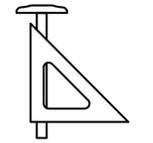
| | |
|-----------|-------|
| PROJECT # | 16920 |
|-----------|-------|

SHEET NO.

SP1



 EXISTING FLOOR PLAN @ $\frac{1}{4}'' = 1'-0''$



SKETCH DESIGN GROUP
 26520 GRAND RIVER
 STE. 101
 REDFORD, MI 48240
 (248)-890-3036
 Email: sketchtimedesign@gmail.com

HARVARD ENGINEERING
 28947 GLENBROOK DRIVE
 FARMINGTON HILLS, MI 48331
 PHONE: 504-376-6498

ARCHITECT / ENGINEER SEAL:

QUALITY AUTO WASH
 4057 DIX HIGHWAY
 LINCOLN PARK, MI

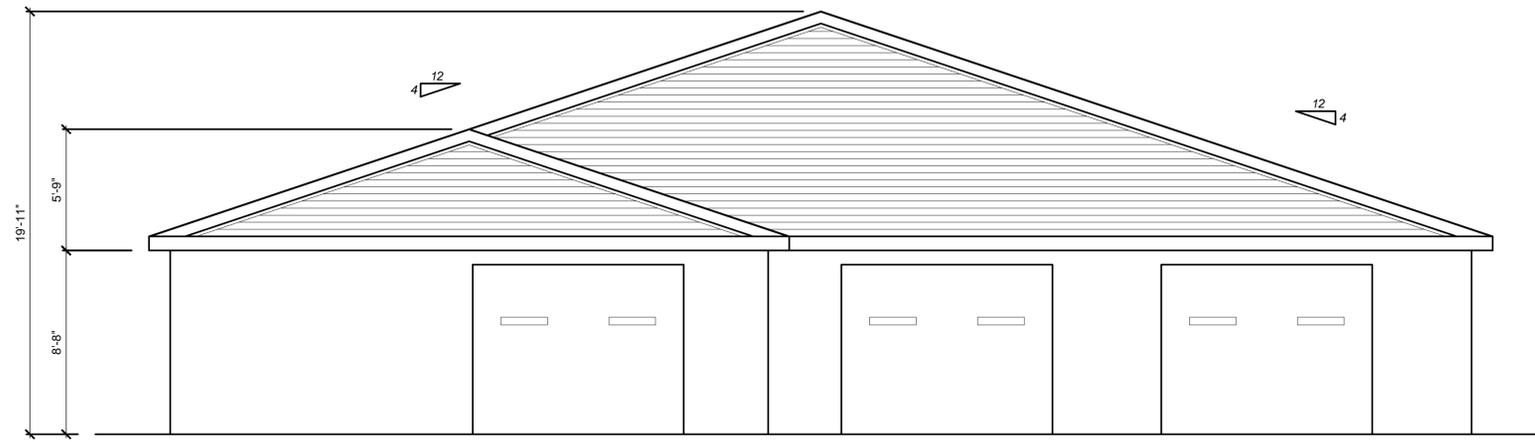
| | |
|---------|-------|
| DRAWN | DAVID |
| CHECKED | |
| SCALE | SHOWN |

| DATE | REV # | ISSUED FOR |
|----------|-------|-------------|
| 12/11/17 | | PLAN REVIEW |
| | | |
| | | |

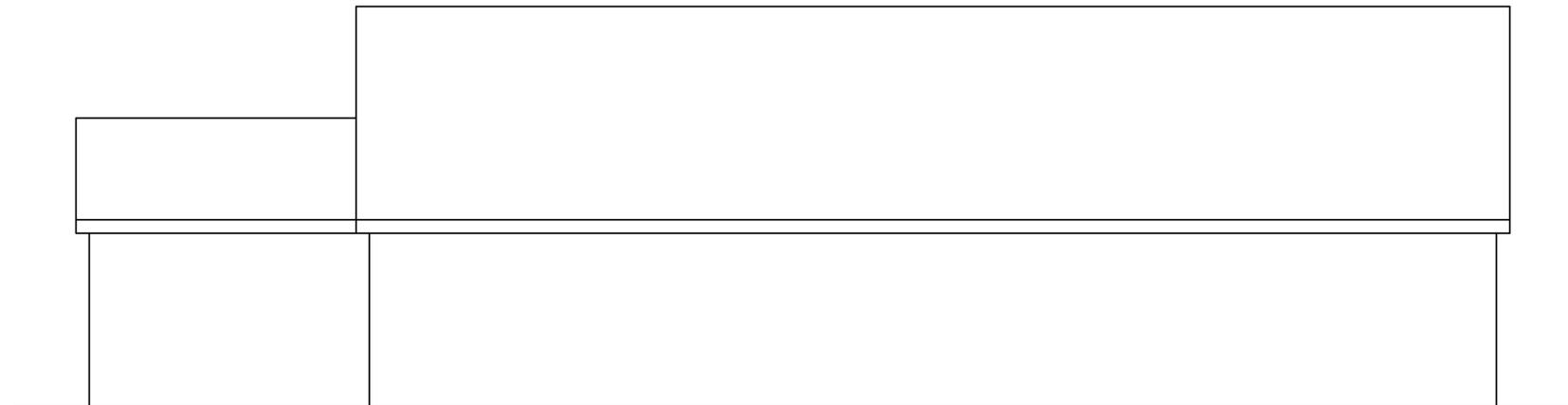
| | |
|-----------|-------|
| PROJECT # | 16920 |
|-----------|-------|

SHEET NO.

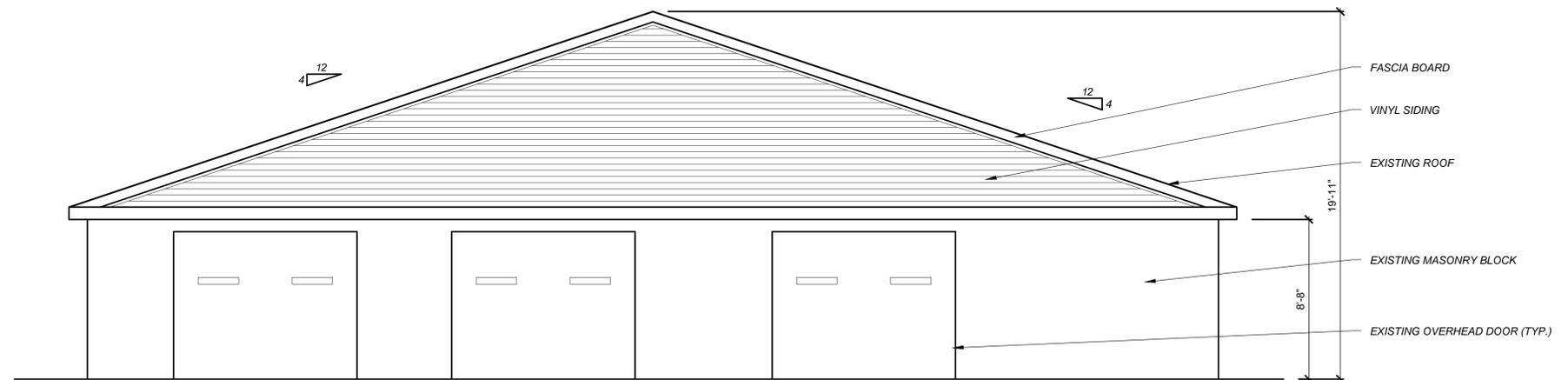
A1



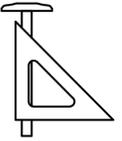
SOUTH ELEVATION @ $\frac{1}{4}'' = 1'-0''$



EAST ELEVATION @ $\frac{1}{4}'' = 1'-0''$



NORTH ELEVATION @ $\frac{1}{4}'' = 1'-0''$



SKETCH DESIGN GROUP
 26520 GRAND RIVER
 STE. 101
 REDFORD, MI 48240
 (248)-890-3036
 Email: sketchtimedesign@gmail.com

HARVARD ENGINEERING
 28947 GLENBROOK DRIVE
 FARMINGTON HILLS, MI 48331
 PHONE: 504-376-6498

ARCHITECT / ENGINEER SEAL:

QUALITY AUTO WASH
 4057 DIX HIGHWAY
 LINCOLN PARK, MI

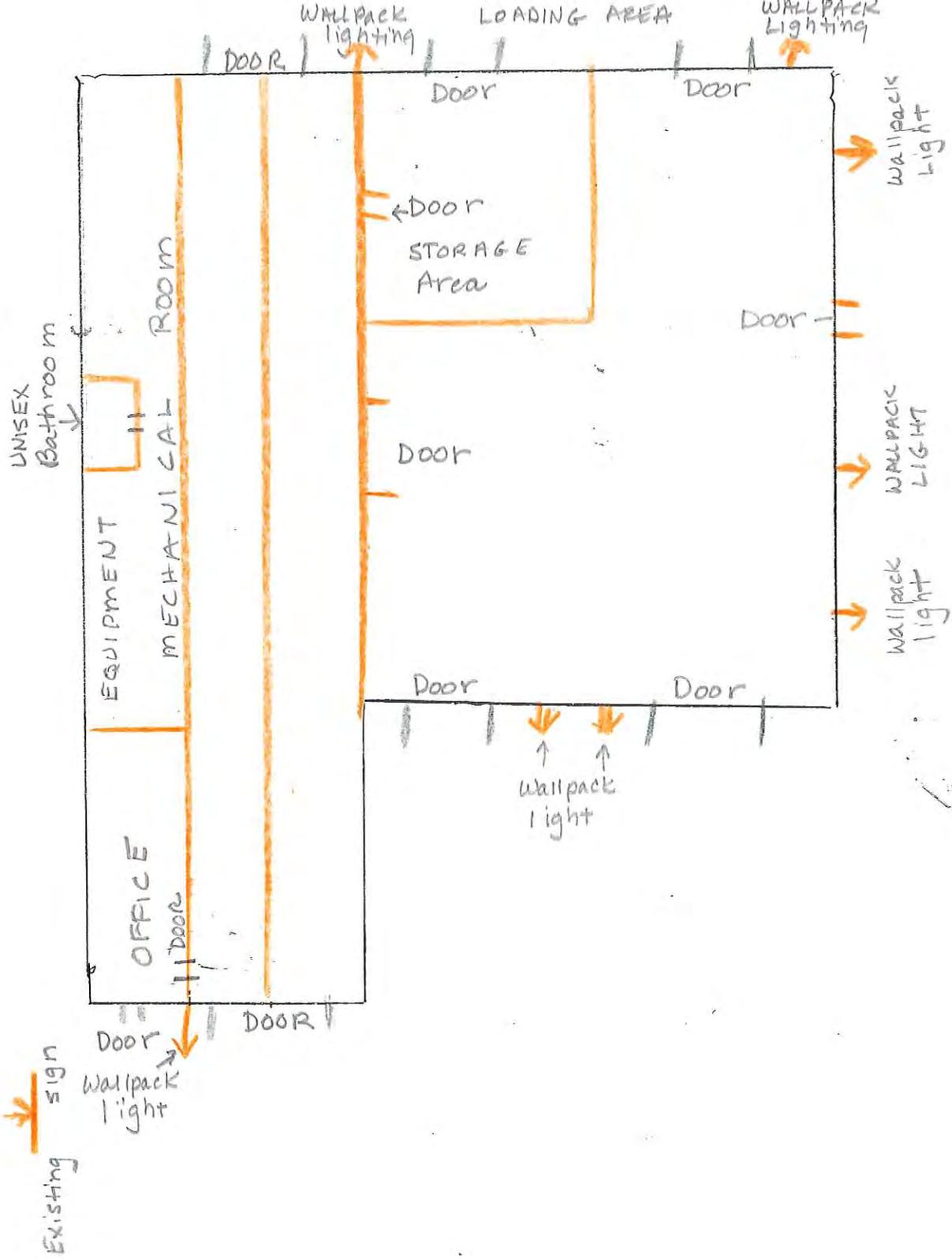
| | |
|---------|-------|
| DRAWN | DAVID |
| CHECKED | |
| SCALE | SHOWN |

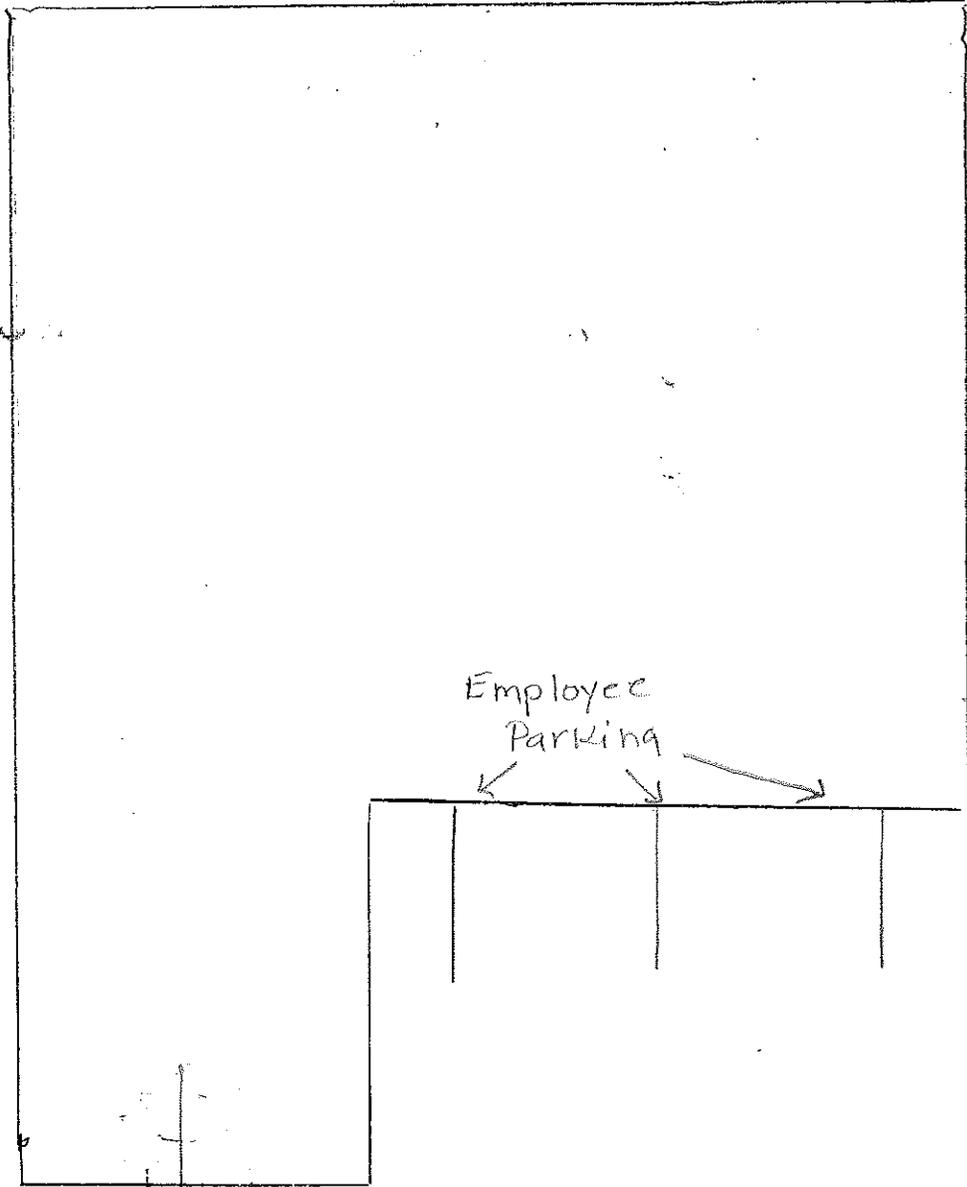
| DATE | REV # | ISSUED FOR |
|----------|-------|-------------|
| 12/11/17 | | PLAN REVIEW |
| | | |
| | | |
| | | |

PROJECT # 16920

SHEET NO.

A2





VACUUM

VACUUM

Employee
Parking

Employee
Parking

Lines are representing stack up cars

1. Name of car wash - Quality Auto Wash
2. Number of employees - 2
3. Hours of operation - 8 am - 7 pm - 7 days a week
4. Company vehicles - 0
5. Two months to complete project .

Regarding section 2 - Site Data

1. Exterior lighting are all wall packs that shine down to the parking lot. Does not shine off the site.
2. Trash receptacle will in the storage area and will be picked up by city. All receptacles are closed ontainers.
3. No transformer pad, the transformer is in the air on a pole.
4. 5 - parking spaces for employee parking, dimensions 20 x 7 feet made of asphalt. (Indicated on drawing.)
5. See drawing for lanscape details.
6. Fire lane is long building on parking lot. Will be designated as a no parking area.
7. Loading and unloading area -See drawing.
8. Off street waiting spaces - See drawing.
9. Building floor plans -See drawing.
10. Using existing sign, was already approved by other inspector.
11. Proposed fences and walls - see drawing.
12. Area for loading/unloading of substances - see drawing.



January 2, 2018

Ms. Leah DuMouchel, AICP
Beckett & Raeder, Inc.
535 West William St. Suite 101
Ann Arbor, MI, 48103-4978

**Re: Car Wash
4057 Dix Hwy
City of Lincoln Park, MI
Hennessey Project 72096**

Dear Ms. DuMouchel:

Hennessey Engineers, Inc. completed our first review of the Preliminary Plan based on the plan submittal date November 14, 2017, and received via email from you.

The project consists of the proposed redevelopment of the existing commercial Car Wash facility.

Listed below are some comments in which some should be addressed in the Preliminary Plan approval but would not be grounds for a reason for denial from an engineering feasibility standpoint:

GENERAL

1. Based on the site plan submitted, all existing utilities and leads are being reused. It is important that the developer realize these existing utilities are very old and may have reached their life expectancy. It is our strong recommendation for the developer to at least videotape the existing sewer lead to determine its condition prior to performing any new renovation on the building. If the service lead needs to be replaced the installation of the new service will need to be inspected by our office. The developer should verify with the City the existing sanitary service type and size. If it is undersized for the proposed building use it must be replaced. The developer's engineer or architect shall determine the sanitary service lead capacity.
2. The developer should verify with the City the existing water service type and size. If it is a lead service or if the service is undersized for the proposed building use, it should be replaced. The developer's engineer or architect shall determine the water service lead capacity.
3. The concrete sidewalks must be brought up to City Standards. Any broken or cracked sidewalks in the Dix Hwy and St. Johns Blvd. right-of-way and onsite must be repaired. There are several sidewalk flags that are cracked on the north and west side of the existing building within the right-of-way that will need to be replaced as directed by the City.
4. There are some broken curbs on St. Johns Blvd that will need to be replaced as directed by the City.

5. The cover sheet must be signed and sealed and plan sheets must be sealed by a professional engineer, surveyor or architect licensed in Michigan.
If the site plan meets all other Planning Commission requirements the Planning Commission could approve the Preliminary Plan contingent upon them being submitted signed and sealed by a professional engineer, surveyor or architect licensed in Michigan.
6. The east side of the existing building is constructed over a vacated alley. The City maintains an easement over the vacated alley. The building is also constructed over an existing 18" sanitary sewer located within the easement. The existing sanitary sewer is an active sewer. The City is not responsible for the building constructed over the existing sewer.
7. The existing parking lot is in poor condition and will need to be brought up to City Standards.
8. Based on the elevations from the November survey plan the majority of the parking lot and paved areas are surface draining into the Sexton-Kilfoil Drain. There is only one storm sewer structure in the paved area of the site. This structure appears to have a 4" outlet to the County Drain. Drainage improvements may be required to be made on the parking lot and paved areas. The storm drainage is under the jurisdiction of Wayne County.

Comment 5 listed above should be addressed for the Planning Commission submittal. From an engineering feasibility our office does not have any issues with the approval of the Preliminary Site Plan submittal. Therefore, from the engineering feasibility review it would be our recommendation for the **"approval"** of the Preliminary Site Plan. This is not a detailed engineering review or approval. Once the Planning Commission approves the Site Plan the engineer shall submit 3 sets of signed and sealed plans and a cost estimate to our office for detailed engineering review. An escrow account will need to be established for the detailed engineering review and construction inspection, test and management. Prior to any start of construction the plans must be approved by our office.

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

Sincerely,

HENNESSEY ENGINEERS, INC



James D. Hollandsworth, P.E., P.S.
Lincoln Park Project Manager

JDH/bd

cc: John Kozuh, DPW Director, City of Lincoln Park
John J. Hennessey, Hennessey Engineers, Inc.
Ryan Kern, Hennessey Engineers, Inc.
B.3

R:\Municipalities\70000's Lincoln Park\72000's\72096 Car Wash 4057 Dix\Car Wash 4057 Dix Hwy 1st PC Review Jan 2, 2018.docx

Case No. PPC17-0007

Date Submitted 8/31/17

City of Lincoln Park
APPLICATION FOR SITE PLAN REVIEW

NOTICE TO APPLICANT: Applications for Site Plan Review by the Planning Commission must be submitted to the City in *substantially complete form* at least thirty (30) days prior to the Planning Commission meeting at which the proposal will be considered. The application must be accompanied by the data specified in the Zoning Ordinance and Site Plan Review Guidelines, including fully dimensioned site plans, plus the required review fees. Regular meetings of the Planning Commission are held on the second Wednesday of each month at 7:00 p.m. All meetings are held at the Lincoln Park City Hall, 1355 Southfield Road, Lincoln Park, Michigan 48146. Phone number (313) 386-1800; Fax (313) 386-2205.

TO BE COMPLETED BY APPLICANT:

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

Applicant: ODELL LE CHEVALIER

Mailing Address: 11681 SYCAMORE
PLY MI 48170

Email Address: O LE CHEVALIER @ MSN.COM

Telephone: 734 6208225 Fax: 734 4164261

Property Owner(s) (if different from Applicant): _____

Mailing Address: _____

Telephone: _____ Fax: _____

Applicant's Legal Interest in Property: OWNER

Location of Property: Street Address: 4057 DIX

Nearest Cross Streets: MORAN

Sidwell Number: _____

Property Description:

If part of a recorded plat, provide lot numbers and subdivision name. If not part of a recorded plat (i.e., Acreage parcel"), provide metes and bounds description. Attach separate sheets if necessary.

Property Size (Square Ft): 5000 19 155 SQ FT (Acres): _____

Existing Zoning (please check):

- | | |
|--|--|
| <input type="checkbox"/> SFRD Single Family Residential District | <input type="checkbox"/> RBD Regional Business District |
| <input type="checkbox"/> MFRD Multiple Family Residential District | <input type="checkbox"/> CBD Central Business District |
| <input type="checkbox"/> MHRD Mobile Home Park District | <input type="checkbox"/> GID General Industrial District |
| <input type="checkbox"/> NBD Neighborhood Business District | <input type="checkbox"/> LID Light Industrial District |
| <input type="checkbox"/> MBD Municipal Business District | <input type="checkbox"/> CSD Community Service District |
| <input type="checkbox"/> PUD Planned Unit Development District | |

Present Use of Property: CAR WASH

Proposed Use of Property: CAR WASH

Please Complete the Following Chart:

| Type of Development | Number of Units | Gross Floor Area | Number of Employees on Largest Shift |
|------------------------|-----------------|------------------|--------------------------------------|
| Detached Single Family | | | |
| Attached Residential | | | |
| Office | | | |
| Commercial | | | |
| Industrial | | | |
| Other | <u>CAR WASH</u> | | |

Professionals Who Prepared Plans:

A. Name: HARVARD ENG
 Mailing Address: 28947 CLEMBROOK
FARMINGTON MI 48331
 Email Address: _____
 Telephone: 504-376-6498 Fax: _____ Primary Design Responsibility: _____

B. Name: _____
 Mailing Address: _____
 Email Address: _____
 Telephone: _____ Fax: _____ Primary Design Responsibility: _____

C. Name: _____
 Mailing Address: _____
 Email Address: _____
 Telephone: _____ Fax: _____ Primary Design Responsibility: _____

Case No. PPC17-0007
Date Submitted 8/31/17

City of Lincoln Park
APPLICATION FOR SPECIAL USE APPROVAL

NOTICE TO APPLICANT: Applications for Special Use review by the Planning Commission must be submitted to the City *in substantially complete form* at least thirty (30) days prior to the Planning Commission's meeting at which the proposal will be considered. The application must be accompanied by six (6) individual folded copies of the site plan, plus the required review fees. Regular meetings of the Planning Commission are held on the first Tuesday of each month at 7:00 p.m. All meetings are held at the Lincoln Park City Hall, 1355 Southfield Road, Lincoln Park, Michigan 48146. Phone number (313) 386-1800; Fax (313) 386-2205.

Special Uses shall comply with the standards in Section 1262.08 of the Zoning Ordinance. Accordingly, a public hearing shall be held by the Planning Commission before a decision is made on any Special Use request. Furthermore, a site plan shall be required, which shall be prepared in accordance with Section 1294.01 of the Ordinance.

TO BE COMPLETED BY APPLICANT:

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

Applicant: ODELL LE CHEVALIER

Mailing Address: OLECHEVALIER @ MSN.COM
11681 SYCAMORE PLYMOUTH MI 48170

Email Address: OLECHEVALIER @ MSN.COM

Telephone: 734 4208225 Fax: 734 4164261

Property Owner(s) (if different from Applicant): 4057 DIX

Mailing Address: _____

Telephone: _____ Fax: _____

Applicant's Legal Interest in Property: OWNER

Location of Property: Street Address: 4057 DIX

Nearest Cross Streets: MORAN

Sidwell Number: 45-022-05-0096-001

Property Description:

If part of a recorded plat, provide lot numbers and subdivision name. If not part of a recorded plat (i.e., "acreage parcel"), provide metes and bounds description. Attach separate sheets if necessary.

Property Size (Square Ft): 19155 SQ (Acres): _____

Present Use of Property: CAR WASH

Proposed Use of Property: CAR WASH

Existing Zoning (please check):

- | | |
|--|--|
| <input type="checkbox"/> SFRD Single Family Residential District | <input type="checkbox"/> RBD Regional Business District |
| <input type="checkbox"/> MFRD Multiple Family Residential District | <input type="checkbox"/> CBD Central Business District |
| <input type="checkbox"/> MHRD Mobile Home Park District | <input type="checkbox"/> GID General Industrial District |
| <input type="checkbox"/> NBD Neighborhood Business District | <input type="checkbox"/> LID Light Industrial District |
| <input type="checkbox"/> MBD Municipal Business District | <input type="checkbox"/> CSD Community Service District |
| <input type="checkbox"/> PUD Planned Unit Development District | |

Please Complete the Following Chart:

| Type of Development | Number of Units | Gross Floor Area | Number of Employees on Largest Shift |
|------------------------|-----------------|------------------|--------------------------------------|
| Detached Single Family | | | |
| Attached Residential | | | |
| Office | | | |
| Commercial | | | |
| Industrial | | | |
| Other | | | |

ATTACH THE FOLLOWING:

1. Six (6) individually folded copies of the site plan, sealed by a registered architect, engineer, landscape architect or community planner.
2. Proof of property ownership.
3. A brief written description of the proposed use.

PLEASE NOTE: The applicant or a designated representative **MUST BE PRESENT** at all scheduled review meetings or the site plan may be tabled due to lack of representation.

APPLICANT'S ENDORSEMENT:

All information contained herein is true and accurate to the best of my knowledge. I acknowledge that the Planning Commission will not review my application unless all information required in this application and the Zoning Ordinance have been submitted. I further acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing, or approval of this application.

Signature of Applicant *[Signature]* Date 8/28/17

Signature of Applicant _____ Date _____

Signature of Property Owner Authorizing this Application _____ Date _____

To be completed by City:
 Date Submitted: 8/31/17 Fee Paid: 3150 *300 ADMIN 2250 SCREW 600 Public Hearing*
 Received By: [Signature] Date of Public Hearing: _____

PLANNING COMMISSION ACTION (RECOMMENDATION)
 To Approve: _____ To Deny: _____ Date of Action: _____
 Reasons for Action Taken: _____

CITY COUNCIL ACTION
 Approved: _____ Denied: _____ Date of Action: _____
 Reasons for Action Taken: _____

3419 Fort Street – Carry-out Restaurant Site Plan Review

| | |
|-----------------------|---|
| Applicant: | Melvin Gomez |
| Project: | Conversion of salon into a carry-out restaurant |
| Address: | 3419 Fort Street |
| Date: | January 10, 2018 |
| Request: | Site Plan Approval |
| Recommendation | Table |

GENERAL

All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Zoning Code. The site plan shall conform with all requirements of this Zoning Code, including those of the applicable zoning district(s).

Project and Site Description

The applicant proposes to renovate a former beauty salon (currently vacant) into a carry-out restaurant with a kitchen and dining area. This use will include a maximum of 3 employees. The original building footprint of 998 square feet will be preserved.



Figure 1: Aerial View

There are not any portions of the subject property located within the floodplain as determined by the National Flood Insurance Program (2017 data).

Site conditions

The development includes two parcels – one which the vacant building and the second which will be used for parking. Both parcels are owned by the applicant. The proposed development abuts Fort Street, which is a major parkway bisecting the City north-south. The properties along this street are zoned Neighborhood

planning review

Business, and are generally adjacent to single family residential accessed by an alley-way. There is a church parking lot located to the north of the site which could provide the opportunity for shared parking during non-peak hours for the church's activities and operations.

Master Plan

Future Land Use Classification

The future land use classification of this parcel in the 2007 Comprehensive Plan is General Commercial.

Intent; Desirable Uses and Elements

The General Commercial future land use designation is intended to provide retail goods and services on a city-wide scale. Restaurants are a desirable use.

Land Use and Zoning

Zoning

The site is zoned Neighborhood Business District. Restaurants are a principal permitted use in this district.



Figure 2: Zoning Map

Proposed and Existing Uses; Zoning

| | |
|-------|---|
| Site | Vacant commercial; Carry-out restaurant; Neighborhood Business District |
| North | Church parking; Neighborhood Business District |
| East | ROW; then Residential / Single Family District |
| South | Existing building; Neighborhood Business District |
| West | ROW; then Billiards / Bar & Grill; Neighborhood Business District |

Dimensional Standards

The dimensional requirements of the NBD district are described in the chart below. (§1294.32, except where noted.)

| | Required | Provided | Compliance |
|-------------------------------|--|--|------------|
| Lot Width | 40 ft | 80 ft | Met |
| Street Frontage (§1294.09) | Shrubbery and low retaining walls 2 ½' < height < 8' | 3 new honey locust on Fort Street, 2 ½' dia and height of 8', new shrubs | Met |
| Lot Area | 4,000 | 7,440 | Met |
| Lot Coverage | <50% | ~13% | Met |
| Height | 2 stories; 25 ft | 1 story | Met |
| Setback – Front | 0' | 0' | Met |
| Setback – Sides | 0' | 0' and 59.5' | Met |
| Setback – Rear | 0' | 33' | Met |

Items to be addressed

None

BUILDING DESIGN

The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development. In addition to following design guidelines adopted in specific district or sub-area plans, the building design shall meet the requirements of Section 1296.04, Standards for Architecture and Building Materials.

| Required | Compliance |
|--|------------|
| <ul style="list-style-type: none"> Building mass, height, bulk and width-to-height ratio within 50-150% of buildings within 500' | Met |
| <ul style="list-style-type: none"> Architectural variety Similar materials and entrances to buildings within 500' | Met |
| <ul style="list-style-type: none"> Building materials: primarily natural products conveying permanence (brick, decorative masonry block, stone, or beveled wood siding) = 75% of each façade (industrial districts, 50% if facing ROW) 25% may be glass, exterior insulation finish systems (EIFS), vinyl, aluminum, or steel siding; or similar synthetic or highly-reflective materials (industrial districts not facing public streets or freeways, these and pre-cast concrete or plain masonry block) Natural colors (bright for decorative features only) | Met |

| Required | Compliance |
|---|-------------------|
| <ul style="list-style-type: none"> • Façade: <100' uninterrupted • If >100' then recesses, off-sets, angular forms, arches, colonnades, columns, pilasters, detailed trim, brick bands, contrasting courses of material, cornices or porches • All sides similar | Met |
| <ul style="list-style-type: none"> • Windows: vertical, recessed, visually-obvious sills = <i>horizontal, recessed, sills present</i> • Spaces between windows = columns, mullions, or material found elsewhere on the façade = <i>N/A</i> • Front facades > 25% windows = <i>27%</i> • Size, shape, orientation, spacing to match buildings within 500' | Substantially met |
| <ul style="list-style-type: none"> • Main entrances: doors larger = <i>standard size</i> • Framing devices (overhangs, recesses, peaked roof forms, porches, arches, canopies, parapets, awnings, display windows, accent colors, tile work, moldings, pedestrian-scale lighting, distinctive door pulls) = <i>Recessed</i> | Substantially met |
| <ul style="list-style-type: none"> • Pitched / shingled roof forms suggested; overhanging eaves with slope of 0.5 to 1 = <i>sloping stepped roof</i> • Rooflines >100' = roof forms, parapets, cornice lines = <i>~58'</i> • Roof-top mechanical equipment screened by roof form. | Met |

Items to be addressed

- Scale is incorrectly noted on two site plan elevations. Applicant to submit revised sheets showing correct scale.

PRESERVATION OF SIGNIFICANT NATURAL FEATURES

Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural, historical, and architectural features as deemed in this Zoning Code, in particular flood hazard areas and wetlands designated/regulated by the Michigan Department of Environmental Quality, and, to a lesser extent, flood hazard areas and wetlands which are not regulated by the Department.

Due to the nature of the property as a redevelopment site in a highly developed area of town, there are no significant natural features to preserve. The site is not located within a designated floodplain.

Items to be addressed

None

SIDEWALKS, PEDESTRIAN AND BICYCLE CIRCULATION

The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/ pedestrian or bicycle pathways in the area. There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/ service restaurants and other uses which generate a considerable amount of pedestrian or bicycle traffic.

There is a 6 ft. sidewalk that runs along Fort Street, providing access to the front (west) entrance of the building. There are also sidewalks on Buckingham Avenue (to the north of the site) and Liberty Avenue (to the south of the site). There is one pedestrian walkway from Fort Street to the front entrance of the building with no curb cut. There is one curb cut where vehicles can enter the parking lot from the front of the building and an alleyway that permits vehicles to exit from the back of the building. A planned trash area and parking lot markings should reduce the likelihood of pedestrians and vehicular conflicts in the parking lot. There are no bicycle lanes along Fort Street, but a wide parking lane could allow for bicycle access. We request applicant to consider providing bicycle parking.

Preliminary engineering review notes several broken or cracked sidewalks in the Fort Street Right of Way that must be repaired. The concrete sidewalks must be brought up to City Standards. The drive approach is in good condition and will not need to be replaced.

Items to be addressed

- Applicant to consider providing bicycle parking
- Broken or cracked sidewalks shall be repaired and brought up to City standards

PARKING

The number and dimensions of off-street parking [spaces] shall be sufficient to meet the minimum required by this Zoning Code. However, where warranted by overlapping or shared parking arrangements, the Planning Commission may reduce the required number of parking spaces, as provided in this Zoning Code.

| Use | Required | Proposed | Compliance |
|--------------------------------|--|--------------------------------|---------------------------|
| §1290.02 Carry-out restaurants | One (1) for each one-hundred-fifty (150) square feet of gross floor area, with a minimum of six (6). <i>Based on sq footage, a minimum of 7</i> | 17; exceeds minimum by 143% | Not met, see below |

§1290.01(n) Exceeding Number of Spaces Required. In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than twenty percent (20%) shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.

Proposed parking spaces exceed the minimum required spaces by 143%

§1290.05 Off-Street Parking B Areas; Business Districts.

Off-street parking in a Neighborhood Business District (NBD), Municipal Business District (MBD), Central Business District (CBD), or Regional Business District (RBD) shall conform to the following requirements:

- (d) Off-street parking B areas shall be curbed with concrete curbs and gutters. Necessary curbs or other protection for the public and for the protection of adjoining properties, streets and sidewalks shall be provided and maintained.

Preservation of existing curb and gutter in the front of the building. Grading and drainage are shown on the site plan.

- (e) Whenever such parking facility adjoins residential property and/or a residential street or alley, a solid masonry wall, ornamental on both sides, and not less than six (6) feet in height, shall be erected and maintained. Such walls shall be constructed of the same materials as that of the main or principal building, and be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the principal building. The location of the wall and lot barrier facing a residential street shall be determined with due regard for side yard requirements and the building setback line adjoining the Residential District, as may be required in the particular business district. Bumper guards of a type described in subsection (k) hereof shall be provided to prevent vehicles from striking the wall.

Applicant to revise site plan to include a solid masonry wall, ornamental on both sides, and not less than six (6) feet in height, along the eastern side of the parcel abutting the residential district.

- (g) The entrance to such area shall be only from the adjoining principal use or adjoining alley. Parking lots shall be designed to prevent vehicles from backing into the street, backing into an access drive, or requiring the use of the street for maneuvering between parking rows.

This condition is met.

- (i) All illumination for such parking facilities shall be deflected away from residential areas and shall be installed in such manner as to allow the reduction of the amount of light after normal parking hours each day. All parking lot lighting shall be designed, located, and shielded to prevent glare onto adjacent properties, and shall be arranged to prevent adverse effects on motorist visibility on adjacent rights-of-way. The source of illumination shall not be more than twenty-five (25) feet above the parking surface.

This is addressed under Lighting, below.

- In all cases where such parking facilities abut public sidewalks, a wall or curb at least six (6) inches high, or steel posts twenty-four (24) to thirty (30) inches high and not more than five (5) feet apart, set three (3) feet in concrete, shall be placed thereon so that a motor vehicle cannot be driven or parked with any part thereof extending within two (2) feet of a public sidewalk.

A 30" wall is shown. This condition is met.

§1294.16(b) The entire parking area shall be paved with a permanent surface of concrete or plant- mixed bituminous material and shall be graded and drained in accordance with Section 1290.04(b)(4), Off-

Street Parking A Areas; Residential Districts Adjoining Business or Industrial Districts. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved area by a raised concrete curb, six (6) inches in height.

Engineering comments: There isn't any proposed parking lot improvement shown on the plans; however, the existing parking lot does show signs of cracking and open joints. **Repairs will have to be made to the existing parking lot to bring it up to City Standards. At a minimum the joints should be sealed with a hot asphaltic based sealer and the parking lot should be completely sealed and restriped.**

This requirement is met.

Engineering comments: The site plan shows angled parking with the exit from the parking lot to the existing public alley as the only exit drive. Even though it is being used now **we have concerns about the only exit to the site being the public alley. A public alley is not intended to be a public street and should not be used as one. The alley does have broken concrete which should be replaced especially if it is used as the exit for the parking lot. If this is approved as the exit then it would be our recommendation the new restaurant should maintain the alley.**

Overall, revision is required to the parking plan. The applicant could address several of these concerns with a holistic approach. The restriping of the lot offers an opportunity to redesign the parking arrangements such that the number of spaces is reduced to within the permitted range. The existing curbcut presents a challenge, but consideration should be given to a circulation arrangement which does not depend upon the public alley for egress.

Items to be addressed

- Applicant to revise site plan to include a solid masonry wall, ornamental on both sides, and not less than six (6) feet in height, along the eastern side of the parcel abutting the residential district.
- Proposed parking spaces to be reduced to within 20% of maximum permitted parking
- Repairs will have to be made to the existing parking lot to bring it up to City Standards.
- At a minimum the joints should be sealed with a hot asphaltic based sealer
- Parking lot shall be completely sealed and restriped.
- City Engineer expresses concerns about the only exit to the site being the public alley, as a public alley is not intended to be a public street and should not be used as one. Consider parking lot configuration to reduce reliance on this alley
- Broken concrete in alley shall be replaced
- If alley is used as the exit, maintenance of the alley shall be the responsibility of the property owner under a duly recorded agreement with the City.

BARRIER-FREE ACCESS

The site has been designed to provide barrier-free parking and pedestrian circulation.

| Required Spaces | Required Barrier-Free Spaces | Proposed Barrier-Free Spaces | Compliance |
|-----------------|------------------------------|------------------------------|------------|
| 7 | 1 (12 ft in width) | 1 (18 ft in width) | Met |

Items to be addressed

None

LOADING

All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened in accordance with this Zoning Code.

| Gross Floor Area | Loading Spaces – Required | Loading Spaces – Provided | Compliance |
|------------------|---------------------------|---------------------------|------------|
| 998 | None | None | Met |

Items to be addressed

None

ACCESS, DRIVEWAYS, AND VEHICULAR CIRCULATION

Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. All driveways shall meet the design and construction standards of the City. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site. For uses having frontage and/or access on a major traffic route, as defined in the City of Lincoln Park Comprehensive Development Plan, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of Section 1290.10, Access Management Standards.

| Required | Provided | Compliance |
|----------|----------|------------|
|----------|----------|------------|

| Required | Provided | Compliance |
|---|---|----------------|
| <ul style="list-style-type: none"> • Single two-way driveway or pair of one-way driveways • Two-way: 25' < throat width < 30' (face to face of curb). One-way paired: each 20' measured perpendicularly. May be separated by 10' median; sidewalks shall be continued or maintained • 25' radii; 30' radii where daily truck traffic expected • Corner lots: one access point per street with >100' frontage • If frontage >300' and documented need (ITE), may allow additional access with design restrictions • If frontage >600', max of 3 drives may be allowed; one with design restrictions | <ul style="list-style-type: none"> • Pair of one-way driveways, each 20 ft. One driveway opens onto a public alley, which is not a preferred configuration. Applicant to investigate configurations which offer an alternative. • Turning radii – Not specified | Unknown |
| <ul style="list-style-type: none"> • Shared access: driveways along property lines, connecting parking lots, on-site frontage roads, rear service drives. Encouraged and may be required for sites within 1/4 mile of major intersections; having dual frontage; with <300' frontage; with sight distance problems; along congested or accident-prone roadway segments • Connection to adjacent facilities may be required; site accommodation may be required for future connection to undeveloped adjacent property • Letters of agreement or access easements required | Applicant to consider an opportunity for shared parking with the church site to the north | Met |
| <ul style="list-style-type: none"> • Triangular unobstructed view areas: from corner of two ROWs, 25' along each; from corner of ROW and driveway, 10' along driveway and 5' along ROW • Grass / groundcover only in 3' strip abutting driveway and ROW • Trees permitted if trimmed between 30" and 6' from ground level | | Met |
| <ul style="list-style-type: none"> • May require drive to be located on the far side of the property from congested intersections • >150' from signalized intersection or 4-way stop, or right-turn-only at 75' from intersection • >100' otherwise • >200' from centerline of I-75 access ramps | <ul style="list-style-type: none"> • 163' from Buckingham • 199' from Liberty | Met |
| <ul style="list-style-type: none"> • Same side of street: Driveway spacing determined by speed limits in §1290.10 <i>45mph = 230'</i> • Across the street: Driveways directly aligned or >150' offset (excludes right-turn-only) <i>Fort street is a parkway</i> • Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes may be required by the Planning Commission where they will reduce congestion and accident potential | <ul style="list-style-type: none"> • 94' from North • 88' from South | Not met |

Items to be addressed

- Turning radii to be labeled on site plan

- Applicant to propose a revised parking and circulation arrangement after investigating configuration options which do not rely on the public alley for egress
- Applicant to consider shared parking arrangement with church site to the north
- When the revised parking and circulation proposal is received, a Planning Commission waiver is requested which accepts these features as the maximum possible application of the standards of §1290.10, Access Management

EMERGENCY VEHICLE ACCESS

All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department and Police Department.

Twenty-two foot fire lane included in site plan. Review by the Lincoln Park Police Department cites no issues with the plans as proposed.

Items to be addressed

None

STREETS

All streets shall be developed in accordance with the City of Lincoln Park Subdivision Control Ordinance and construction standards, unless developed as a private road in accordance with the requirements of the City.

No new streets are proposed.

Items to be addressed

None

LANDSCAPING, SCREENING, AND OPEN SPACE

The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Zoning Code. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers, greenbelts, fencing, walls and other protective barriers shall be provided and designed in accordance with the provisions of Section 1296.03, Landscaping Standards. Recreation and open space areas shall be provided in all multiple-family residential and educational developments.

| | Required | Proposed | Compliance |
|--------|---|----------|------------|
| Street | Greenbelt, 10' width minimum with groundcover | 17.02 ft | Met |

| | Required | Proposed | Compliance |
|----------------------|---|--|-------------------|
| | 1 tree and 4 shrubs per 40' of street frontage <i>75' total = 2 trees and 8 shrubs</i> <i>With 70% waiver = 1 tree and 2 shrubs</i> | 1 tree and 4 shrubs (counted in planting box) Existing concrete walk in front of building is not shown in drawing; may need to reconfigure | Met |
| | Where headlights from parked vehicles will shine into the ROW, may require a totally obscuring hedge | Parked vehicles are not proposed to face the ROW in this configuration | Not applicable |
| Interior Landscaping | 10% of total lot area landscaped, including groundcover <i>(7,440 sf * 0.1) = 744 sf landscaping</i> | 995 sq. ft of greenbelt in front; no interior landscaping; PC to consider as part of waiver | Substantially met |
| | Interior landscaping to be grouped near entrances, foundations, walkways, service areas | The existing planter below the windows in front will be preserved. | Met |
| | 1 tree per 400 sf of required landscaping and 1 shrub per 250 sf of required landscaping <i>7,440 sf = 2 trees and 3 shrubs</i> <i>With 70% waiver = 1 tree and 1 shrub</i> | 1 trees and 4 shrubs (counted in planting box) | Met |
| Parking Lot | 1 deciduous or ornamental tree per 10 parking spaces <i>Within 20% of the 7 required spaces = 1</i> | 1 tree | Met |
| | 100 sf of planting area per tree | Tree is located in ROW | Substantially met |
| Screening | Waste receptacle: Decorative masonry wall of at least 6' with solid or impervious gate | 6 ft masonry enclosure will surround the trash area | Met |
| | Abutting residential: greenbelt, 15' with 5' evergreens (PC may waive); solid 6' masonry wall ornamental on both sides | There is no planned greenbelt or screening at the back (east edge) of the site that abuts a residential zoning district. | Not met |

Items to be addressed

- Revised site plan to show concrete walk in front of building and correct placement of trees around it
- Applicant to provide required screening and greenbelt abutting residential zoning district to the east
- Planning Commission requested to apply §1296.03.c, Special Provisions for Existing Sites, to accept a minimum of 30% of the required landscaping standards on a site undergoing redevelopment and a change of use

SOIL EROSION CONTROL

The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Building Superintendent or City Engineer.

There will be no moving of soils, and no need for soil erosion studies.

Items to be addressed

None

UTILITIES

Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.

Existing utilities will be preserved and have been shown on the site plan.

Comments from the City of Lincoln Park Engineer: Based on the site plan submitted all existing utilities and leads are being reused. It is important that the developer realize these existing utilities are very old and may have reached their life expectancy. **It is our strong recommendation for the developer to at least videotape the existing sewer lead to determine its condition prior to performing any new renovation on the building. If the service lead needs to be replaced the installation of the new service will need to be inspected by our office. The developer should verify with the City the existing sanitary service type and size. If it is undersized for the proposed building use it must be placed. The developer's engineer or architect shall determine the sanitary service lead capacity. The developer should verify with the City the existing water service type and size. If it is a lead service or if the service is undersized for the proposed building use, it should be placed. The developer's engineer or architect shall determine the water service lead capacity.**

Items to be addressed

- Applicant to videotape existing sewer lead to determine condition prior to performing work
- Applicant to verify with the City the existing sanitary service type and size; if it is undersized for the proposed building use, it shall be placed.
- Applicant's engineer or architect shall determine the sanitary service lead capacity
- Applicant to verify with the City the existing water service type and size; if it is a lead service or if the service is undersized for the proposed building use, it shall be placed.
- Applicant's engineer or architect shall determine the water service lead capacity.
- All new services and installations shall be inspected by the City of Lincoln Park Engineer

STORMWATER MANAGEMENT

Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/ retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.

Existing grading and drainage has been shown on survey. Applicant to work with the City of Lincoln Park Engineer and Wayne County to secure all appropriate stormwater permits.

Items to be addressed

- Applicant to work with the City of Lincoln Park Engineer and Wayne County to secure all appropriate stormwater permits.

LIGHTING

Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

§1290.05(i) Off-Street Parking

All illumination for such parking facilities shall be deflected away from residential areas and shall be installed in such manner as to allow the reduction of the amount of light after normal parking hours each day. All parking lot lighting shall be designed, located, and shielded to prevent glare onto adjacent properties, and shall be arranged to prevent adverse effects on motorist visibility on adjacent rights-of-way. The source of illumination shall not be more than twenty-five (25) feet above the parking surface.

New exterior lighting has been shown on site plan, which includes 3 new shielded light fixtures that will illuminate the parking area and the back entrance. **Applicant to supply lighting product specifications. Height of fixtures to be specified on lighting plan.**

§1294.31(g) Performance Standards

Within five-hundred (500) feet of a residentially zoned area, bare bulbs which are visible in the residential area may not exceed fifteen (15) watts. Exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential district boundary and it shall be so arranged to reflect light away from any residential use. In no case shall more than one (1) foot-candle power of light cross a lot line five (5) feet above the ground. In no case shall more than ten (10) foot-candle power of light exist at any given point on site. Illumination levels shall be measured with a foot-candle meter or sensitive photometer and expressed in foot-candles. Exterior spot lighting or other illumination shall be so installed as to eliminate any nuisance to adjoining Business and Industrial Districts or the creation of a traffic hazard on public highways.

If possible, provide a photometric plan showing illumination at the property lines.

Items to be addressed

- Applicant to supply lighting product specifications.
- Height of fixtures to be specified on lighting plan.
- If possible, provide a photometric plan showing illumination at the property lines.

NOISE

The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.

1294.31(a)(2) Decibels are not to exceed the frequencies listed in the table below.

| Center Frequency (cycles per second) (H2) | Day | Night |
|--|------------|--------------|
| 31.5 | 77 | 72 |
| 63 | 73 | 68 |
| 125 | 67 | 62 |
| 250 | 62 | 57 |
| 500 | 55 | 50 |
| 1,000 | 51 | 46 |
| 2,000 | 44 | 39 |
| 4,000 | 37 | 32 |
| 8,000 | 33 | 28 |

Some noise will be generated from vehicles coming and going from the carry-out restaurant. The required solid masonry walls will also help buffer noise.

Items to be addressed

- If possible, estimate sound levels at property edges which abut residential zones

MECHANICAL EQUIPMENT

Mechanical equipment, both roof and ground mounted, shall be screened in accordance with the requirements of this Zoning Code.

1296.01Q Mechanical equipment. Mechanical equipment, both roof and ground mounted, shall be screened in accordance with the requirements of this Zoning Code.

1296.01(3)G Building facade elevations, drawn to a scale of one inch equals four feet, or another scale approved by the Building Official and adequate to determine compliance with the requirements of this section. Elevations of proposed buildings shall indicate type of building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory building, and any outdoor or roof-located

mechanical equipment, such as air conditioning units, heating units, and transformers, including the method of screening such equipment. Such equipment shall be screened from view of adjacent properties and public rights-of-way. Such screening shall be designed to be perceived as an integral part of the building design.

HVAC and AC unit are shown on the roof, with new screening planned – galvanized steel plate and other screening.

Items to be addressed

None

SIGNS

Signs are regulated by the City of Lincoln Park Building Department.

Items to be addressed

- A sign plan shall be submitted showing all proposed signage, including dimensions. Applicant shall obtain all appropriate sign permits from the City Building Department.
-

HAZARDOUS MATERIALS OR WASTE

For businesses utilizing, storing or handling hazardous material such as automobile service and automobile repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.

No hazardous materials or waste are expected from the development.

Items to be addressed

None

SITE DESIGN STANDARDS FOR USES PERMITTED AFTER SPECIAL APPROVAL

All applicable standards for uses permitted after special approval are met.

A carry-out restaurant is a use permitted by right in the Neighborhood Business District, thus does not require a Special Use Permit.

Items to be addressed

None

OTHER AGENCY REVIEWS

The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Transportation, Wayne County Drain Commission, Wayne County Health Department, and other federal and state agencies, as applicable.

Permits shall be secured as necessary. Fort Street, or M-85, is under the jurisdiction of the Michigan Department of Transportation; stormwater will be reviewed by the Wayne County Drain Commission; restaurant licensing is the responsibility of the Wayne County Health Department.

Items to be addressed

- Applicant to secure ROW permit from MDOT as required
- Applicant to secure stormwater permit from Wayne County Drain Commissioner as required
- Applicant to secure food licensing from Wayne County Health Department
- Applicant to secure all other permits and licenses as required

VARIANCES

There are no variances being requested as a part of this development.

Items to be addressed

None

RECOMMENDATIONS

Findings

As proposed, the site plan for converting a salon to a restaurant at 3419 Fort St. does not substantially meet the requirements of §1296.01, Site Plan Review, of the Lincoln Park Zoning Code.

Parking, circulation, and screening arrangements are most substantial items which do not conform to the Code. Proposed parking exceeds required parking by a margin greater than that permitted by the Code or the waivers granted by the Commission and therefore require an alternate layout. It is also strongly recommended by the City that the applicant investigate circulation options which do not rely on a public

alley for all of the parcel's egress needs. In addition, the applicant's proposal has not addressed the City's requirements for screening of adjacent residential uses. These and other outstanding issues are detailed under "Conditions and Waivers," below.

Conditions and Waivers

- Scale is incorrectly noted on two site plan elevations. Applicant to submit revised sheets showing correct scale.
- Applicant to revise site plan to include a solid masonry wall, ornamental on both sides, and not less than six (6) feet in height, along the eastern side of the parcel abutting the residential district. Applicant to also provide a greenbelt and vegetative screening as required in §1294.28, or request a Planning Commission waiver.
- Proposed parking spaces to be reduced to within 20% of maximum permitted parking
- Applicant to consider providing bicycle parking
- Broken or cracked sidewalks shall be repaired and brought up to City standards
- Repairs shall made to the existing parking lot to bring it up to City Standards
- Parking lot joints shall be sealed with a hot asphaltic based sealer
- Parking lot shall be completely sealed and restriped.
- Broken concrete in alley shall be replaced
- City Engineer expresses concerns about the only exit to the site being the public alley, as a public alley is not intended to be a public street and should not be used as one. Applicant to propose a revised parking and circulation arrangement after investigating configuration options which do not rely on the public alley for egress.
- If alley is used as the exit, maintenance of the alley shall be the responsibility of the property owner under a duly recorded agreement with the City.
- Applicant to consider shared parking arrangement with church site to the north
- When the revised parking and circulation proposal is received, a Planning Commission waiver is requested which accepts these features as the maximum possible application of the standards of §1290.10, Access Management
- Revised site plan to show concrete walk in front of building and correct placement of trees around it
- Planning Commission requested to apply §1296.03.c, Special Provisions for Existing Sites, to accept a minimum of 30% of the required landscaping standards on a site undergoing redevelopment and a change of use
- Applicant to supply lighting product specifications.
- Height of fixtures to be specified on lighting plan.
- If possible, applicant to provide a photometric plan showing illumination at the property lines.
- Applicant to videotape existing sewer lead to determine condition prior to performing work
- Applicant to verify with the City the existing sanitary service type and size; if it is undersized for the proposed building use, it shall be placed.
- Applicant's engineer or architect shall determine the sanitary service lead capacity

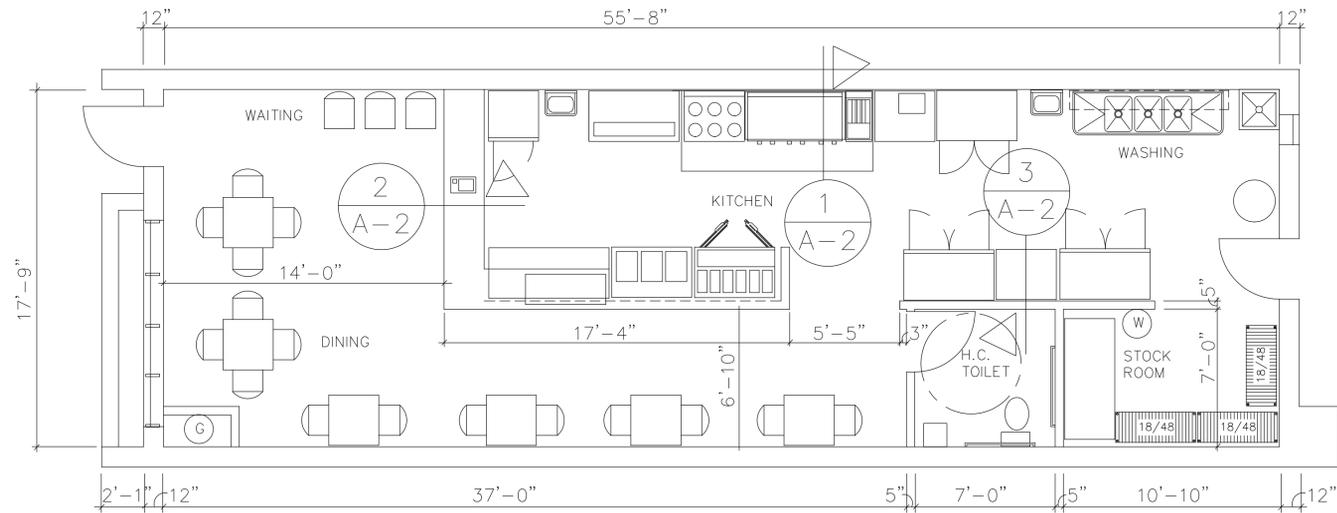
- Applicant to verify with the City the existing water service type and size; if it is a lead service or if the service is undersized for the proposed building use, it shall be replaced.
- Applicant's engineer or architect shall determine the water service lead capacity.
- All new services and installations shall be inspected by the City of Lincoln Park Engineer
- A sign plan shall be submitted showing all proposed signage, including dimensions. Applicant shall obtain all appropriate sign permits from the City Building Department.
- Applicant to secure ROW permit from MDOT as required
- Applicant to secure stormwater permit from Wayne County Drain Commissioner as required
- Applicant to secure food licensing from Wayne County Health Department
- Applicant to secure all other permits and licenses as required

Recommendations

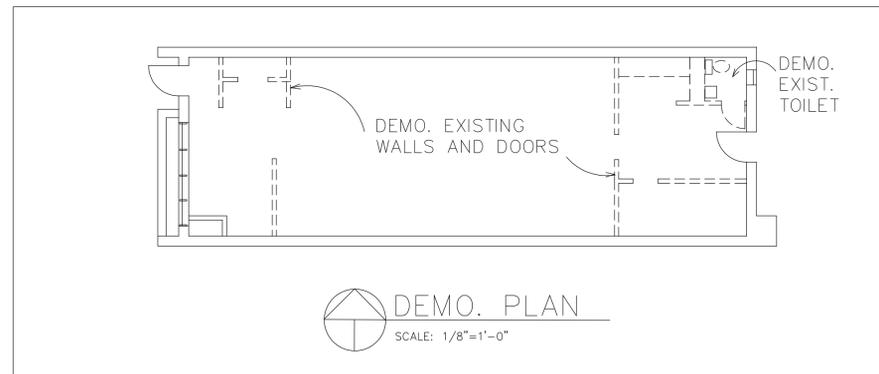
It is recommended that the Lincoln Park Planning Commission TABLE an approval decision on this site plan until a revised layout has been submitted which substantially addresses the concerns outlined above.

RENOVATION TO RESTAURANT

3419 FORT STREET, LINCOLN PARK, MI 48146



FLOOR PLAN
SCALE: 1/4"=1'-0"



DEMO. PLAN
SCALE: 1/8"=1'-0"

USE GROUP

GROUP A-2 RESTAURANT

CONSTRUCTION TYPE

TYPE III-B

SQUARE FOOTAGE

17'-9" x 55'-8" = 998.08 SQ. FT.

OCCUPANCY LOAD

ASSEMBLY 998.08 SQ. FT.

SEATING 351.2 SQ. FT.

@ 1/15 SQ.FT.=

23.41 PERSONS

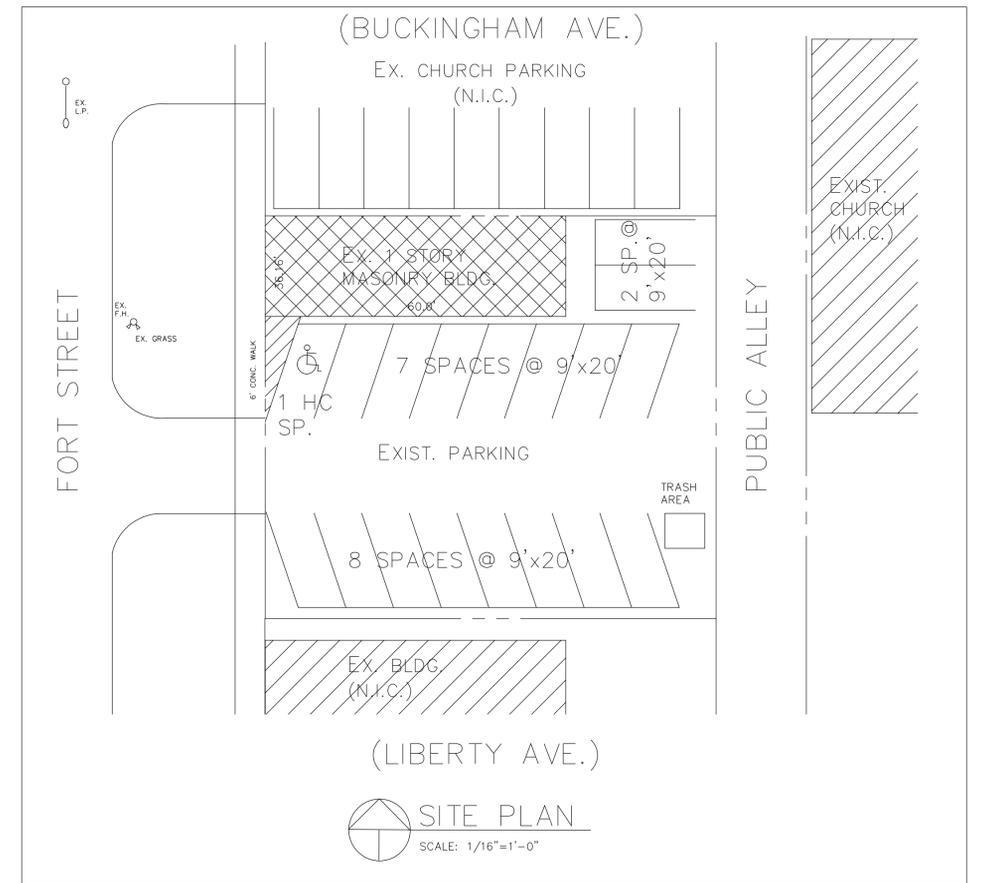
KITCHEN 646.88 SQ. FT.

@ 1/200 SQ. FT.=

3.23 PERSONS

TOTAL:

26.64 PERSONS

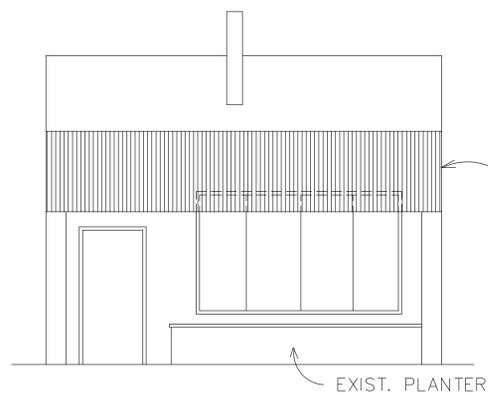


SITE PLAN
SCALE: 1/16"=1'-0"

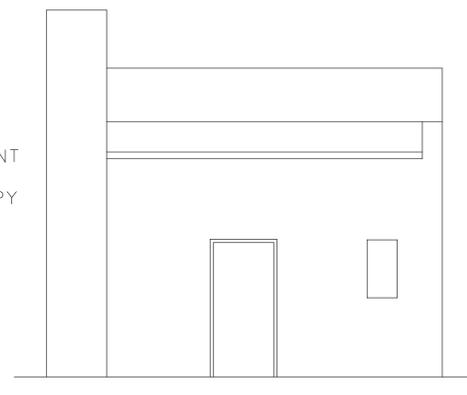
LEGAL DESCRIPTION

KC 1765A LOT 1765 EXC. THE WESTERLY 17.02' THEREOF, EMMONS ORCHARD SUB. #2, PC, 48, L 41, P. 88 WAYNE CO. RECORDS

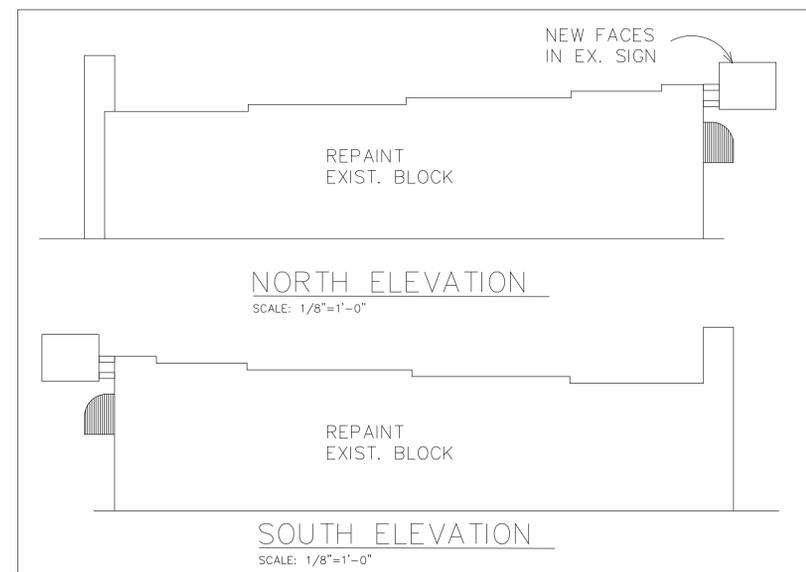
PARCEL# 45-012-08-1765-001



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



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



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

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

| DATE | ISSUE FOR | DATE | BY | BULLETIN |
|---------|-----------------|------|----|----------|
| 8-28-17 | FOR PERMIT | | | |
| 8-10-17 | FOR CITY REVIEW | | | |
| 8-7-17 | FOR APPROVAL | | | |

RENOVATION TO RESTAURANT
3419 FORT STREET
LINCOLN PARK, MI 48146

Architects Planners Engineers
ARCHITECTSINTERNATIONAL INC.
17400 Wildemere
Detroit, Michigan 48221
Phone: 313-341-7930
Fax: 313-341-6944

| DESIGNED | TLB | CHECKED | TLB | PROJECT NO. |
|-------------|-----|---------|--------|-------------|
| DRAWN | TLB | CHECKED | TLB | 1750 |
| APPROVED | TLB | DATE | 8-1-17 | |
| SHEET TITLE | | | | SHEET NO. |

SITE, FL. PLAN & ELEVS. A-1

RENOVATION TO RESTAURANT

3419 FORT STREET, LINCOLN PARK, MI 48146

OWNER
 MELVIN GAMEZ
 1578 DETROIT AVENUE
 LINCOLN PARK, MI 48146
 (415) 466-5339

PROJECT NAME
 TO BE DETERMINED

SCHEDULE FOR COMPLETION
 OWNER PLANS TO HAVE THE PROJECT COMPLETED WITHIN 6 MONTHS.

PROPOSED LAND USE
 OWNER PLANS TO RENOVATE THE INTERIOR OF THE EXISTING BEAUTY SALON INTO A KITCHEN AND DINING AREA FOR A CARRY OUT RESTAURANT.

ZONING
 NEIGHBORHOOD BUSINESS

VARIANCES
 NO ZONING VARIANCES WILL BE NEEDED

SQUARE FOOTAGE
 17'-9" x 55'-8" = 998.08 SQ. FT.

ACERAGE
 .13 ACREA

PARKING PROVIDED
 STANDARD PARKING 17 SPACES
 HANDICAP PARKING 1 SPACE
 TOTAL: 18 SPACES

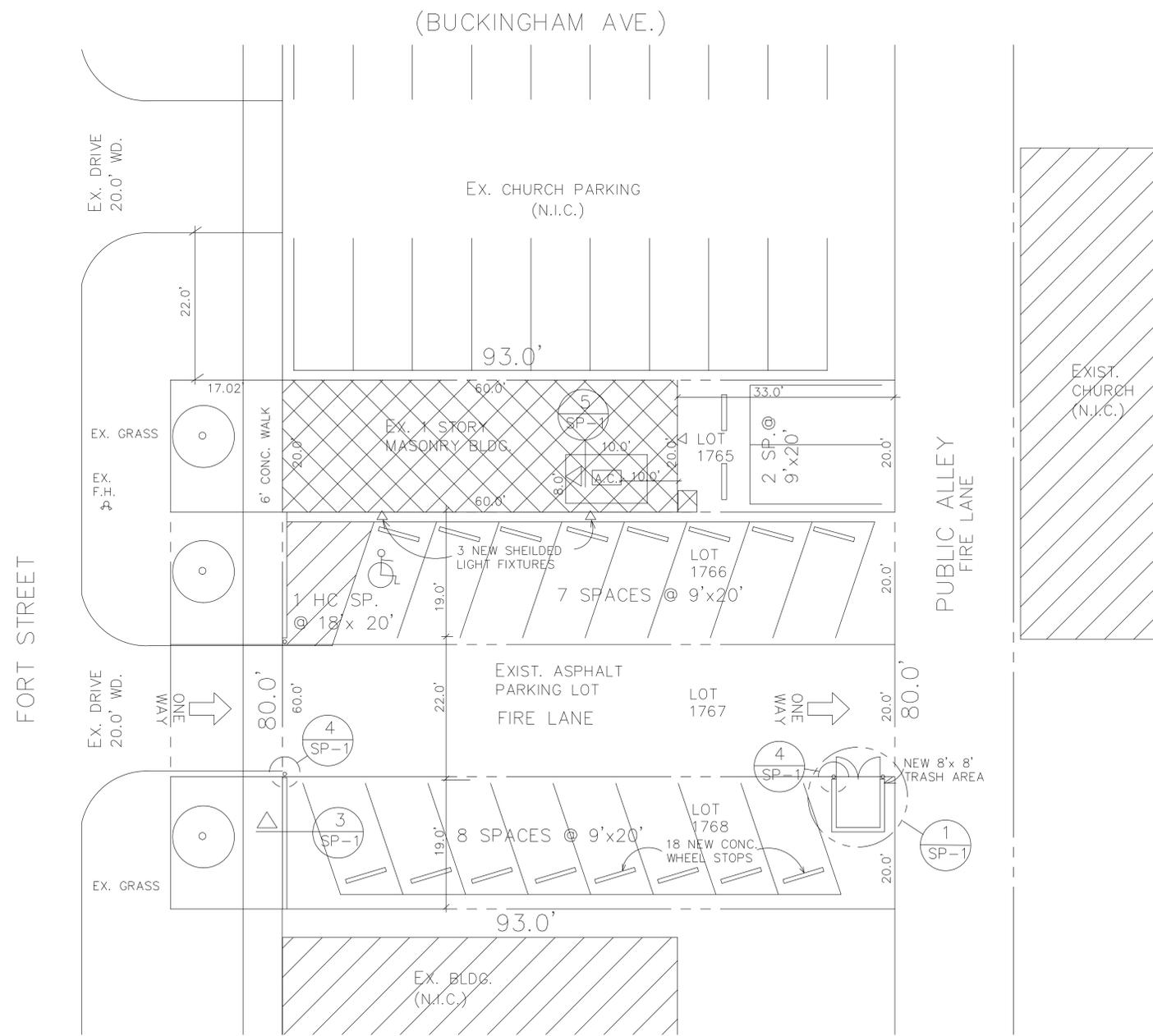
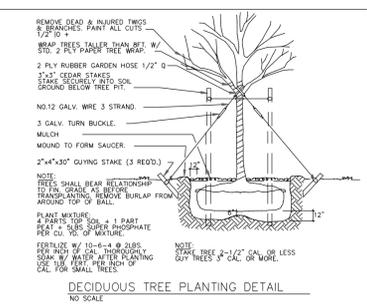
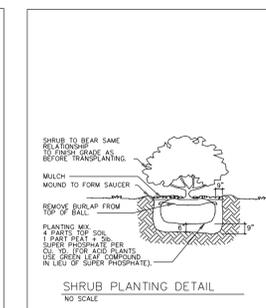
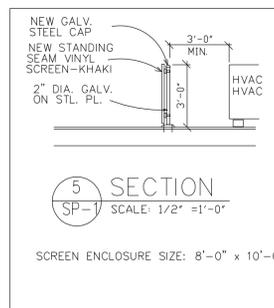
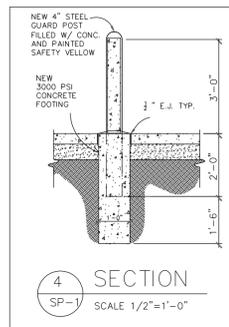
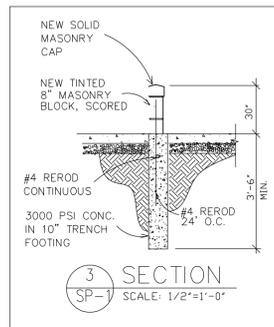
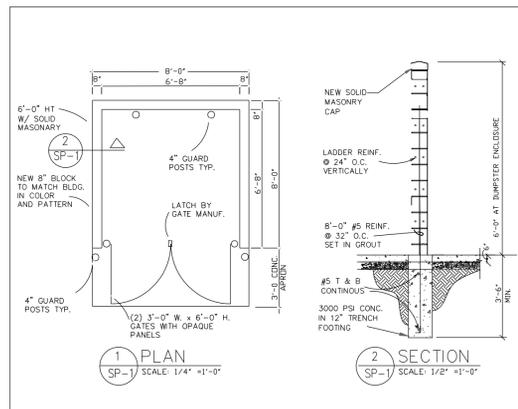
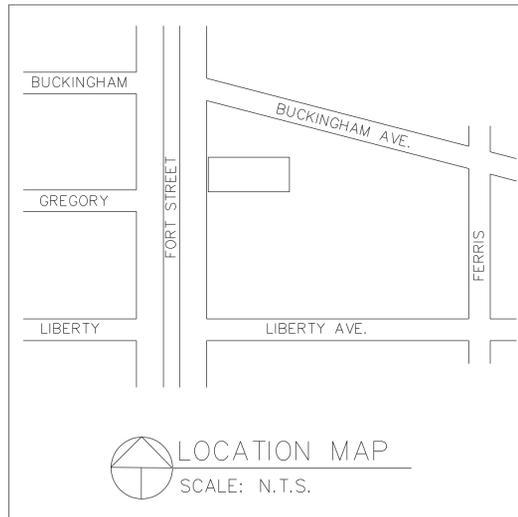
LEGAL DESCRIPTION
 PARCEL 1
 LOT 1765 EXC. THE WESTERLY 17.0' EMMON'S ORCHARD SUB. #2, AS RECORDED L 41, P. 88 WAYNE CO. RECORDS. PARCEL #45-012-08-1765-001
 PARCEL 2
 LOT 1766, 1767, 1768 EXC. THE WESTERLY 17.0' EMMON'S ORCHARD SUB. #2, AS RECORDED L 41, P. 88 WAYNE CO. RECORDS. PARCEL #45-012-08-1766-001

| | | | | | |
|---------|------------------------|------|----|----------|-----------|
| 10-9-17 | REV PER PLANNING DEPT. | | | | |
| 8-28-17 | FOR PERMIT | | | | |
| 8-10-17 | FOR CITY REVIEW | | | | |
| 8-7-17 | FOR APPROVAL | | | | |
| DATE | ISSUE FOR | DATE | BY | BULLETIN | REVISIONS |

RENOVATION TO RESTAURANT
 3419 FORT STREET
 LINCOLN PARK, MI 48146

Architects Planners Engineers
ARCHITECTS INTERNATIONAL INC.
 17400 Wildemere
 Detroit, Michigan 48221
 Phone: 313-341-7930
 Fax: 313-341-6944

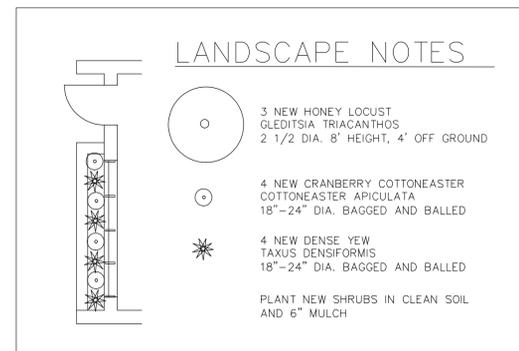
| | |
|--------------|-------------|
| DESIGNED TLB | PROJECT NO. |
| DRAWN TLB | 1750 |
| APPROVED TLB | CHECKED TLB |
| SHEET TITLE | DATE 8-1-17 |
| SITE PLAN | SHEET NO. |
| | SP-1 |



(LIBERTY AVE.)

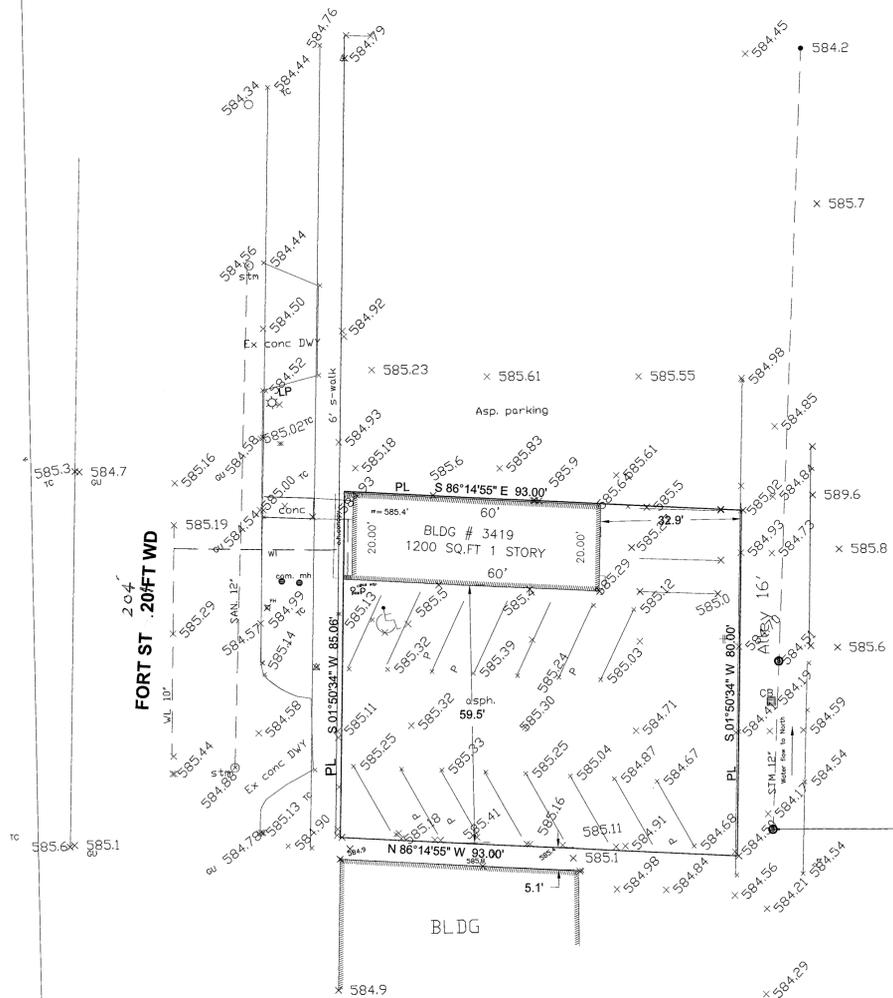


EXTERIOR FINISHES
 WEST- BRICK W/ STONE CAPPED PLANTER, EXISTING CLOTH AWNING.
 NORTH- PAINTED BLOCK
 SOUTH- PAINTED BLOCK
 EAST- PAINTED BLOCK



BUCKINGHAM 50 FT WD

TOPOGRAPHIC SURVEY



LEGEND

| | | | |
|------|---------------|---------|------------------|
| TC | TOP CURB | X 99.9' | EXIST ELEVATIONS |
| GU | GUTTER | | |
| COMM | COMMUNICATION | PL | PROPERTY LINE |
| CB | CATCH BASIN | | BLDG BUILDING |
| PP | PIVOT PILE | | LS LANDSCAPING |
| LP | LIGHT PILE | | FH FIRE HYDRANT |
| | | | ASPH. ASPHALT |
| | | | CONC. CONCRETE |
| | | | P PARKING SPACE |
| | | | WD WIDE |
| | | | SAN SANITARY |
| | | | STM STORM |
| | | | WL WATER |
| | | | FF FINISH FLOOR |

BENCH MARK INFO:
 Arrow Hyd. front of Bldg. Elev. =584.90 ft
 x- chisel mark (survey control point) on side walk
 SE side of bldg 21 ft from corner Bldg
 Elev. =584.92 ft

LEGAL DESCRIPTION

Land situated in City of Lincoln park, County of Wayne , state of Michigan
 Described as follows:
 Parcel 1
 lot 1765, EXCEPT the westerly 17.02 feet, EMMON'S ORCHARD SUBDIVISION NO. 2, according to the recorded plat thereof, as recorded in Liber 41 of plats, page 88, wayne county records.
 containing 0.04 acre, 1,742 sq. ft more or less.
 parcel 2
 lots 1766, 1767, 1768, EXCEPT fort street as widened, EMMON'S ORCHARD SUBDIVISION NO.2, according to the recorded plat thereof, as recorded in Liber 41, page 88, wayne county records.
 containing 0.13 acre, 5,662 sq.ft more or less.
 Tax parcel Number:45-012-08-1765-001,45-012-08-1766-001

Note: Legal Description was provided by client

Note:
 Title policy has not been furnished at time of survey, therefore easments and or encumbrances affecting subject parcels may not be shown.



Basil Sarim

| | | | |
|--|------------|--|--|
| PRO-TECH LAND SURVEY, PC | | | |
| 25798 Peppertree Ln., Warren MI 48091 | | | |
| Tel: 586-883-0099 basil@pro-techlandsurvey.com | | | |
| DRAWN | DATE | Client: Melvin Gomez, 3419 Fort Ave, Lincoln park mi 48146 | |
| BS | 11/17/2017 | | |
| APPROVED | DATE | | |
| SCALE | SHEET | PROJECT NO. | |
| 1" = 20' | 1 OF 1 | TOP-1117 | |

Architects International, Inc.
Architects Planners Engineers
17400 Wildemere
Detroit, MI 48221
(313) 341-7930 • (313) 341-6944 Fax

ARCHITECTS INTERNATIONAL

November 22, 2017

Leah DuMouchel, Planner
CITY OF LINCOLN PARK
1355 Southfield Road
Lincoln Park, MI 48146

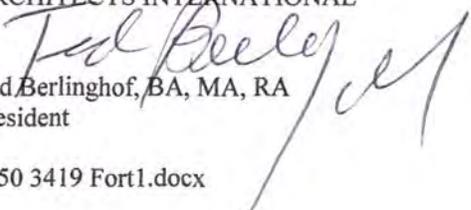
RE: RESTAURANT RENOVATION
3419 FORT STREET
LINCOLN PARK, MI
ARCHITECTS INTERNATIONAL JOB NO. 1750

Dear Ms. DuMouchel:

Please receive Planning Department submittal for the above project with revisions per your latest comments letter. We have addressed the items that have been "red lined".

1. Owner will provide proof of ownership under separate cover.
2. Detailed location map has been placed on survey by Pro-Tech Land Survey P.C.
3. Legal and common description have been placed on survey by Pro-Tech Land Survey P.C.
4. Architectural and surveyor's seals have been placed on drawings.
5. Proximity to adjacent driveways have been placed on site plan and survey.
6. Proximity to section corner has been placed on survey.
7. Setbacks have been placed on site plan and survey.
8. Topographical survey has been provided by Pro-Tech Land Survey P.C.
9. New exterior lighting has been shown on site plan, Sheet SP-1.
10. New masonry trash area detail has been shown on site plan, Details 1/SP-1 & 2/SP-1.
11. Parking space dimensions have been shown on site plan, Sheet SP-1.
12. Lawns and landscaping have been shown on site plan, Sheet SP-1, following "Special Provisions For Existing Site Section 1296.03. See shrub & deciduous tree planting details.
13. Landscaping information has been provided on site plan, Sheet SP-1.
14. There are presently no existing trees on the site.
15. Designated fire lane has been shown on the site plan, Sheet SP-1.
16. New signage faces will be mounted into the existing sign frame. Sign will be done under separate permit by sign co.
17. A proposed fence, per Section 1294.28 has been shown on site plan, Detail 3/SP-1.
18. The type of exterior finish materials have been shown on elevations, Sheet SP-1.
19. Rooftop screening detail has been shown on site plan, Detail 5/SP-1.
20. Existing utilities have been shown on survey.
21. Grading and drainage has been shown on survey.
22. There will be no moving of soils, and no need for soil erosion studies.
23. Final grades have been shown on survey.

Sincerely,
ARCHITECTS INTERNATIONAL


Ted Berlinghof, BA, MA, RA
President

1750 3419 Fort1.docx

Case No. _____

Date Submitted _____

City of Lincoln Park

APPLICATION FOR SITE PLAN REVIEW

NOTICE TO APPLICANT: Applications for Site Plan Review by the Planning Commission must be submitted to the City in *substantially complete form* at least thirty (30) days prior to the Planning Commission's meeting at which the proposal will be considered. The application must be accompanied by the data specified in the Zoning Ordinance and Site Plan Review Guidelines, including fully dimensioned site plans, plus the required review fees. Regular meetings of the Planning Commission are held on the second Wednesday of each month at 7:00 p.m. All meetings are held at the Lincoln Park City Hall, 1355 Southfield Road, Lincoln Park, Michigan 48146. Phone number (313) 386-1800; Fax (313) 386-2205.

TO BE COMPLETED BY APPLICANT:

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

- ✓ Applicant: Melvin Gamez
- ✓ Mailing Address: 1578 detroit ave lincoln park 48146
- ✓ Email: JonathanGamez1997@yahoo.com
- ✓ Telephone: (415) 466-5339 Fax: _____

- ✓ Property Owner(s) Name (if different from Applicant): Melvin Jonathan Gamez Herrera
- ✓ Mailing Address: 1578 detroit ave lincoln park 48146
- ✓ Telephone: (415) 466-5339 Fax: _____

Applicant(s) Explanation of Legal Interest in Property:

OWNER WISHED TO RENOVATE EXISTING SALON
INTO A CARRY-OUT RESTAURANT.

Location of Property: Street Address: 3419 FORT ST, LINCOLN PK, MI 48146
Nearest Cross Streets: BUCKINGHAM
Sidwell Number (Parcel ID#): 45-102-08-1765-001 & 45-102-08-1766-001

Property Description:

If part of a recorded plat, provide lot numbers and subdivision name. If not part of a recorded plat (i.e., Acreage parcel"), provide metes and bounds description. Attach separate sheets if necessary.

LOT 1765 EXC. THE W. 17.0' OF EMMON'S ORCHARD SUB #2.
ALSO LOTS 1766-1768 EXC. THE W. 17.0' OF EMMON'S
ORCHARD SUB #2 AS RECORDED L. 41, P. 88 W.C.R.
PARCELS: 45-012-08-1765-001 AND 45-012-08-1766-001

Property Size (Square Ft): 7440 SQ. FT. (Acres): —

Existing Zoning (please check):

- | | |
|--|--|
| <input type="checkbox"/> SFRD Single Family Residential District | <input type="checkbox"/> RBD Regional Business District |
| <input type="checkbox"/> MFRD Multiple Family Residential District | <input type="checkbox"/> CBD Central Business District |
| <input type="checkbox"/> MHRD Mobile Home Park District | <input type="checkbox"/> GID General Industrial District |
| <input type="checkbox"/> NBD Neighborhood Business District | <input type="checkbox"/> LID Light Industrial District |
| <input type="checkbox"/> MBD Municipal Business District | <input type="checkbox"/> CSD Community Service District |
| <input type="checkbox"/> PUD Planned Unit Development District | |

Present Use of Property: THE BUILDING IS PRESENTLY VACANT.
THE FORMER USE WAS A BEAUTY SALON

Proposed Use of Property: OWNER WISHES TO RENOVATE
BUILDING INTO A CARRY-OUT RESTAURANT.

Please Complete the Following Chart:

| Type of Development | Number of Units | Gross Floor Area | Number of Employees on Largest Shift |
|------------------------|-----------------|------------------|--------------------------------------|
| Detached Single Family | — | — | — |
| Attached Residential | — | — | — |
| Office | — | — | — |
| Commercial | — | 998 SQ FT | 3 |
| Industrial | — | — | — |
| Other | — | — | — |

Professionals Who Prepared Plans:

A. Name: ARCHITECTS INTERNATIONAL, INC

Mailing Address: 17400 WILDEMERE,
DETROIT, MI 48221

Email Address: architects.int@att.net

Telephone: 313-341-7930 Fax: — Primary Design Responsibility: ALL DRAWINGS

B. Name: PRO-TECH LAND SURVEY, PC

✓ Mailing 1578 detroit ave lincoln park 48140 Address: _____
JonathanGamez1997@yahoo.com Email

✓ Address: _____

Telephone: 586-903-0099 Fax: — Primary Design Responsibility: SURVEY

C. Name: —

Mailing Address: —

Email Address: —

Telephone: — Fax: — Primary Design Responsibility: —

ATTACH THE FOLLOWING:

1. Eight (8) individually folded copies of the site plans, sealed by a registered architect, engineer, landscape architect or community planner as well as ONE (1) Electronic copy.
2. **A brief written description** of the existing and proposed uses, including but not limited to: hours of operation, number of employees on largest shift, number of company vehicles, etc.
3. Proof of property ownership.
4. Review comments or approval received from county, state, or federal agencies that have jurisdiction over the project, including but not limited to:

- | | |
|---|--|
| G Wayne County Road Commission | G Wayne County Drain Commission |
| G Wayne County Health Division | G Michigan Department of Natural Resources |
| G Michigan Department of Transportation | G Michigan Department of Environmental Quality |

PLEASE NOTE: The applicant or a designated representative **MUST BE PRESENT** at all scheduled review meetings or the site plan may be tabled due to lack of representation.

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

APPLICANT'S ENDORSEMENT:

All information contained herein is true and accurate to the best of my knowledge. I acknowledge that the Planning Commission will not review my application unless all information required in this application and the Zoning Ordinance have been submitted. I further acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing, or approval of this site plan application.

| | |
|--|-------------------------|
| ✓ <u>Mandy</u> Signature of Applicant | <u>11/28/17</u> Date |
| ✓ <u>Mandy</u> Signature of Applicant | <u>11/28/17</u> Date |
| ✓ <u>Mandy</u> Signature of Property Owner Authorizing this Application | <u>11/28/17</u> Date |

| | | |
|------------------------------------|-------------------------------|-----------------------|
| TO BE COMPLETED BY THE CITY | | Case No. _____ |
| Date Submitted: _____ | Fee Paid: _____ | |
| By: _____ | Date of Public Hearing: _____ | |
| PLANNING COMMISSION ACTION | | |
| Approved: _____ | Denied: _____ | Date of Action: _____ |



First American Title Insurance Company

100 Bloomfield Hills Parkway, Suite 195 • Bloomfield Hills, MI 48304

Office Phone: (248)540-4102 Office Fax: (866)550-1079

Buyer's Final Settlement Statement

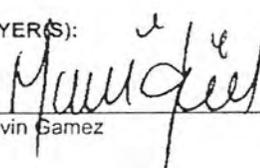
Property Address: 3419 and Vacant Fort Street,
Lincoln Park, MI 48146

File No: 778258
Officer: Pat Flinchum/KE
Settlement Date: 06/01/2017
Disbursement Date: 06/01/2017
Print Date: 05/24/2017, 5:33 PM

Buyer: Melvin Gamez
Address: 1578 Detroit Avenue, Lincoln Park, MI 48146
Seller: The Colleen R. Galeski Revocable Living Trust
Address: 515 Vanessa Court, Saline, MI 48176

| Charge Description | Buyer Charge | Buyer Credit |
|---|------------------|------------------|
| Consideration: | | |
| Total Consideration | 77,000.00 | |
| Deposits in Escrow: | | |
| Receipt No. 312175340 on 05/02/2017 by Melvin Gamez/Ana Gamez | | 20,000.00 |
| Prorations: | | |
| Summer Tax 06/01/17 to 07/01/17 @\$2,347.03/yr | 192.91 | |
| Winter Tax 06/01/17 to 12/01/17 @\$648.66/yr | 325.22 | |
| Title/Escrow Charges to: | | |
| Recording Processing Fee - Escrow to First American Title Insurance Company | 35.00 | |
| Settlement/Closing Fee to First American Title Insurance Company | 350.00 | |
| Deed Recording to Wayne County Register of Deeds | 30.00 | |
| Tax Certification to Wayne County Treasurer | 5.00 | |
| | | |
| Cash (X From) (To) Buyer | | 57,938.13 |
| | | |
| Totals | 77,938.13 | 77,938.13 |

BUYER(S):


Melvin Gamez

Initials: _____

ACKNOWLEDGMENT AND AGREEMENT

File Number: 778258
Date: June 01, 2017
Property Address: 3419 and Vacant Fort Street, Lincoln Park, MI 48146

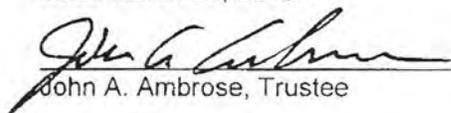
The undersigned Seller and Buyer acknowledge and agree as follows:

1. That information regarding any outstanding municipal charges including but not limited to water, demolition, weed cutting, sidewalk repair, tap in fees ("Municipal Charges") is not readily available to **First American Title Insurance Company**
2. That **First American Title Insurance Company** is not responsible for payment of any Municipal Charges which are not existing liens recorded in the Office of the Register of Deeds **Wayne** County or which do not appear on the tax rolls for the property described in the above referenced commitment.
3. That it is the responsibility of the Seller and Buyer to obtain bills for, and pay, any outstanding Municipal Charges in accordance with the purchase agreement between Seller and Buyer.
4. That **First American Title Insurance Company** is not responsible for any difference between any amount collected at closing and the actual amount of any Municipal Charges and that any shortage in funds collected and paid at closing is the sole responsibility of Seller and Buyer.

Seller:

Buyer:

John A. Ambrose, Successor Trustee of the
Colleen R. Galeski Revocable Living Trust
dated March 22, 2013



John A. Ambrose, Trustee

Melvin Gamez



First American Title Insurance Company

File No: 778258

ACKNOWLEDGMENT AND AGREEMENT

File Number: 778258
Date: June 01, 2017
Property Address: 3419 and Vacant Fort Street, Lincoln Park, MI 48146

The undersigned Seller and Buyer acknowledge and agree as follows:

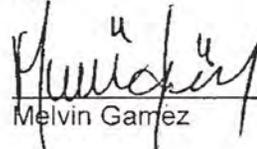
1. That information regarding any outstanding municipal charges including but not limited to water, demolition, weed cutting, sidewalk repair, tap in fees ("Municipal Charges") is not readily available to **First American Title Insurance Company**
2. That **First American Title Insurance Company** is not responsible for payment of any Municipal Charges which are not existing liens recorded in the Office of the Register of Deeds **Wayne** County or which do not appear on the tax rolls for the property described in the above referenced commitment.
3. That it is the responsibility of the Seller and Buyer to obtain bills for, and pay, any outstanding Municipal Charges in accordance with the purchase agreement between Seller and Buyer.
4. That **First American Title Insurance Company** is not responsible for any difference between any amount collected at closing and the actual amount of any Municipal Charges and that any shortage in funds collected and paid at closing is the sole responsibility of Seller and Buyer.

Seller:

John A. Ambrose, Successor Trustee of the
Colleen R. Galeski Revocable Living Trust
dated March 22, 2013

John A. Ambrose, Trustee

Buyer:



Melvin Garrez



First American Title Insurance Company

File No: 778258

DISCLOSURE AND ACKNOWLEDGMENT

Date: June 01, 2017

Property Address: 3419 and Vacant Fort Street, Lincoln Park, MI 48146

By signing this statement the undersigned acknowledge the following:

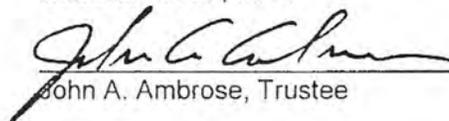
1. That all closing documents prepared by First American Title Insurance Company are prepared at the direction and request of all parties to the transaction, their real estate agent(s)/broker(s) or attorney(s).
2. That **First American Title Insurance Company is not acting as my agent, attorney, representative or fiduciary**, at this real estate closing.
3. That First American Title Insurance Company's employee who has attended this closing represents only First American Title Insurance Company.
4. That First American Title Insurance Company's employee who has identified certain documents to me as he/she has presented them to me for signing, but **has not given me legal advice as to the meaning or effect of the documents**. I understand that any of his/her statements about the documents are not legal advice to me. If I have an attorney, that attorney is my only attorney in this transaction.
5. That I have either read all of the closing documents or am responsible for my own failure to have read them. **I understand that First American Title Insurance Company is not responsible for explaining to me the effect of the documents I have signed.**
6. That the title policy, when issued, will contain all of the exceptions noted on the commitment, unless such exceptions are removed to the satisfaction of First American Title Insurance Company at closing.
7. **That I have read this statement and understand it.**

Seller(s):

Buyer(s)/Borrower(s):

John A. Ambrose, Successor Trustee of the
Colleen R. Galeski Revocable Living Trust
dated March 22, 2013

Melvin Gamez



John A. Ambrose, Trustee



First American Title Insurance Company

File No: 778258

DISCLOSURE AND ACKNOWLEDGMENT

Date: June 01, 2017

Property Address: 3419 and Vacant Fort Street, Lincoln Park, MI 48146

By signing this statement the undersigned acknowledge the following:

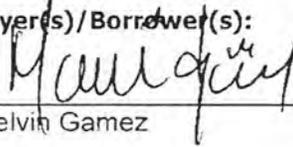
1. That all closing documents prepared by First American Title Insurance Company are prepared at the direction and request of all parties to the transaction, their real estate agent(s)/broker(s) or attorney(s).
2. That **First American Title Insurance Company is not acting as my agent, attorney, representative or fiduciary**, at this real estate closing.
3. That First American Title Insurance Company's employee who has attended this closing represents only First American Title Insurance Company.
4. That First American Title Insurance Company's employee who has identified certain documents to me as he/she has presented them to me for signing, but **has not given me legal advice as to the meaning or effect of the documents**. I understand that any of his/her statements about the documents are not legal advice to me. If I have an attorney, that attorney is my only attorney in this transaction.
5. That I have either read all of the closing documents or am responsible for my own failure to have read them. **I understand that First American Title Insurance Company is not responsible for explaining to me the effect of the documents I have signed.**
6. That the title policy, when issued, will contain all of the exceptions noted on the commitment, unless such exceptions are removed to the satisfaction of First American Title Insurance Company at closing.
7. **That I have read this statement and understand it.**

Seller(s):

John A. Ambrose, Successor Trustee of the
Colleen R. Galeski Revocable Living Trust
dated March 22, 2013

John A. Ambrose, Trustee

Buyer(s)/Borrower(s):



Melvin Gamez



First American Title Insurance Company

File No: 778258

TAX PRORATION AGREEMENT/ACKNOWLEDGEMENT

File Number: 778258
Date: June 01, 2017
Reference: Gamez / Colleen R. Galeski Revocable Living Trust
Property Address: 3419 and Vacant Fort Street, Lincoln Park, MI 48146

Seller and Purchaser Acknowledge and Agree as Follows:

1. That the parties hereto have settled the proration of taxes and assessments by the method reflected on the settlement statements signed at the closing. That in the event it is subsequently discovered that these are additional taxes or assessments, which constitute a lien at the time of closing Seller and Purchaser agree that such additional taxes or assessments shall be prorated by the method reflected in the settlement statement signed at closing. Any prior agreement between parties shall be deemed as modified hereby.
2. **The Purchaser acknowledges and agrees:**
 - a) that all real estate taxes billed on or after this date are the sole responsibility of the **Purchaser**.
 - b) that the **Purchaser** shall make any necessary arrangements to obtain all future tax bills. Purchaser acknowledges it is **not** the responsibility of First American Title Insurance Company to notify any Treasurer of change in ownership.
3. **The Seller acknowledges and agrees:**
 - a) that the Seller **represents and warrants** to the Purchaser and First American Title Insurance Company and its underwriter that all outstanding taxes and assessments including but not limited to all sewer and water charges, road paving, maintenance charges, trash collection charges, weed charges, association dues, penalties, and administration fees have been paid in full by the Seller.

or

 - b) that, if not previously paid by the Seller, all outstanding taxes and assessments including but not limited to all above said items shall be deducted from the Sellers proceeds as reflected on the settlement statement.
 - c) that the Seller has not received any notification of any future assessments and has no knowledge of any improvement or maintenance undertaken by any municipality or association.
 - d) that the Seller will immediately pay any taxes and assessments including but not limited to the above said items (Paragraph 3a) which may subsequently be discovered to have been a lien on the property or incurred prior to the date of closing.
4. **Seller and Purchaser acknowledge and agree:**
 - a) That any settlement to the proration of taxes or assessments is a matter entirely between the Seller and Purchaser, and that neither the Seller nor the Purchaser is relying on advice from First American Title Insurance Company in determining method of statement.
 - b) That First American Title Insurance Company is relying on the agreement of the Seller and Purchaser as reflected in the settlement statements in order to disburse funds.
 - c) That, except for the failure of First American Title Insurance Company to properly account for the funds provided to it, Seller and Purchaser jointly and severally agree to indemnify First American Title Insurance Company for any loss or damage, including but not limited to reasonable attorney fees incurred as a result of failure to comply with this agreement.
 - d) That Seller and Purchaser acknowledge First American Title Insurance Company and its underwriter are relying on the representations made herein for the purpose of closing the real estate transaction referenced herein and are disbursing funds based on upon such reliance.



First American Title Insurance Company

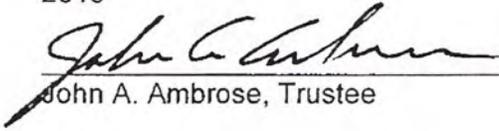
File No: 778258

Seller(s):

Purchaser(s):

John A. Ambrose, Successor Trustee of the Colleen
R. Galeski Revocable Living Trust dated March 22,
2013

_____ Melvin Gamez



John A. Ambrose, Trustee



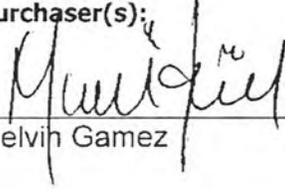
First American Title Insurance Company

File No: 778258

Seller(s):

John A. Ambrose, Successor Trustee of the Colleen
R. Galeski Revocable Living Trust dated March 22,
2013

Purchaser(s):


Melvin Gamez

John A. Ambrose, Trustee



First American Title Insurance Company

File No: 778258

WARRANTY DEED

Corporate(Platted/Condominium)

Drafted By:

John A. Ambrose, Successor Trustee
The Colleen R. Galeski Revocable
Living Trust
515 Vanessa Court
Saline, MI 48176

Return To:

Melvin Gamez
1578 Detroit Avenue
Lincoln Park, MI 48146

Send Tax Bills To:

Melvin Gamez
1578 Detroit Avenue
Lincoln Park, MI 48146

Recording Fee: \$30.00
File Number: 778258

State Transfer Tax: \$577.50
County Transfer Tax: \$84.70

Tax Parcel No.: 45-012-08-1765-001,
45-012-08-1766-001

Know All Persons by These Presents: That **John A. Ambrose, Successor Trustee of the Colleen R. Galeski Revocable Living Trust dated March 22, 2013** whose address is 515 Vanessa Court, Saline, MI 48176

Convey(s) and Warrant(s) to **Melvin Gamez, a single man** whose address is 1578 Detroit Avenue, Lincoln Park, MI 48146

the following described premises situated in the City of **Lincoln Park**, County of **Wayne**, State of Michigan, to wit:

(SEE ATTACHED EXHIBIT A)

More commonly known as: **3419 and Vacant Fort Street, Lincoln Park, MI 48146**

For the full consideration of: **seventy seven thousand** Dollars (\$77,000.00)

Subject To:

Existing building and use restrictions, easements of record, and zoning ordinances, if any.



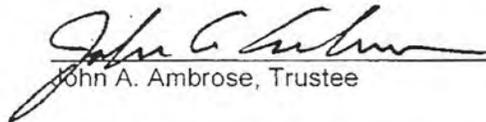
First American Title Insurance Company

(Attached to and becoming a part of Warranty Deed dated: June 01, 2017 between John A. Ambrose, Successor Trustee of the Colleen R. Galeski Revocable Living Trust dated March 22, 2013, as Seller(s) and Melvin Gamez, a single man, as Purchaser(s).)

Dated this June 01, 2017.

Seller(s):

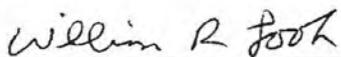
John A. Ambrose, Successor Trustee of the
Colleen R. Galeski Revocable Living Trust
dated March 22, 2013



John A. Ambrose, Trustee

State of Michigan
County of WAYNE

The foregoing instrument was acknowledged before me
this June 01, 2017 by John A. Ambrose, Successor Trustee
of the Colleen R. Galeski Revocable Living Trust dated
March 22, 2013.



Notary Public: WILLIAM R. LOOK
Notary County/State: / WAYNE COUNTY, MICHIGAN
County Acting In: WAYNE COUNTY
Commission Expires: 8-04-2019

(Attached to and becoming a part of Warranty Deed dated: June 01, 2017 between John A. Ambrose, Successor Trustee of the Colleen R. Galeski Revocable Living Trust dated March 22, 2013, as Seller(s) and Melvin Gamez, a single man, as Purchaser(s).)

EXHIBIT A

Land situated in the City of Lincoln Park, County of Wayne, State of Michigan, described as follows:

Parcel 1

Lot 1765, EXCEPT the Westerly 17.02 feet, EMMON'S ORCHARD SUBDIVISION NO. 2, according to the recorded plat thereof, as recorded in Liber 41 of Plats, Page 88, Wayne County Records.

Parcel 2

Lots 1766, 1767, 1768, EXCEPT Fort Street as widened, EMMON'S ORCHARD SUBDIVISION NO. 2, according to the recorded plat thereof, as recorded in Liber 41 of Plats, Page 88, Wayne County Records.

Tax Parcel Number: 45-012-08-1765-001, 45-012-08-1766-001

Property Transfer Affidavit

This form is issued under authority of P.A. 415 of 1994. Filing is mandatory.

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

| | | | |
|--|--|--|--|
| 1. Street Address of Property 3419 and Vacant Fort Street, Lincoln Park, MI 48146 | | 2. County Wayne | 3. Date of Transfer (or land contract signed) June 01, 2017 |
| 4. Location of Real Estate (Check appropriate field and enter name in the space below.) <input checked="" type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village City of Lincoln Park | | 5. Purchase Price of Real Estate 77,000.00 | 6. Seller's (Transferor) Name The Colleen R. Galeski Revocable Living Trust |
| 7. Property Identification Number (PIN). If you don't have a PIN, attach legal description. PIN. This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is on the property tax bill and on the assessment notice. 45-012-08-1765-001, 45-012-08-1766-001 | | 8. Buyer's (Transferee) Name and Mailing Address Melvin Gamez 1578 Detroit Avenue, Lincoln Park, MI 48146 | |
| | | 9. Buyer's (Transferee) Telephone Number | |

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

| | | |
|---|---|----------------------------|
| 10. Type of Transfer. Transfers include deeds, land contracts, transfers involving trusts or wills, certain long-term leases and interest in a business. See page 2 for list. <input type="checkbox"/> Land Contract <input type="checkbox"/> Lease <input checked="" type="checkbox"/> Deed <input type="checkbox"/> Other (specify) _____ | | |
| 11. Was property purchased from a financial institution? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 12. Is the transfer between related persons? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 13. Amount of Down Payment |
| 14. If you financed the purchase, did you pay market rate of interest? <input type="checkbox"/> Yes <input type="checkbox"/> No | 15. Amount Financed (Borrowed) | |

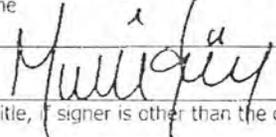
EXEMPTIONS

Certain types of transfers are exempt from uncapping. If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

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

CERTIFICATION

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

| | | |
|---|---|--------------------|
| Printed Name | | |
| Signature |  | Date 06/01/2017 |
| Name and title, if signer is other than the owner | Daytime Phone Number | E-mail Address |

Instructions:

This form must be filed when there is a transfer of real property or one of the following types of personal property:

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

Transfer of ownership means the conveyance of title to or a present interest in property, including the beneficial use of the property. For complete descriptions for qualifying transfers, please refer to MCL Section 211.27a(6)(a-j).

Excerpts from Michigan Compiled Laws (MCL), Chapter 211

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

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

Section 211.27(5): "Except as otherwise provided in Subsection (6), the purchase price paid in a transfer of property is not the presumptive true cash value of the property transferred. In determining the true cash value of transferred property, an assessing officer shall assess that property using the same valuation method used to value all other property using the same valuation method used to value all other property of that same classification in the assessing jurisdiction."

Penalties:

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

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

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

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

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

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

(d) For real property other than real property classified under section 34c as industrial real property or commercial real property, a penalty of \$5.00 per day for each separate failure beginning after the 45 days have elapsed, up to a maximum of \$200.00.

PROPERTY TRANSFER AFFIDAVIT ACKNOWLEDGMENT

File Number: 778258
Date: June 01, 2017
Reference: Melvin Gamez / The Colleen R. Galeski Revocable Living Trust
Property Address: 3419 and Vacant Fort Street, Lincoln Park, MI 48146

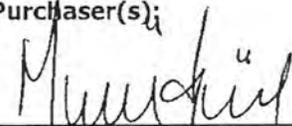
I/We, the undersigned Purchaser, Grantee or Transferee, have been advised that under Act 415, P.A. of 1994, Form L-4260 2766 (Rev. 01/09) **Property Transfer Affidavit** must be completed and received by the local assessor within **45 days** of the date of transfer.

I/We further understand that the failure to file is **punishable by penalty**, if the sale price of the property transferred is \$100,000,000.00 or less, \$20.00 per day for each separate failure beginning after the 45 days have elapsed, up to a maximum of \$1,000.00. (ii) If the sale price of the property transferred is more than \$100,000,000.00, \$20,000.00 after the 45 days have elapsed. (d) For real property other than real property classified under section 34c as industrial real property or commercial real property, a penalty of \$5.00 per day for each separate failure beginning after the 45 days have elapsed, up to a maximum of \$200.00.

I/We have received from First American Title Insurance Company on **June 01, 2017**, a **Property Transfer Affidavit**, Form L-4260 2766 (Rev. 01/09), and accept responsibility for filing this form with our city/township assessor. I/We agree to hold **First American Title Insurance Company** harmless from any further liability and/or responsibility regarding this form.

- I/We have requested that First American Title Insurance Company distribute this form by regular mail to the city/township assessor, and hold the title company harmless from any further liability and/or responsibility regarding this form.
- That the Buyer(s) are unable to complete the Property Transfer Affidavit at this time and will undertake to distribute the form themselves; or have chosen to distribute the form themselves to the local tax collecting unit.

Purchaser(s):



Melvin Gamez



First American Title Insurance Company

AFFIDAVIT AND INDEMNITY

This Affidavit is being executed for the benefit First American Title Insurance Company, their successors and/or assigns (collectively, "the Company") with respect to property located in Wayne County, State of Michigan, more particularly described in title commitment 778258.

Affiant shall initial and complete the appropriate section or indicate that the section is not applicable.

Sale of Interest (NONE, unless completed)

Affiant entered into a written agreement with Friedman Brokerage Group the ("Broker") as defined in the Commercial Real Estate Broker's Lien Act, (Michigan Public Act 201 of 2010) for the purpose of selling, leasing or otherwise conveying an interest in the property. Broker is entitled to compensation pursuant to the agreement in the amount of \$4,620.00.

Acquisition of Interest (NONE, unless completed)

Affiant entered into a written agreement with _____ the ("Broker") as defined in the Commercial Real Estate Broker's Lien Act, (Michigan Public Act 201 of 2010) for the purpose of acquiring an ownership interest in the property, including but not limited to a leasehold interest in the property and/or improvements located thereon. Broker is entitled to compensation pursuant to the agreement in the amount of _____.

General Disclosure (NONE, unless completed)

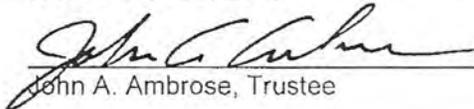
Affiant has neither entered into a written agreement with, nor is Affiant aware of any individual who has entered into a written agreement with any "Broker" as defined in the Commercial Real Estate Broker's Lien Act, (Michigan Public Act 201 of 2010), for the purpose of selling, leasing or otherwise conveying an interest in the property.

The Affiant acknowledges that the Company is relying on the representations contained in this Affidavit in issuing a title policy or policies of title insurance covering the property, and that the Company would not issue such policy or policies without exception to Broker's right to lien unless these representations were made. In consideration of the Company's issuance of such policy, or policies of title insurance, Affiant agrees to defend, hold harmless and indemnify the Company against all loss, damage or liability, including liability for reasonable attorney's fees incurred Condition of its policy or policies resulting from the recording, enforcement or attempted enforcement of any commercial broker's lien recorded pursuant to the Commercial Real Estate Broker's Lien Act, (Michigan Public Act 201 of 2010).

Date: June 4, 2017

Affiant:

John A. Ambrose, Successor Trustee of the Colleen R. Galeski Revocable Living Trust dated March 22, 2013



John A. Ambrose, Trustee

Subscribed and sworn to before me this First day of June, 2017.

William R. Gosh, Notary Public

AFFIDAVIT AND INDEMNITY

This Affidavit is being executed for the benefit First American Title Insurance Company, their successors and/or assigns (collectively, "the Company") with respect to property located in Wayne County, State of Michigan, more particularly described in title commitment 778258.

Affiant states as follows:

Affiant shall initial and complete the appropriate section or indicate that the section is not applicable.

Sale of Interest (NONE, unless completed)

Acquisition of Interest (NONE, unless completed)

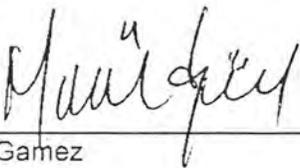
Affiant entered into a written agreement with _____ the ("Broker") as defined in the Commercial Real Estate Broker's Lien Act, (Michigan Public Act 201 of 2010) for the purpose of acquiring an ownership interest in the property, including but not limited to a leasehold interest in the property and/or improvements located thereon. Broker is entitled to compensation pursuant to the agreement in the amount of _____.

General Disclosure (NONE, unless completed)

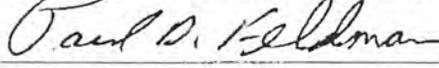
Affiant has neither entered into a written agreement with, nor is Affiant aware of any individual who has entered into a written agreement with any "Broker" as defined in the Commercial Real Estate Broker's Lien Act, (Michigan Public Act 201 of 2010), for the purpose of selling, leasing or otherwise conveying an interest in the property.

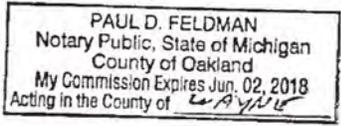
The Affiant acknowledges that the Company is relying on the representations contained in this Affidavit in issuing a title policy or policies of title insurance covering the property, and that the Company would not issue such policy or policies without exception to Broker's right to lien unless these representations were made. In consideration of the Company's issuance of such policy, or policies of title insurance, Affiant agrees to defend, hold harmless and indemnify the Company against all loss, damage or liability, including liability for reasonable attorney's fees incurred Condition of its policy or policies resulting from the recording, enforcement or attempted enforcement of any commercial broker's lien recorded pursuant to the Commercial Real Estate Broker's Lien Act, (Michigan Public Act 201 of 2010).

Date: 6-1-17

Affiant: 
Melvin Gamez

Subscribed and sworn to before me this First day of June, 2017.

, Notary Public



OWNER'S AFFIDAVIT/ESTOPPEL CERTIFICATE/COMPLIANCE AGREEMENT- SALE

File Number: 778258

Date: June 01, 2017

Forwarding Address:

Reference: Melvin Gamez /The Colleen R. Galeski Revocable Living Trust 515 Vanessa Court

Property Address: 3419 and Vacant Fort Street, Lincoln Park, MI 48146 Saline, MI 48176

(To be executed by all parties shown as vested owners/borrowers in the commitment for title insurance.)

Affiant makes the representations contained herein to induce the purchaser and/or lender to consummate the transaction referenced in commitment, to obtain the proceeds of the sale or loan, and to induce First American Title Insurance Company ("First American") to issue a policy(s) of title insurance insuring title to the land. Affiant agrees that in the event it is determined that there are unpaid charges which were due and payable prior to and including the date of closing, which are the responsibility of Affiant, that the Affiant shall pay any and all amounts so charged and shall provide proof of payment of same to First American. Affiant also agrees and covenants, if requested by First American, to fully cooperate and adjust for clerical errors in any closing documents, including but not limited to, repayment of any overpayments and executing duplicate closing documents.

The undersigned, being first duly sworn on oath, deposes, states and warrants as follows:

1. That Affiant is the owner or is an authorized representative of the owner of certain premises described in Commitment No. 778258 or which is described in Exhibit A attached hereto (the "Property"), and Affiant has not filed, nor is subject to any bankruptcy, receivership, or insolvency proceedings.
2. That the Affiant is in the possession of the Property and there are no other parties in possession or claiming rights of possession; (NONE, unless noted) _____
3. That Affiant has no knowledge of any unrecorded conveyances, water, mineral, gas or oil rights, unrecorded easements or claims of easements, replatting, boundary line disputes or claims of such grants or rights relative thereto; (NONE, unless noted) _____
4. That the use of the Property is in compliance with all terms, conditions, covenants and/or restrictions affecting the Property created in a plat of the Property or in any other document, recorded or unrecorded, and there are currently no violations of any terms, conditions, covenants and/or restrictions affecting the property; (NONE, unless noted) _____
5. a. That the survey of the Property provided by Affiant to First American correctly represents all matters certified to by the surveyors and that there have been no improvements added or alterations made on the Property from the date of survey to the present and there are no encroachments onto the property or encroachments over building or setback lines, easements or property lines not disclosed by the survey; (NONE, unless noted) _____

OR



First American Title Insurance Company

File No: 778258

OWNER'S AFFIDAVIT/ESTOPPEL CERTIFICATE/COMPLIANCE AGREEMENT-continued

- b. That if no survey was provided to First American, Affiant warrants as follows:
- a. There has not been any construction on the land or buildings, additions or improvements added to the land in the past _____ years;
 - b. Affiant is not aware nor has been informed by any person that any improvement on the land including boundary walls, and fences encroach onto any easement, bordering set-back line or property which is not part of the land identified herein; (NONE unless noted):

 - c. The owner is not aware nor has been informed by any person that any improvement on neighboring land including boundary walls and fences encroach onto the land which is not part of the land identified herein; (NONE, unless noted) _____
6. That there has been no activity involving extraction of minerals, oil or gas, involving the surface of the Property, or subsurface of the Property, nor is Affiant aware of any intent to conduct any such activity on or under the property or any adjacent property; (NONE, unless noted)

7. That there are no proceedings instituted or undertaken by anyone which will result in a lien or special assessment upon the premises. There are no delinquent taxes, special assessments, water bills, sewer bills and assessments, weed cutting bills, board-up fees, tap-in fees, utility bills, or Homeowner's Association fees covering subject property; (NONE, unless noted) _____
8. That there have been no improvements made nor labor or materials furnished to the premises within the last 90 days; (NONE, unless noted) _____
9. That Affiant has no knowledge of any other matters affecting the title including but not limited to: mortgages, liens, land contracts, options or other encumbrances other than those which are being paid from the sale proceeds. (NONE, unless noted) _____

Subscribed and sworn to before me this First day of June, 2017. **Vested Owner(s):**

William R. Look

Notary Public: WILLIAM R. LOOK
Notary County/State: WAYNE COUNTY, MICHIGAN
County Acting In: WAYNE COUNTY
Commission Expires: 8-04-2019

John A. Ambrose, Successor Trustee of the
Colleen R. Galeski Revocable Living Trust
dated March 22, 2013

John A. Ambrose

John A. Ambrose, Trustee



OWNER'S AFFIDAVIT/ESTOPPEL CERTIFICATE/COMPLIANCE AGREEMENT-continued

(To Be executed by the Buyer/Borrower)

The undersigned makes the representations contained herein to induce First American Title Insurance Company ("First American") to issue a policy(s) of title insurance insuring title to the land described in Commitment No. 778258 and to obtain the proceeds of the mortgage loan, if any. The undersigned agrees and covenants, if requested by First American, to fully cooperate and adjust for clerical errors in any closing documents. The undersigned further agrees that in the event it is determined there are unpaid charges which were due and payable prior to and including the date of closing, and which are the responsibility of the undersigned, that the undersigned shall pay any and all amounts so charged and shall provide proof of payment of same to First American.

The undersigned acknowledges that incident to the closing of the mortgage, if any, upon the lands, the mortgagee caused the full sum of \$0.00 the amount secured thereby, to be paid to the undersigned for the benefit of and by the direction of the undersigned. The undersigned does hereby so agree and covenant in order to assure that the loan documentation, if any, executed this date will conform in the market place in the instance of transfer, sale, or conveyance by Lender of its interest in and to said loan documentation.

The undersigned further certify that they are 18 years of age or older.

Subscribed and sworn to before me this First day of June, 2017.

Paul D. Feldman

Notary Public:
Notary County/State: /
County Acting In:
Commission Expires:

Buyer(s)/Borrower(s):

Melvin Gamez

Melvin Gamez

PAUL D. FELDMAN
Notary Public, State of Michigan
County of Oakland
My Commission Expires Jun. 02, 2018
Acting in the County of *WAYNE*



First American Title Insurance Company

File No: 778258



First American Title Insurance Company
 100 Bloomfield Hills Parkway, Suite 195, Bloomfield Hills, MI 48304
 (248)540-4102 Fax - (866)550-1079

To: **First American Title Insurance Company**
Pat Flinchum, Escrow Officer

Re: **3419 and Vacant Fort Street, Lincoln Park, MI 48146 ("Property")**

Seller: **The Colleen R. Galeski Revocable Living Trust**

File No.: **778258 (PF)**
 Date: **May 31, 2017**

**Give form to
 requestor. Do not
 send to the IRS.**

INFORMATION REQUEST FORM – For IRS 1099-S Reporting For Real Estate Transactions

Name (as shown on your income tax return)
COLLEEN R. GALESKI REVOCABLE LIVING TRUST DATED 3/22/2013

Business name/disregarded entity name, if different from above

Check appropriate box: Individual / Sole proprietor Corporation (exempt from 1099-S reporting) Partnership Trust/Vestate
 Limited liability company. For LLC, enter the tax classification (D=disregarded entity, C=corporation, S=S Corporation, P=Partnership)
 Other (i.e. Bankrupts, etc. – see instructions) ▶ _____

Forwarding Street Address (your address after closing)
515 VANESSA COURT

City, State, and Zip code
SALINE, MICHIGAN 48146

Percentage Owned
 100% Other: %

Number of sellers including you

Part I Taxpayer Identification Number (TIN)

Enter your taxpayer identification number ("TIN") in the appropriate box. The TIN provided must match the name given on Line 1 to avoid the imposition, under the Internal Revenue Code, of civil or criminal penalties for failing to furnish a correct TIN and to insure the TIN passes the IRS's Name/TIN matching software's TIN matching process which we utilize. For individuals, this is your social security number (SSN). However for a resident alien, sole proprietor, or disregarded entity, see "Specific Instructions" below. For other entities, it is your employer identification number (EIN). Note: If multiple sellers are involved, see "General Instructions" below.

Social security number

Employer identification number
46 6816150

Part II Certification of U.S. Person

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and

2. I am a U.S. citizen or other U.S. person (defined below).

Sign Here Signature of U.S. person **[Signature]** **SUCCESSOR TRUSTEE** Date **JUNE 1, 2017**

Part III Certification of Foreign Person

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and

2. I am a Foreign Person (defined below).

Sign Here Signature of Foreign person Date

GENERAL INSTRUCTIONS
 Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form
 A person who is required to file an information return on real estate with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer number (ITIN), adoptive taxpayer identification number (ATIN) or employer identification number (EIN).

Definition of a U.S. Person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Definition of a Foreign Person.
 A foreign person includes a nonresident alien individual, foreign corporation, foreign partnership, foreign trust, foreign estate, and any other person that is not a U.S. person. It also includes a foreign branch of a U.S. financial institution if the foreign branch is a qualified intermediary. In most cases, the U.S. branch of a foreign corporation or partnership is treated as a foreign person.

Requirement to Furnish TIN & Penalties for Failure
 You are required by law to provide us with your correct taxpayer identification number ("TIN"). If you do not provide us with your correct taxpayer identification number ("TIN"), you may be subject to civil or criminal penalties imposed by law. If we disclose or use your TIN in violation of federal law, we may be subject to civil or criminal penalties imposed by law.

Multiple Sellers
 Each seller must complete a separate form. Spouses who hold title as tenants in common, joint tenants, tenants by the entirety, or community property will be treated as a single seller unless we are instructed otherwise.

SPECIFIC INSTRUCTIONS

Please review chart "What Name and Number to Give" on page 2.

Individuals. You must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.
 If more than one name is listed, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Note. ITIN Applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

Limited liability company (LLC). Check the "Limited liability company" box only and enter the appropriate code for the tax classification ("D" for disregarded entity, "C" for corporation, "P" for partnership) in the space provided and follow the instructions on the next page.

(Specific Instructions Continued on Next Page)

For Escrow Use Only – Additional File Information

| | | | |
|---|---|--|--|
| <input type="checkbox"/> Change <input type="checkbox"/> Void <input type="checkbox"/> Delete | No. of 1099-S Forms required for this file? | Is Name/Entity Party a 'Non-Record' Seller? | Is Property part of an Exchange? |
| | | Type is: <input type="checkbox"/> HW or Individual <input type="checkbox"/> Trust/Business | <input type="checkbox"/> YES <input type="checkbox"/> NO |

For Escrow Use Only – Required for 1099-S Data Entry Only (No entry in FAST)

| | | | |
|--|----------------------|---------------------------------|------------------------|
| <input type="checkbox"/> Add <input type="checkbox"/> Change <input type="checkbox"/> Delete | Contract Sales Price | Buyer's Part of Real estate Tax | Actual Settlement Date |
| | \$ | \$ | |



First American Title Insurance Company
 100 Bloomfield Hills Parkway, Suite 195, Bloomfield Hills, MI 48304
 (248)540-4102 Fax - (866)550-1079

INFORMATION REQUEST FORM – For IRS 1099-S Reporting (Continued)

Specific Instructions (Continued)

Limited liability company (LLC) (Continued)

For a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Regulations section 2301.7701-3, enter the owner's name on the "Name" line. Enter the LLC's name on the "Business name/disregarded entity name" line.

For an LLC classified as a partnership or a corporation, enter the LLC's name on the "Name" line and enter "same" on the "Business name/disregarded entity name" line.

Other entities. Enter the name as shown on required federal tax documents on the "Name" line. This name should match the agreement, charter, order, or other document creating the entity.

Sole proprietor. Enter your individual name as shown on your 1040/1040A/1040EZ on the "Name" line. You may enter your business, trade, or "doing business" (DBA) name on the Business name/disregarded entity name line.

Note: Check the appropriate box for your status (Individual/Sole Proprietor, Corporation, etc.)

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see "How to get a TIN" below.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see "Limited liability company (LLC)" on page 1), enter the owner's SSN (or EIN, if you have one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note: See the chart below for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for a SSN, get Form SS-5, "Application for a Social Security

Card," from the local Social Security Administration office, or online at www.ssa.gov or by calling 1-800-772-1213. Use form W-7, "Application for IRS Individual Taxpayer Identification Number," to apply for an ITIN,

or Form SS-4, "Application for Employer Identification Number," to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under "Starting a Business." You can get Forms W-7 and SS-4 from the IRS by visiting www.irs.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete this Information Request Form but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to us.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon. **Note:** A TIN is required if withholding is required under FIRPTA.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to us that you are a U.S. person, or resident alien, sign this form. For property owned by spouses as tenants in common, joint tenants, tenants by the entirety, or community property, only the spouse whose TIN is shown first on the Name line or is circled should sign.

Signature requirements: You must sign the certification.

What Name and Number to Give

| For this Type of Owner: | Give Name and Social Security Number (SSN) of: |
|---|---|
| 1. Individual | The individual |
| 2. Spouses (who hold title as tenants in common, joint tenants, tenants by the entirety, or community property) | Show both spouses, with the name of the spouse whose SSN is used shown first and circled ¹ |
| 3. Custodian account of a minor (Uniform Gift to Minors Act) | The minor ² |
| 4. a. The usual revocable savings trust (grantor is also trustee) | The grantor-trustee ¹ |
| b. So-called trust account that is not a legal or valid trust under state law | The actual owner ¹ |
| 5. Sole proprietorship or disregarded entity owned by an individual. | The owner ³ |
| 6. Disregarded entity or Sole proprietorship owned by an individual | The owner ³ |
| For this Type of Owner: | Give Name and Employer Identification Number (EIN) of: |
| 7. Disregarded entity not owned by an individual | The owner |
| 8. A valid trust, estate, or pension trust | Legal entity ⁴ |
| 9. Corporate or LLC electing corporate status on Form 8832 | The corporation or LLC electing corporate status |
| 10. Association, club, religious, charitable, educational, or other tax-exempt organization | The organization |
| 11. Partnership or multi-member LLC | The partnership or multi-member LLC |
| 12. A broker or registered nominee | The broker or nominee |
| 13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments | The public entity |
| 14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 filing Method 2 (See Regulations section 1.671-4(b)(2)(i)(B)) | The trust |

¹List first and circle the name of the person whose number you furnish. If only one person has an SSN, that person's number must be furnished.

²Circle the minor's name and furnish the minor's SSN.

³You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity name" line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

CERTIFICATION OF NON-FOREIGN STATUS

()

File Number: 778258
Date: June 01, 2017
Property Address: 3419 and Vacant Fort Street, Lincoln Park, MI 48146

Subscribed and sworn to before me this June 01, 2017.

Section 1445 of the Internal Revenue code provides that a transferee (Purchaser) of a U.S. Real Property Interest must withhold tax if the transferor (Seller) is a foreign person. For U.S. Tax purposes (including section 1445) the owner of a disregarded entity (which has legal title to a U.S. real property interest under local law) will be the transferor of the property and not the disregarded entity. To inform the transferee (Purchaser) that withholding of tax is not required upon the disposition of a U.S. Real Property Interest by transferor (Seller), the undersigned hereby certifies the following on behalf of transferor (Seller):

1. **The Colleen R. Galeski Revocable Living Trust** is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in this Internal Revenue Code and Income Tax Regulations);
2. **The Colleen R. Galeski Revocable Living Trust** is not a disregarded entity, as defined in Treas. Reg. §1.1445-2(b)(2)(iii);
3. **The Colleen R. Galeski Revocable Living Trust's** U.S. employer identification number is 46-6816150; and
4. **The Colleen R. Galeski Revocable Living Trust** office address is:
515 Vanessa Court
Saline, MI 48176

The Colleen R. Galeski Revocable Living Trust understands that this certification may be disclosed to the Internal Revenue Service by transferee (Purchaser), and that any false statement contained herein could be punishable by fine, imprisonment, or both;

Under penalties of perjury, I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct and complete, and I further declare that I have authority to sign this document on behalf of **The Colleen R. Galeski Revocable Living Trust**.

Seller(s):

John A. Ambrose, Successor Trustee of the
Colleen R. Galeski Revocable Living Trust
dated March 22, 2013


John A. Ambrose, Trustee



First American Title Insurance Company

File No: 778258

State of Michigan
County of WAYNE

John A. Ambrose, Successor Trustee of the Colleen R. Galeski Revocable Living Trust dated March 22, 2013 subscribed and sworn to before me this June 01, 2017.

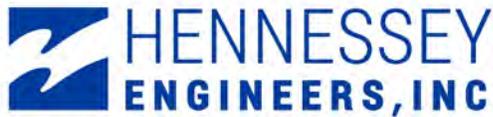
William R. Look
Notary Public: WILLIAM R. LOOK
Notary County/State: WAYNE COUNTY, MICHIGAN
County Acting In: WAYNE
Commission Expires: 8-04-2019

This certification must be retained by the transferee (Purchaser), until "the end of the fifth taxable year following the taxable year in which the transfer takes place".



First American Title Insurance Company

File No: 778258



December 4, 2017

Ms. Leah DuMouchel, AICP
Beckett & Raeder, Inc.
535 West William St. Suite 101
Ann Arbor, MI, 48103-4978

**Re: Renovations to Restaurant
3419 Fort Street
City of Lincoln Park, MI
Hennessey Project 72092**

Dear Ms. DuMouchel:

Hennessey Engineers, Inc. completed our second review of the Preliminary Plan based on the plan revised October 10, 2017, and received via email December 1, 2017 from you.

The proposed development is a conversion of an existing commercial salon to a restaurant. The existing building is approximately 1000 square feet.

Listed below are some comments which should be addressed in the Preliminary Plan approval but would not be grounds for a denial from an engineering feasibility standpoint:

GENERAL

1. Based on the site plan submitted all existing utilities and leads are being reused. It is important that the developer realize these existing utilities are very old and may have reached their life expectancy. It is our strong recommendation for the developer to at least videotape the existing sewer lead to determine its condition prior to performing any new renovation on the building. If the service lead needs to be replaced the installation of the new service will need to be inspected by our office. The developer should verify with the City the existing sanitary service type and size. If it is undersized for the proposed building use it must be replaced. The developer's engineer or architect shall determine the sanitary service lead capacity.
2. The developer should verify with the City the existing water service type and size. If it is a lead service or if the service is undersized for the proposed building use, it should be replaced. The developer's engineer or architect shall determine the water service lead capacity.
3. The site plan shows angled parking with the exit from the parking lot to the existing public alley as the only exit drive. Even though it is being used now we have concerns about the only exit to the site being the public alley. A public alley is intended to be a public street and should not be used as one. The alley does have broken concrete which should be replaced especially if it is used as the exit for the parking lot. If this is approved as the exit then it would be our recommendation the new restaurant should maintain the alley.

4. There isn't any proposed parking lot improvement shown on the plans however, the existing parking lot does show signs of cracking and open joints. Repairs will have to be made to the existing parking lot to bring it up to City Standards. At a minimum the joints should be sealed with a hot asphaltic based sealer and the parking lot should be completely sealed and restriped.
5. There were several broken or cracked sidewalks in the Fort Street Right of Way that must be repaired. The concrete sidewalks must be brought up to City Standards. The drive approach is in good condition and will not need to be replaced.
6. All of the plan sheets MUST be sealed and the cover sheet MUST be signed and sealed by a professional engineer, surveyor or architect licensed in Michigan.

Comment 3 and 6 listed above should be addressed for the Planning Commission submittal. If the site plan meets all other Planning Commission requirements the Planning Commission could approved the Preliminary Plan contingent upon them being submitted signed and sealed by a professional engineer, surveyor or architect licensed in Michigan.

From an engineering feasibility our office does not have any issues other than 3 & 6 above with the approval of the Preliminary Site Plan submittal. Therefore, from the engineering feasibility review it would be our recommendation for the "**approval**" of the Preliminary Site Plan. If there will not be any utility or any parking lot improvements other than sealing the joints, the parking lot or any other site improvements we will not need to perform a detailed engineering review.

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

Sincerely,

HENNESSEY ENGINEERS, INC



James D. Hollandsworth, P.E., P.S.
Lincoln Park Project Manager

JDH/bd

cc: John Kozuh, DPW Director, City of Lincoln Park
John J. Hennessey, Hennessey Engineers, Inc.
Ryan Kern, Hennessey Engineers, Inc.

B.3

R:\Municipalities\70000's Lincoln Park\72000's\72092 3419 Fort Street\3419 Fort 1St PC Review Dec 4, 2017.docx

RE: Second Request for Site Plan Review: 3419 Fort St, Proposed Restaurant

Ray Watters <RWatters@citylp.com>

Fri 12/15/2017 7:41 AM

To: Leah DuMouchel <ldumouchel@bria2.com>;

Leah

The Police Department has no issues with the site plans for the restaurant. Please let me know if you need anything further from the PD.

Chief R. Watters

From: Leah DuMouchel [mailto:ldumouchel@bria2.com]

Sent: Monday, December 11, 2017 11:18 AM

To: Fire Chief; Irenda Lockhart; Robert Wright; Ray Watters; Krystina Erdos; John Kozuh

Cc: kisselkkk@aol.com; Matthew Coppler

Subject: Second Request for Site Plan Review: 3419 Fort St, Proposed Restaurant

Hello again! I am awaiting comments on a proposed site plan at 3419 Fort St, converting a hair salon to a restaurant, from the Fire Department, Police Department, and Department of Public Works. The Lincoln Park Planning Commission has requested comment from these departments on all proposed site plans--and they really do ask me during each review what your department has said about the project, so please know that your efforts are well-spent! A link to all documents is below, and I am of course happy to answer any questions. Please submit your comments to this email address by **Wednesday, December 13**. Thank you!

https://www.dropbox.com/sh/7ntslswtluv46ng/AABeB-szQLKmN2hto3ZU5Yf_a?dl=0

Leah DuMouchel, AICP

Senior Associate

Beckett&Raeder, Inc.

Making Great Places for over 50 Years

535 West William St Suite 101

Ann Arbor, MI 48103

Office: 734.663.2622

Direct Line: 734.239.6616

Petoskey, MI 231.347.2523

Traverse City, MI 231.933.8400

Toledo, OH 419.242.3428

Please visit us at www.bria2.com

From: Leah DuMouchel

Sent: Friday, December 1, 2017 4:27 PM

<https://outlook.office365.com/owa/?realm=bulut.center&path=/mail/search>

To: firechief@citylp.com; ilockhart@citylp.com; rwright@citylp.com; rwa_ers@citylp.com; kerdos@citylp.com; jkozuh@citylp.com; james hollandsworth
Cc: JMeyers@citylp.com
Subject: Request for Site Plan Review: 3419 Fort St, Proposed Restaurant

Hello! I am in receipt of a site plan and application for review for 3419 Fort Street, proposing conversion from a hair salon to a restaurant. The materials are available at the link below. As the Lincoln Park Planning Commission has requested your input on site plans for their consideration, your response by **Thursday, December 7** would be greatly appreciated. Thanks so much!

https://www.dropbox.com/sh/7ntslswtluv46ng/AABeB-szQLKmN2hto3ZU5Yf_a?dl=0

[3419 Fort St - Restaurant - SPR](#)

www.dropbox.com

Shared with Dropbox



Leah DuMouchel, AICP
Senior Associate

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Ann Arbor, MI 48103

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Petoskey, MI 231.347.2523

Traverse City, MI 231.933.8400

Toledo, OH 419.242.3428

Please visit us at www.bria2.com

Case No. _____

Date Submitted _____

City of Lincoln Park

APPLICATION FOR SITE PLAN REVIEW

NOTICE TO APPLICANT: Applications for Site Plan Review by the Planning Commission must be submitted to the City in *substantially complete form* at least thirty (30) days prior to the Planning Commission's meeting at which the proposal will be considered. The application must be accompanied by the data specified in the Zoning Ordinance and Site Plan Review Guidelines, including fully dimensioned site plans, plus the required review fees. Regular meetings of the Planning Commission are held on the second Wednesday of each month at 7:00 p.m. All meetings are held at the Lincoln Park City Hall, 1355 Southfield Road, Lincoln Park, Michigan 48146. Phone number (313) 386-1800; Fax (313) 386-2205.

TO BE COMPLETED BY APPLICANT:

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

- ✓ Applicant: Melvin Gamez
- ✓ Mailing Address: 1578 detroit ave lincoln park 48146
- ✓ Email: JonathanGamez1997@yahoo.com
- ✓ Telephone: (415) 466-5339 Fax: _____

- ✓ Property Owner(s) Name (if different from Applicant): Melvin Jonathan Gamez Herrera
- ✓ Mailing Address: 1578 detroit ave lincoln park 48146
- ✓ Telephone: (415) 466-5339 Fax: _____

Applicant(s) Explanation of Legal Interest in Property:

OWNER WISHED TO RENOVATE EXISTING SALON
INTO A CARRY-OUT RESTAURANT.

Location of Property: Street Address: 3419 FORT ST, LINCOLN PK, MI 48146
Nearest Cross Streets: BUCKINGHAM
Sidwell Number (Parcel ID#): 45-102-08-1765-001 & 45-102-08-1766-001

Property Description:

If part of a recorded plat, provide lot numbers and subdivision name. If not part of a recorded plat (i.e., Acreage parcel"), provide metes and bounds description. Attach separate sheets if necessary.

LOT 1765 EXC. THE W. 17.0' OF EMMON'S ORCHARD SUB #2.
ALSO LOTS 1766-1768 EXC. THE W. 17.0' OF EMMON'S
ORCHARD SUB #2 AS RECORDED L. 41, P. 88 W.C.R.
PARCELS: 45-012-08-1765-001 AND 45-012-08-1766-001

Property Size (Square Ft): 7440 SQ. FT. (Acres): —

Existing Zoning (please check):

- | | |
|--|--|
| <input type="checkbox"/> SFRD Single Family Residential District | <input type="checkbox"/> RBD Regional Business District |
| <input type="checkbox"/> MFRD Multiple Family Residential District | <input type="checkbox"/> CBD Central Business District |
| <input type="checkbox"/> MHRD Mobile Home Park District | <input type="checkbox"/> GID General Industrial District |
| <input type="checkbox"/> NBD Neighborhood Business District | <input type="checkbox"/> LID Light Industrial District |
| <input type="checkbox"/> MBD Municipal Business District | <input type="checkbox"/> CSD Community Service District |
| <input type="checkbox"/> PUD Planned Unit Development District | |

Present Use of Property: THE BUILDING IS PRESENTLY VACANT.
THE FORMER USE WAS A BEAUTY SALON

Proposed Use of Property: OWNER WISHES TO RENOVATE
BUILDING INTO A CARRY-OUT RESTAURANT.

Please Complete the Following Chart:

| Type of Development | Number of Units | Gross Floor Area | Number of Employees on Largest Shift |
|------------------------|-----------------|------------------|--------------------------------------|
| Detached Single Family | — | — | — |
| Attached Residential | — | — | — |
| Office | — | — | — |
| Commercial | — | 998 SQ FT | 3 |
| Industrial | — | — | — |
| Other | — | — | — |

Professionals Who Prepared Plans:

A. Name: ARCHITECTS INTERNATIONAL, INC

Mailing Address: 17400 WILDEMERE,
DETROIT, MI 48221

Email Address: architects.int@att.net

Telephone: 313-341-7930 Fax: — Primary Design Responsibility: ALL DRAWINGS

B. Name: PRO-TECH LAND SURVEY, PC

Mailing 1578 detroit ave lincoln park 48140 Address: —

✓ JonathanGamez1997@yahoo.com Email

✓ Address: —

Telephone: 586-983-0099 Fax: — Primary Design Responsibility: SURVEY

C. Name: —

Mailing Address: —

Email Address: —

Telephone: — Fax: — Primary Design Responsibility: —

ATTACH THE FOLLOWING:

1. Eight (8) individually folded copies of the site plans, sealed by a registered architect, engineer, landscape architect or community planner as well as ONE (1) Electronic copy.
2. **A brief written description** of the existing and proposed uses, including but not limited to: hours of operation, number of employees on largest shift, number of company vehicles, etc.
3. Proof of property ownership.
4. Review comments or approval received from county, state, or federal agencies that have jurisdiction over the project, including but not limited to:

- | | |
|---|--|
| G Wayne County Road Commission | G Wayne County Drain Commission |
| G Wayne County Health Division | G Michigan Department of Natural Resources |
| G Michigan Department of Transportation | G Michigan Department of Environmental Quality |

PLEASE NOTE: The applicant or a designated representative **MUST BE PRESENT** at all scheduled review meetings or the site plan may be tabled due to lack of representation.

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

APPLICANT'S ENDORSEMENT:

All information contained herein is true and accurate to the best of my knowledge. I acknowledge that the Planning Commission will not review my application unless all information required in this application and the Zoning Ordinance have been submitted. I further acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing, or approval of this site plan application.

| | |
|--|-----------------|
| ✓ <u>Mandy</u> | <u>11/28/17</u> |
| Signature of Applicant | Date |
| ✓ <u>Mandy</u> | <u>11/28/17</u> |
| Signature of Applicant | Date |
| ✓ <u>Mandy</u> | <u>11/28/17</u> |
| Signature of Property Owner Authorizing this Application | Date |

| | | |
|------------------------------------|-------------------------------|-----------------------|
| TO BE COMPLETED BY THE CITY | | Case No. _____ |
| Date Submitted: _____ | Fee Paid: _____ | |
| By: _____ | Date of Public Hearing: _____ | |
| PLANNING COMMISSION ACTION | | |
| Approved: _____ | Denied: _____ | Date of Action: _____ |

City of Lincoln Park Lincoln Park Planning and Development
2018 Planning Commission Meeting Dates

January 10, 2017

January 10

February 14

March 14

April 11

May 9

June 13

July 11

August 8

September 12

October 10

November 14

December 12

City of Lincoln Park Planning and Development
2017 Annual Planning Commission Report

1220.08 ANNUAL REPORT

Summary of Activities

The Planning Commission shall make an annual written report to the City Council concerning its operations and the status of the planning activities, including recommendations regarding actions by the City Council related to planning and development. The City Manager shall prepare the Capital Improvements Program Plan.

Wednesday, January 11, 2017

- "Planning and Zoning Essentials" Basic Training provided to Planning Commission via a scholarship from the Michigan Association of Planning, instructed by the City's Planning Consultant

February, March, April meetings: Cancelled for lack of agenda

Wednesday, May 10, 2017

- Policy discussion: Regulation of tattoo parlors. Memo and presentation regarding the technical steps to required to permit these establishments in districts other than General Industrial were forwarded to City Council for consideration.
- Policy discussion: Regulation of hookah establishments. No further action.

Wednesday, June 14, 2017

- Conceptual Review for Special Land Use: 3745 Dix (Sonic Drive-In). Applicant did not appear.

Wednesday, July 24, 2017

- Conceptual Review for Special Land Use: 1491 Southfield (American Renal Associates). . Advisory only.
- Conceptual Review for Special Land Use: 3745 Dix. Advisory only.
- Conditional Rezoning: 1386 Council Ave. Advisory only.

Wednesday, August 16, 2017

- Public Hearing for Special Land Use Approval: 3745 Dix (Sonic Drive-in). Special land use approved.
- Site Plan Review: 3745 Dix (Sonic Drive-in). Drive-in restaurant approved.
- Public Hearing and Special Land Use Approval: 1491 Southfield (American Renal Associates). Special land use approved.
- Site Plan Review: 1491 Southfield (American Renal Associates). Site plan approved subject to administrative approval of several outstanding issues. Final approval secured September 11, 2017.
- Public Hearing and Conditional Rezoning Recommendation: 1358 Council Avenue. Rezoning recommended to City Council for approval.
- Conceptual Review for Special Land Use: 2306 Dix Highway (Taco Bell). Advisory only.

Wednesday, September 13, 2017

- Conceptual Review: 3461 Fort St. (Lincoln Perk). Advisory only.
- Site Plan Review: 25500 Outer Drive (UAW-Ford Technical Training Facility). Site plan approved.

Wednesday, October 11, 2017

- Proposed Master Plan Scope. The City of Lincoln Park Planning Commission reviewed a proposed scope for a new Master Plan. Steering committee members volunteered or were nominated, and stakeholder groups were identified.

Wednesday, November 15, 2016

- Request to Modify Façade Elevation: 25500 Outer Drive (Ford / UAW Training Facility). Applicant request to submit a revised site plan showing an alternate window configuration. Request approved by Planning Commission.
- Public Hearing and Special Land Use: 3461 Fort St. (Lincoln Perk). Special land use approved.
- Site Plan Review: 3461 Fort St. (Lincoln Perk). Site plan approved.
- Master Plan Steering Committee. The Lincoln Park Planning Commission reviewed compiled nominations for the Steering Committee and Stakeholder Advisory groups.

Report on Operation of the Zoning Ordinance

In accordance with Section 308 of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall prepare an annual report to the City Council on the administration and enforcement of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.

The Planning Commission is hopeful that a thorough review of the Zoning Ordinance will follow the completion of the Master Plan effort, which is beginning now. Zoning issues which have been identified through the course of the Planning Commission's development review procedures this year include:

- Reconsideration of the uniform requirement to install a six-foot masonry wall at every instance where a commercial or industrial use abuts a residential zone. It may be the case that installation of a less costly material would serve the desired buffering purpose in some cases. The Planning Commission may wish to investigate whether offering a range of material options, to be required based on the expected performance of the use, would head off variance requests.
- An amendment offering a procedure to reconcile existing conditions with the Architectural Standards of §1296.04. Currently, existing buildings must be compared with these standards, which are not always possible to meet. One example is that buildings in the Central Business District are required to be a minimum of two stories, but many were not built that way. A provision offering the Planning Commission the authority to accept a proposed design as "substantially meeting" the intent of the ordinance, as is found in the Landscaping Standards of §1294.02 and the Access Management Standards of §1290.10, would clarify the legality of these existing conditions.

May 19, 2008

Bringing
Knowledge
to Life!

1E: Sample Bylaws for a Planning Commission

This is a presentation of one sample of bylaws for adoption by a Planning Commission in Michigan. This sample is based on Michigan Public Act 33 of 2008, as amended, (being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*), and recommendations of the author and reviewers of this pamphlet (see box, below).

The Michigan Planning Enabling Act is a new statute that changes how various planning procedures are done, and provides new duties and power to many planning commissions in the state. The purpose of this act was to create a single set of procedures to follow regardless of whether planning is being done by a city, village, township, or by a county. After September 1, 2008 (the effective date of the act) only the procedures in the Michigan Planning Enabling Act should be used, as the act replaces the following statutes:

- P.A. 285 of 1931, as amended, (being the Municipal Planning Act, M.C.L. 125.31 *et seq.*)
- P.A. 282 of 1945, as amended, (being the County Planning Act, M.C.L. 125.101 *et seq.*)
- P.A. 168 of 1959, as amended, (being the Township Planning Act, M.C.L. 125.321 *et seq.*)

One of the features of the new act was to require a much more comprehensive set of bylaws for a planning commission. For example, the act makes reference to bylaws several times:

- “The member is disqualified from voting on the matter if so provided by the **bylaws** or by a majority vote of the remaining members of the planning commission” §15(9).
- “Unless the legislative body, by ordinance, defines conflict of interest for the purposes of this subsection, the planning commission shall do so in its **bylaws**” §15(9).

Author:

Kurt H. Schindler, REGIONAL LAND USE
EDUCATOR, member MSU LAND USE TEAM
Phone: (231)779-9480
Fax: (231)779-9105
e-mail: schindl9@msu.edu
overland mail:

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- Lincoln Sweet, MSU GRADUATE STUDENT

“Thirty seven million
acres is all the Michigan
we will ever have.”

Former Governor
William G. Milliken

Michigan State University
Extension Land Use Team

<http://ntweb11a.ais.msu.edu/luaoe/index.asp>

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action, equal-opportunity
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- “The term of each officer shall be 1 year, with opportunity for reelection as specified in **bylaws** adopted under section 19” §17(1).
- “A planning commission **shall adopt bylaws** for the transaction of business . . .” §19(1).
- “Unless the **bylaws** provide otherwise, a special meeting of the planning commission may be

called by the chairperson or by 2 other members . . .” §21(1).

- “Unless the **bylaws** provide otherwise, the secretary shall send written notice of a special meeting to planning commission members not less than 48 hours before the meeting” §21(1).

Related Publications

There are also separate procedural checklists for performing other planning and zoning functions. They are:

- *Land Use Series*: “Check List #1A; To Create a Planning Commission or Amend an Existing Planning Commission Ordinance.”
- *Land Use Series*: “#1B; Sample Ordinance to create a planning commission”
- *Land Use Series*: “#1C; Summary of changes between new Michigan Planning Enabling Act and the three old planning acts: Municipal Planning Act, County Planning Act, and Township Planning Act.”
- *Land Use Series*: “Checklist #1D; Steps to Transition an Existing Planning Commission to Comply with the Michigan Planning Enabling Act”
- *Land Use Series*: “#1E; Sample Bylaws for a planning commission.”
- *Land Use Series*: “Checklist #1F; What Should be in a Master Plan”
- *Land Use Series*: “Checklist #1G; For Adoption of a Plan in Michigan”
- *Land Use Series*: “Checklist #1H; The Five Year Plan Review.”
- *Land Use Series*: “Checklist #1I; For Adoption of an Amendment to a Plan”
- *Land Use Series*: “Checklist #1J; Adopting and Updating a Capital Improvement Program”
- *Land Use Series*: “Checklist #1K; Review of Infrastructure and Public Capital Expenditure”
- *Land Use Series*: “Checklist #1L; Adoption or Amendment of Subdivision Rules”
- *Land Use Series*: “#1M; How Governments Make Submissions on a Neighbor’s or County’s Proposed Plan”
- *Land Use Series*: “#1N; How a Planning Commission Should Respond to Submissions”
- *Land Use Series*, “Checklist #2; for Adoption of a Zoning Ordinance in Michigan.”
- *Land Use Series*, “Checklist #3; for Adoption of an Interim Zoning Ordinance in Michigan.”
- *Land Use Series*, “Checklist #4; for Adoption of a Zoning Ordinance Amendment (Including PUD) in Michigan”
- *Land Use Series*, “Checklist #5: for Processing a Special Use Permit (Including PUD) Application in Michigan.”
- *Land Use Series*, “Checklist #6: for Processing a Zoning Appeal and Variance in Michigan.”

All of these are available at www.msue.msu.edu/lu/.

Glossary

The following terms are used in this publication, and have the following specific meanings.

§ means the section number of Public Act 33 of 2008, as amended, (being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*),

Chief administrative official means the manager or other highest nonelected administrative official of a city or village.

Chief elected official means the mayor of a city, president of a village, supervisor of a township, or chair of a county board of commissioners.

Ex officio member means a member of a planning commission, with full voting rights unless otherwise specified by city or village charter, by virtue of holding another office for the term of that office.

Legislative Body means the county board of commissioners of a county, the board of trustees of a township, the council of a city or village, or other similar elected governing body of a county, township, city, or village.

Local Unit of Government means a county or municipality.

Municipality means a city, village or township.

Plan means any plan adopted under the Michigan Planning Enabling Act or one of the three former planning acts, regardless of what it is titled.

Planning Commission means the local unit of government planning commission created under the Michigan Planning Enabling Act or one of the three former planning acts, regardless of what it is titled.

Planning jurisdiction means the area encompassed by one of the following:

- For a city or village, the legal boundaries of a city or village, respectively, and any area outside of the city or village boundary that the planning commission deems related to the planning of the city or village;
- For a township, the legal boundaries of a township outside the limits of a city(ies) and village(s);
- For a township who’s planning commission was formed under P.A. 285 of 1931, as amended, (M.C.L. 125.31 *et seq.*), the legal boundaries of a township outside the limits of a city(ies) and village(s), and any area outside of the township boundary that the planning commission deems related to the planning of the township. (See §31(1)(b))
- For a county, the legal boundaries of a county outside the limits of a city(ies) and village(s); or the county including any city(ies) and village(s) which has adopted the county plan (See §31(1)).

- “A planning commission may adopt **bylaws** relative to compensation and expenses of its members and employees for travel when engaged in the performance of activities authorized by the legislative body, including, but not limited to, attendance at conferences, workshops, educational and training programs, and meetings” §23(1).

In addition to the above, there are also indirect references to bylaws throughout the act.

For any step in the process of reviewing bylaws and facilitating the discussion and decisions about how your bylaws are written, your county Michigan State University Extension can assist, or can contact members of the MSU Extension Land Use Team for assistance.

This pamphlet is not designed as a substitute for reading and understanding the Michigan Planning Enabling Act. This outline is not a substitute for

legal advice or for professional planner services.

The following represents one sample set of bylaws for a planning commission in Michigan. These are written in an attempt to cover most needs that may occur. Before adoption they should be reviewed, and sections which are not pertinent omitted. In the sample bylaws, below, text which appears in brackets ([]) should be replaced with the specific name, number, or date as indicated. Material in a sidebar, or box, includes additional discussion and alternatives to consider.

These sample bylaws are also available in a separate word processor document (Microsoft Word™ and WordPerfect™) at the website www.msue.msu.edu/lu. The material in sidebars, or boxes, in this pamphlet are not in the word processor version of the sample bylaws.

PLANNING COMMISSION BYLAWS
of [date]

Adopted, effective immediately, [date, time]
As amended through _____

1. Name Purpose

- A. The name shall be the [local unit of government] Planning Commission, hereafter known as the "Commission".
- B. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 *et seq.*), hereinafter "the Planning Act."
- C. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter "the Zoning Act."

2. Membership

- A. **Members.** Members of the Commission are appointed by the [legislative body] pursuant to the [local unit of government] Planning Commission Ordinance of [date], as amended.
 - 1. First priority, each member shall represent and advocate what is best for the [local unit of

Adopt bylaws

“A planning commission shall adopt bylaws for the transaction of business . . .” §19(1).

The Zoning Act

If the planning commission does not have zoning responsibilities, then section 1.C. of the Bylaws should be deleted.

Membership of the Commission.

Membership of the Commission should be reviewed and edited carefully. This sample is written assuming membership of the Commission represents specific topical interests, and is nominated by organizations representing those interest groups. It should be edited so it reflects the membership established in the local unit of government’s ordinance creating the planning commission.

- government] as a whole, putting aside personal or special interests.
2. Second priority, each member shall represent a separate important segment of the community, as appointed by the [legislative body]:
 - a. One citizen at-large member.
 - b. One citizen member representing environmental interests: Attend and/or be familiar with the desires and needs of the environmental organizations in [local unit of government] (including but not limited to conservation clubs, garden clubs, lake and river landowner associations and the Michigan Department of Environmental Quality land and water programs).
 - c. One citizen member representing agriculture, forestry, and land use interests: Attend and/or be familiar with the desires and needs of the Farm Bureau, Soil Conservation District, Michigan Department of Natural Resources Forestry Division, United States Forest Service, Resource Conservation and Development Council, municipal planning and/or zoning boards.
 - d. One citizen member representing governmental municipal interests: Attend and/or be familiar with the desires and needs of the county chapter of the Michigan Townships Association, cities and villages, and county government.
 - e. One citizen member representing education interests: Attend and/or be familiar with the desires and needs of the local school districts, intermediate school district, College, University, MSU Extension, and other educational institutions.
 - f. One member representing recreation and tourism interests: Attend and/or be familiar with the desires and needs of the tourist division of the Chamber of Commerce, visitor/convention bureau, hotel/motel tourist business owners; recreation associations; civic and social organizations; the arts; snowmobile and other recreation clubs; Michigan Department of Natural Resources Parks Division, Recreation Division, and Waterways Division.
 - g. One citizen member representing industrial and economic interests: Attend and/or be familiar with the desires and needs of industrial associations, the Chamber of Commerce, economic development corporations, organized labor, and trade associations.
 - h. One member representing transportation and communication interests: Attend and/or be familiar with the desires and needs of the County Road Commission, village and city road agencies, telephone companies, Internet providers, postal and other parcel delivery services, news media, mass/bus transportation systems, airports, and harbors.
 - i. One member representing sanitation, environmental health, housing, and human services interests. Attend and/or be familiar with the desires and needs of public utility providers, water and sewer providers, the County Health Department, councils on aging, and human services collaborative bodies.
 - j. One member shall be a member of the [legislative body]: Attend and/or be familiar with the desires and needs of the [legislative body] and its committees; adjacent legislative bodies and their planning commissions, and regional multi-county planning agency.

B. Liaisons. The purpose of liaisons is to provide certain [local unit of government] officials and quasi-officials the ability to participate in discussions with the Commission, in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements

Liaison Members.

This section should be reviewed carefully. Review the list to insure there are not any additions or deletions.

pursuant to Section 2.C of these bylaws. Liaisons, if not already appointed Commission members, are:

1. Planning Department staff, and their agents and consultants.
2. The Commission's consultants.
3. [local unit of government] Attorney.
4. [local unit of government] engineering, water, sewer, DPW, or similar department heads.
5. [local unit of government] attorney and corporate council.
6. [local unit of government] Administrator.
7. Chairman of the [legislative body].
8. Manager of the County Road Commission and village or city road agency.
9. The county Emergency Management Coordinator.
10. The county Soil Erosion and Sedimentation Control Officer.
11. District Health Department senior or supervisory Registered Sanitarian.

12. The County Surveyor, except when the issue before the Commission is to review his, or his client's work.
 13. The County Register of Deeds.
 14. The County Extension Director.
 15. The County Soil Conservation Service Soil Conservationist.
 16. Regional (multi-county) Planning Staff.
- C. Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the [legislative body] to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the [legislative body] whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the [legislative body] can consider further action allowed under law or excuse the absences.
- D. Training. Each member shall have attended at least four hours per year of training in planning and zoning during the member's current term of office. If so provided in the ordinance creating the Commission, failure to meet the training requirements shall result in the member not being reappointed to the Commission. Training shall be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.
- E. Incompatibility of Office.
1. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
 - b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
 - c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
 - d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.

Training

The ordinance creating the planning commission should include a requirement that training is required to be eligible for reappointment. Details on how that is done should be in the bylaws.

The Statute Requires:

“The member is disqualified from voting on the matter if so provided by the **bylaws** or by a majority vote of the remaining members of the planning commission” §15(9).

“Unless the legislative body, by ordinance, defines conflict of interest for the purposes of this subsection, the planning commission shall do so in its **bylaws**” §15(9).

Adjacent Land and Conflict of Interest

Some thought should be given to how far away from one's own property one goes to consider it to be a conflict of interest. In a very small community, with a large distance from the property, it may be hard to ever have a situation which is not a conflict for a number of members of the Commission. This practical matter should be balanced with the need to avoid the appearance of conflict and actual conflicts.

Courts have only gone as far as the adjacent parcel, and do not consider it a conflict beyond that. Some communities have used a “within 300 feet” standard (the same distance where notices are required).

- e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.

- f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:

- (1) an applicant or agent for an applicant, or
- (2) has a direct interest in the outcome.

- 2. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.
- 3. When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
 - a. declare a conflict exists at the next meeting of the Commission or committee:
 - b. cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, and
 - c. during deliberation of the agenda item before the Commission or committee, leave the meeting or remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
- 4. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

3. Duties of all members.

A. Ex Parte contact

- 1. Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the commission whenever possible.
- 2. Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing

what was said, so that every member and other interested parties are made aware of what was said.

B. Site Inspections

- 1. Site inspections shall be done by the zoning administrator or other staff. A written report of the site inspection shall be orally presented to the Commission at a public meeting or hearing on the site.
- 2. If desired, no more than one member of the Commission may accompany the zoning administrator or staff on a site inspection.

C. Not Voting On the Same Issue Twice.

Family and Conflict of Interest

Some thought should be given to how expansive, or limited is the list of who is included in "family". In a very small community, with an expansive list of family, it may be hard to ever have a situation which is not a conflict. This practical matter should be balanced with the need to avoid appearance of and actual conflicts.

Ex Parte Contact

There are several different ways to handle *Ex Parte* Contact. The goal is that private conversations outside of a public meeting do not take place with members of the Commission. And if that does happen, then have a means to share the content of the conversation with everyone involved, so everyone knows what was said and those that wish to can provide a rebuttal.

Site Inspections

There are many alternative ways for site inspections to be handled. Some communities have the entire Commission do a site inspection as a group. If that is done the site inspection must be posted as a public meeting and there must be accommodations for the audience to also come along. What is important is that the bylaws spell out how it will be done in your community.

1. Any member of the Commission shall avoid situations where they are sitting in judgement and voting on a decision which they had a part in making. As used here, sitting in judgement and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to, the following:
 - a. When the appeal is of an administrative or other decision by Commission and the member of the Commission sits both on the Commission and Zoning Board of Appeals.
 - b. When the appeal is of an administrative or other decision by any committee of the Commission, [legislative body], or other committee and the member of the Commission sits both on that committee and Zoning Board of Appeals or both on the Commission and Zoning Board of Appeals.
 - c. When the case is an administrative decision which was decided by the Commission and sent to the [legislative body] for further action, and the member of the Commission sits both on the Commission and [legislative body].

D. Accepting gifts.

1. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.
2. As used here, gifts, shall mean cash, any tangible item, or service, regardless of value; and food valued over \$10.
3. This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to M.C.L. 125.3823(3), §23(3) of the Planning Act.
4. In townships gifts shall only be accepted by the township board on behalf of the planning commission.

E. Spokesperson for the Commission.

1. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
2. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
3. From time-to-time, or on a specific issue the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission..

F. Code of Conduct.. Each member, upon appointment, shall sign a code of conduct.

4. **Officers**

- A. Selection. At the regular meeting in [insert the specific month] of each year, the Commission shall select from its membership a Chair, Vice-Chair, Secretary, and Deputy Secretary. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the Deputy Secretary shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Deputy Secretary for the unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording secretary.
- B. Tenure. The Chair, Vice-Chair and Secretary shall take office January 1 following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

Accepting Gifts

There are many alternative ways for how to handle members of the planning commission receiving gifts. There is not a “right” or a “wrong” way to do it. It is important this is discussed and the bylaws spell out the rules to which your commission agrees. Consider that it may be okay for small gifts to be received (a box of candy for example), but not something that might be viewed by the public as a bribe.

Concerning section 3.D.4.: This subsection is not needed and should be deleted from bylaws for a city, village, and county planning commission, and for townships with a planning commission created under the Municipal Planning Act (P.A. 285 of 1931).

Code of Conduct

A sample code of conduct is available at www.msue.msu.edu/lu. A code of conduct could also be combined with an oath of office, if such oaths are practice in the community.

- C. Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
1. Preside at all meetings with all powers under parliamentary procedure;
 2. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission;
 3. Restate all motions as pursuant to Section 5.E of these Bylaws;
 4. Appoint committees;
 5. Appoint officers of committees or choose to let the committees select their own officers.
 6. May call special meetings pursuant to Section 5.B of these Bylaws;
 7. Act as member and Chair of the Executive Committee pursuant to Section 7.A of these Bylaws;
 8. Act as an Ex-Officio member of all committees of the Commission;
 9. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
 10. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
 11. Periodically meet with the Planning Director and/or other Planning Department staff to review Planning Department operation, procedures, and to monitor progress on various projects.
 12. Annually perform a job evaluation of the Planning Director, discuss the evaluation with the Planning Director, and provide a copy of the evaluation for the Planning Department and [local governing body]'s personnel files;
 13. Chair or perform a major role in the interview and selection process for a Planning Director;
 14. Act as, or delegate someone to act as, the Planning Director in the absence of a Planning Director;
 15. Act as the Commission's and Planning Department's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
 16. Represent the Commission, along with the [legislative body] Commission member, before the [legislative body]; and
 17. Perform such other duties as may be ordered by the Commission.
- D. Vice-Chair's Duties. The Vice-Chair shall:
1. Act in the capacity of Chair, with all the powers and duties found in Section 4.C of these Rules, in the Chair's absence;
 2. Act as member and Vice Chair of the Executive Committee pursuant to Section 7.A of these Rules; and
 3. Perform such other duties as may be ordered by the Commission.
- E. Secretary's Duties. The Secretary shall:
1. Execute documents in the name of the Commission;
 2. Be responsible for the minutes of each meeting, pursuant to section 6.A of these Bylaws if there is not a recording secretary.
 3. Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission (the Secretary may delegate this duty to Commission staff);
 4. Receive all communications, petitions, and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Planning Department Office;
 5. Keep attendance records pursuant to Section 2.C of these Bylaws;
 6. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 *et seq.* (the Secretary may delegate this duty to Commission staff);
 7. Prepare an agenda for Commission meetings pursuant to Section 5.K of these Bylaws (the Secretary may delegate this duty to Commission staff);
 8. Act as member and Secretary of the Executive Committee pursuant to Section 7.A of these Bylaws;
 9. May hire on behalf of the Commission for the local unit of government a Commission recording secretary (who shall not be a member of the Commission); and
 10. Perform such other duties as may be ordered by the Commission.
- F. Deputy Secretary's Duties. The Deputy Secretary shall:
1. Act in the capacity of Secretary, with all the powers and duties found in Section 4.E of these Rules, in the Secretary's absence; and
 2. Perform such other duties as may be ordered by the Commission.

G. Recording Secretary's Duties. The Recording Secretary shall not be a member of the commission or any of its committees, and shall:

1. At each meeting take notes for minutes and prepare a first draft of minutes pursuant to section 6.A of these Bylaws for review and signature by the Secretary; and
2. Perform such other duties as may be ordered by the Commission or secretary.

5. Meetings

A. Regular meetings. Meetings of the Commission will be held the [insert a number] [enter a day of the week] of every month at 7 p.m. at [location building name and address]. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*)

B. Special Meetings. Special meetings shall be called in the following manner:

1. By the Chair.
2. By any two members of the Commission.
3. By the Chair at the request of any non member of the commission, upon payment of a non-refundable fee to cover costs of the special meeting. The fee shall be calculated as follows: The current amount of per diem paid times the total number on the Commission, regardless if they attend the meeting or not, plus the sum of travel reimbursement of each member, regardless if they each attend the meeting or not, plus the total Planning Department budget, which represents the costs of operating the Planning Department, divided by 365.
4. Notice of special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting (the Secretary may delegate this function to staff). In addition notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 *et seq.*).

C. Recess. The Chair, or the Commission, after the meeting has been in session for two hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda. The commission shall then decide to finish that meetings agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more than 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.

D. Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

E. Motions.

Meeting time, location

Section 5.A. should include the location and meeting time, e.g. "Third Wednesday of each month, at 7pm in the courthouse, 123 Fourth Street, Anytown." The act requires a planning commission meet at least four times a year (§21(1)).

The Statute Requires:

"Unless the **bylaws** provide otherwise, a special meeting of the planning commission may be called by the chairperson or by 2 other members," §21(1). Thus the option is different if different rules for calling a special meeting exist.

The Statute Requires:

"Unless the **bylaws** provide otherwise, the secretary shall send written notice of a special meeting to planning commission members not less than 48 hours before the meeting" §21(1). Thus the option for different rules to give notice exists.

1. Motions shall be restated by the Chair before a vote is taken.
 2. Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts.
 - a. A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
 - b. Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
 - c. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.
- F. Voting. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.
- G. Commission Action. Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

Vote for City or Village Plan Adoption

If a city or village, the last sentence of "Voting" should be replaced with the following:

"The affirmative vote of $\frac{2}{3}$ the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan."

- H. Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Roberts Rules of Order Newly Revised*, (10th Edition, Perseus Publishing, New York, 2000 (ISBN 0-7382-037-6)) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.
- I. Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public.
1. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting.
 2. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting without time limit or an extended time limit.
- J. Consensus Business. Certain items of business before the Commission are routine matters where no discussion normally occurs or is expected to occur and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies as consensus business. The agenda or material presented on the issue should indicate the proposed action (approve, disapprove, no comment, approve with modification). First, any Consent Item can be removed by request of a member. It is automatically removed if discussed during Public Participation. Second, a motion to adopt the Consent Items can be made, in effect adopting all agenda items still included as Consent Items. The approval of minutes and the expense report shall be proposed on the agenda as Consent Items. Consensus business can be proposed for any item on the agenda, but shall never include any of the following:
1. Items of business which are listed in Section 18 of these bylaws.
 2. Review of plans and zoning ordinances, or any part or amendment thereto.
 3. Action on special use permits, planned unit developments, site plans, and similar administrative actions.
 4. Election of officers.
 5. Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting.
- The motion to adopt Consent items in the minutes shall clearly list each item and indicate its action/disposition.
- K. Order of Business. Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
- (A) *Call to order, roll call, and Pledge of Allegiance.*

Parliamentary Procedure.

There are several editions of *Robert's Rules of Order* ranging from 1876-2000. There are also different takes on *Robert's* such as simplified versions by various publishers. There are also different rules of order to consider such as:

- *Mason's Manual of Legislative Procedure* (by Paul Mason, Natl Conference of State, (ISBN-10: 1580241166));
- *Democratic Rules of Order* (Gordon Soules Book Publishers Ltd., Gibsons BC Canada (ISBN 0969926049));
- *Standard Code of Parliamentary Procedure* (by Alice Sturgis, McGraw-Hill Companies (ISBN-10: 0070625220)); and
- *Jefferson's Manual (Manual of Parliamentary Practice for the Use of the Senate of the United States)*, (by Thomas Jefferson in 1801, as revised, U.S. Government Printing Office).

Some are simpler and easier to understand than *Robert's*. Any can be cited in one's bylaws. It is important that bylaws are specific as to which rules of order and which version is being used.

- (B) *Matters pertaining to citizens present at the meeting, in the following order:*
 - (1) *Advertised Public Hearings. The Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first.*
 - (2) *Persons requested by the Commission to attend the meeting.*
 - (3) *Other public participation for items on this agenda.*
- (C) *Housekeeping business.*
 - (1) *Consent Business.*
 - (2) *Approval of Minutes.*
 - (3) *Approval of Department's expense report.*
 - (4) *Other.*
- (D) *Unfinished business and reports (items considered here are taken up in the same order as established by the Commission to fix a priority for consideration and work done in the planning office).*
 - (1) *Report from each member of the Commission on the segment of the [local unit of government] they represent for the past month.*
- (E) *New business (other business and communications).*
- (F) *Public participation for items not on this agenda.*
- (G) *Adjournment.*

L. **Delivery of Agenda.** The agenda and accompanying materials shall be mailed to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date, generally accepted to be, but not always, mailed by first class mail on the Thursday of the week prior to the Commission meeting, pursuant to section 5.A.

M. **Placement of Items on the Agenda.**

- 1. The [Planning Department/Zoning Administrator] shall be the office of record for the Commission.
- 2. The [Planning Department/Zoning Administrator] may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and eight business days prior to the next regularly scheduled Commission meeting.
- 3. Items received by the [Planning Department/Zoning Administrator] between seven business days prior to the next regularly scheduled Commission meeting and the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled Commission meeting. The Commission may act on those items of a minor nature or table action to the subsequent regular or special Commission meeting. Those items of a major nature, or items normally receiving staff review, analysis, or recommendation shall be tabled until the subsequent regular or special Commission meeting.
- 4. The deadline to add items to the Commission's meeting agenda shall be seven business days prior to the next regularly scheduled Commission meeting.

6. **Record.**

A. **Minutes and Record.** The Commission Secretary shall keep, or cause to be kept, a record of Commission meetings, which, shall at a minimum include an indication of the following:

- 1. Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*)
- 2. Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:
 - a. Time and place the meeting was called to order.
 - b. Attendance.
 - c. Indication of others present (listing names if others choose to sign in and/or a count of those present).
 - d. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
 - e. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
 - f. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
 - (1) Who testified and a summary of what was said..
 - (2) A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.)

- (3) The location of the property involved (tax parcel number and description, legal description is best).
 - (4) What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes).
 - (5) What evidence was considered (summary of discussion by members at the meeting).
 - (6) The administrative body's findings of fact.
 - (7) Reasons for the decision made. (If the action is to deny, then each reason should refer to a section of an ordinance which would be violated or with which not complied.)
 - (8) The decision (e.g. approve, deny, approve with modification).
 - (9) A list of all required improvements (and if they are to be built up-front or name the type of performance security to be used), if any.
 - (10) List of all changes to the map/drawing/site plan that was submitted. (Sometimes it is easier to use a black flair felt pen and draw the changes on the map of what was applied for, rather than listing the changes. Do not use different colors. The map will most likely be photo copied. Then colors on the copy will not show at all or will just be black.)
 - (11) Make the map/drawing/site plan part of the motion (e.g. "...attached to the original copy of these minutes as appendix 'A', and made a part of these minutes...").
- g. Who called the question.
 - h. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "the motion passed/failed after a voice vote."
 - i. That a person making a motion withdrew it from consideration.
 - j. All the Chair's rulings.
 - k. All challenges, discussion and vote/outcome on a Chair's ruling.
 - l. All parliamentary inquiries or point of order.
 - m. When a voting member enters or leaves the meeting.
 - n. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting.
 - o. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
 - p. The start and end of each recess.
 - q. All Chair's rulings of discussion being out of order.
 - r. Full text of any resolutions offered.
 - s. Summary of announcements.
 - t. Summary of informal actions, or agreement on consensus.
 - u. Time of adjournment.
3. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.
- B. Retention. Commission records shall be preserved and kept on file according to the following schedule:
1. Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publications: Permanent.
 2. General ledger: 20 years.
 3. Account journals: 10 years.
 4. Bills and/or invoices, receipts, purchase orders, vouchers: 7 years.
 5. Correspondence: Permanent.

7. Committees

A. Executive Committee.

1. The Executive Committee shall be a standing committee of the Commission. Its membership shall be the Chair, Vice-Chair, and Secretary of the Commission and they shall hold the same offices on the committee. The Executive Committee may deal with recommendations to the Commission on matters of the Commission budget; employment of a [Planning Department/Zoning Administrator]; overseeing the [Planning Department/Zoning Administrator]'s day-to-day administration of the [Planning Department/Office of the Zoning Administrator]; office and personnel policy; and anything else directed to the Executive Committee by the Commission.
2. The Executive Committee has limited power to act only on housekeeping matters, budget, office policy, and overseeing contracts and personnel when time constraints require action prior to the next regularly

scheduled Commission meeting. Such actions shall be reported at the next regularly scheduled Commission meeting and are subject to the Commission's review and/or veto.

- B. Ad Hoc Committees. The Commission or Chair may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.
- C. Citizen Committees. The Commission, Chair, or [Planning Department/Zoning Administrator] may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as less than a quorum of the Commission serve on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Commission and to better represent various interest groups in the [local unit of government].

8. Rules of Procedure for All Committees

- A. Subservient to the Commission. All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.
- B. Same Principles. The same principals of these Bylaws for the Commission also apply to all committees of the Commission including, but not limited to:
 - 1. Officers. Officers of committees are appointed by the Chair of the Commission at the time the committee is created, or are elected by the committee's membership at their first meeting. Officers, at a minimum, include a Chair and Secretary-Vice-Chair.
 - 2. Quorum. A committee's quorum shall be at least half the total appointed membership of the committee.
 - 3. Voting. Only those appointed members of a committee, who are present at the time of a vote shall be eligible to cast a vote.
 - 4. Attendance. If any member of a committee is absent from three consecutively scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Commission to remove any member from the committee. The committee Secretary-Vice-Chair or acting committee Secretary in the absence of the elected committee Secretary-Vice-Chair shall keep attendance records and notify the Commission of any committee member who is absent from three consecutively scheduled meetings so the Commission may consider removal of the individual from the committee or excuse the absence(s).
 - 5. Minutes. The Secretary-Vice-Chair of the committee shall keep minutes of the committee meetings in the same format used by the Commission and filed in the same office as the Commission's minutes.
 - 6. Staff. Committees have reasonable use of [Planning Department/Zoning Administrator] staff time and assistance and direction for performing the work of the committee.
 - 7. Public. All committee meetings are open meetings available for public attendance and participation and minutes of the meetings are to be available for public inspection under the same principals found in P.A. 267 of 1976, as amended, (being Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*).
 - 8. Subcommittees. Citizen committees may form subcommittees from their own membership and/or with additional citizens when deemed necessary. Subcommittees are subservient to the parent committee. Subcommittees are informal, not requiring quorums, attendance requirements, minutes, or public participation. Subcommittee membership shall consist of less than half the parent committee's membership.

9. [local unit of government] Department and Subdivisions; and Intergovernmental Coordination.

The Commission shall be responsible for coordination of all related plans between departments or subdivisions of [local unit of government] and intergovernmental coordination of all related planned activities among the state, federal, and municipal governments concerned. The Commission may use committees (pursuant to section 7.B of these rules), [Planning Department/Zoning Administrator] staff, citizen committees (pursuant to section 7.C of these rules), and interagency staff teams for purposes of accomplishing coordination. If a staff team is used, the team shall not be a committee of the Planning Commission or any other public body and shall not be a public body. The team shall be an employee level technical review with only powers to recommend.

10. Mileage and Per Diem

- A. Mileage and per diem shall be paid to members of the Commission at rates established by the [legislative body] for attending Commission meetings and Executive Committee meetings, and other authorized meetings and trips to represent the [local unit of government], if those Commission members bill the [local unit of government] for the same. Only mileage shall be paid for attendance at ad hoc committee meetings, if those Commission members bill the [local unit of government] for the same. No mileage or per diem is paid to any members of a citizen committee, unless authorized and budgeted by the [legislative body] with recommendation by the Commission.

The Statute Requires:

“A planning commission may adopt **bylaws** relative to compensation and expenses of its members and employees for travel when engaged in the performance of activities authorized by the legislative body, including, but not limited to, attendance at conferences, workshops, educational and training programs, and meetings” §23(1).

11. Hearings

- A. Plan Hearings. Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the [legislative body], the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in each newspaper of general circulation.
- B. Special Hearings. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group representatives most interested, and as required by the Planning Act, Zoning Act, and relevant local zoning ordinance.
- C. Notice of Decision. A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.

Special Hearings

If the planning commission does not have zoning responsibilities, then reference to zoning in section 11.B. of the Bylaws should be deleted.

12. Zoning Responsibilities

- A. All powers of the zoning commission have been transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act.
- B. Zoning adoption or amendment (including PUD zoning amendments). The commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the legislative body. At a minimum the recommendation shall include:
 1. Zoning plan for the areas subject to zoning, or zoning amendment of the local unit of government;
 2. The establishment of or modification of zoning districts, including the boundaries of those districts, if applicable;
 3. The text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole; and
 4. The manner of administering and enforcing the zoning ordinance.

Zoning Responsibilities

If the planning commission does not have zoning responsibilities then all of section 12. of the Bylaws should be deleted.

- C. Special Use Permit (including PUDs). The Commission shall review and act on all special use permits pursuant to the Zoning Act and zoning ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action, pursuant to section 5.E.2 of these Bylaws.
- D. Site Plan Review. The Commission shall review and act on all those site plans which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action, pursuant to section 5.E.2 of these Bylaws.
- E. Appeals. The Commission shall not act, or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation, non-use variances, or use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

Special Use Permits

Special Use permits and PUDs may be reviewed and approved by a zoning commission, planning commission, and official charged with administering the zoning ordinance or the legislative body. These bylaws are written assuming approval is by the planning commission and a hearing is automatically always held. If that is not the case, section 12.C. needs to be changed to reflect local procedure.

13. Plan Reviews.

- A. The Commission shall review all adjacent, or contiguous, local government plans (township, village, and city), adjacent county plans, local governments government plans (township, village, and city plans) within the boundaries serviced by the Commission, and the county plans in which the Commission's service area is located.
- B. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to section 5.E.2 of these Bylaws.
- C. The review should focus on:
 - 1. First and foremost, the process is intended to increase coordination of planning between governments.
 - 2. Consistencies or inconsistencies with your government's plan(s) for matters such as:
 - a. Border issues
 - b. Issues of greater than local concern
 - c. Comparison with local plan contents
 - d. Comparison with county/regional plan contents
 - e. Comparison to other relevant adopted plans (such as an historic preservation plan, local wetland protection plan, TIF or brownfield redevelopment plan, etc.).
 - f. Comparison to various implementation strategies.
 - 3. If the county planning commission considered the proposed plan inconsistent with the plan of any city, village, township, or region that received a copy of the draft plan (or amendment).
 - 4. If the county planning commission considers the draft plan (or amendment) to be inconsistent with a county plan(s), if any.
 - 5. Action by the Commission shall be based on, in part, a review of possible boundary conflicts between the plans of two municipalities. If a boundary conflict is found to exist the following shall apply:
 - a. The assumption is made that there should not be any provision of a municipal plan which is in conflict with the county plan.
 - b. The Commission shall use compliance with the county plan as its main tool for purposes of coordination of the proposed plans with the plans of municipalities having a common boundary. If a conflict is found to exist, it is not proper to assume the proposed plan is the problem. The problem

Plan Reviews

Sections 13.C.3., 13.C.4., and 13.C.5. are for county planning commissions only. If these bylaws are not for a county planning commission sections 13.C.3., 13.C.4., and 13.C.5. should be deleted.

could be the municipality which is adjacent to the municipality for which the plan is being reviewed. The problem could be both plans.

- c. The criteria to determine which municipality has the plan which causes the boundary conflict shall be the Commission's finding of compliance with the county plan. The municipality (or both municipalities) not in compliance with the county plan shall be deemed to have the plan which contributes to the boundary conflict.
- D. The review shall be in the form of a letter and shall take into account:
 1. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
 2. Focus only on significant issues, in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
 3. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
 4. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

14. Township Zoning Reviews.

- A. The Commission shall review all zoning ordinances and zoning amendments for townships within the county.
- B. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to section 5.E.2 of these Bylaws.
- C. Township zoning, which shall be submitted with the following information:
 1. The text of the proposed ordinance,
 2. The map for the proposed ordinance,
 3. A letter from the township's attorney of their choice indicating:
 - a. proper procedure for adoption and
 - b. the ordinance has been reviewed against all other applicable statutes and law, and
 - c. the ordinance is appropriately drafted for use as a legal/ordinance document.
- D. Action by the Commission shall be based, in part, on a review of possible boundary conflicts between the zoning of two municipalities. If a boundary conflict is found to exist the following shall apply:
 1. The assumption is made that there should not be any provision of the township plan which is in conflict with the county plan. Thus the proposed zoning, which is based on the township plan, should also comply with the county plan.
 2. The Commission shall use compliance with the county plan as its main tool for purposes of coordination of the proposed zoning ordinances with the zoning ordinances of other municipalities having a common boundary with the township. If a conflict is found to exist, it is not proper to assume the Township's proposed zoning is the problem. The problem could be the township or municipality which is adjacent to the township for which the zoning is being reviewed. The problem could be both zoning ordinances.
 3. The criteria to determine which municipality has the zoning which causes the boundary conflict shall be the Commission's finding of compliance with the county plan. The municipality (or both municipalities) not in compliance with the county plan shall be deemed to have the zoning which contributes to the boundary conflict.
- E. The review shall be in the form of a letter and shall take into account:
 1. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt, and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
 2. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
 3. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.

Township Zoning Reviews

Section 14. is for county planning commissions only. If these bylaws are not for a county planning commission, section 14. should be deleted.

4. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

15. Capital Improvements Review

- A. Capital Improvements (the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any public way, grounds, agricultural land, open spaces, buildings, or properties before work is started and after municipal capital improvement planning approval is obtained). If the funding for the capital improvement project is from a grant, this approval must be obtained prior to applying for the grant or done as part of the state or federal grant clearinghouse process.
- B. All preliminary plans and reports for the physical development of the [local unit of government], including the general location, character and extent of streets and roads, viaducts, bridges, farmland, agricultural land, forest land, parks and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals.
- C. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to section 5.E.2 of these Bylaws.
- D. When reviewing the proposed project the planning commission should at a minimum consider the following issues. If the answer to any of the below is "no," then the planning commission's review of the project should not be favorable.
 1. Is the proposed project consistent with adopted plans?
 2. Is the project consistent with other governmental management plans?
 3. Is the project consistent with the plans of each municipality located within or contiguous to the local unit of government?
 4. Is the project consistent with adopted, if any, capital improvement plans?
- E. The review shall be in the form of a letter, sent within 35 days after the proposal is filed for review, and shall take into account:
 1. Respect for the idea that the submission and review stages are near the end of a process. A community may be ready to start construction and others may be waiting for the task to be done.
 2. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
 3. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments or agencies of governments.
 4. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

The Statute Requires:

Section 61 of the Planning Act addresses CIP reviews, details of how that is done can be in the bylaws.

16. Capital Improvements Program

- A. Annually, a capital improvement program (CIP) of public structures and improvement shall be adopted.
- B. To do so, the Commission shall establish a committee consisting of volunteers from the community or a combination of volunteers and representatives from each department within the local unit of government.
- C. The planning commission should also include the following individual, individuals, agencies, and departments in preparing the CIP.
 1. Chief Executive (city manager, department heads, township manager, county controller/administrator, supervisor, city mayor, village president, etc.);
 2. All departments within the government;

The Statute Requires:

Section 65 of the Planning Act

Section 16 should be deleted if the planning commission is exempted from this duty by charter, because the legislative body asserts its authority to do so. This may be deleted in a township without water and/or sewer utilities or may be left in if the township chooses to do a CIP anyway.

3. Finance and budget department: The financial office or the person responsible who conducts the financial analysis and projections on costs and revenues for a capital improvement program and determines the best possible means to finance each capital project.
4. The Planning department staff (if any exist).
- D. The committee shall cause to be requested from each agency or department of the local unit of government (with authority for public structures or improvements) for an annual inventory of desired public improvement projects with lists, plans and estimates of time and cost involved.
- E. The committee or planning staff shall organize the proposed public structures and improvements in the general order of their priority, that in the committee's judgment will be needed or desired or can be undertaken in the ensuing 6-year period.
 1. In doing so, the committee may make use of expert advice and information from staff from the planning department or private consultants:
 - a. Governmental Accounting Standards Board (GASB) Statement No. 34, Basic Financial Statements –and Management's Discussing and Analysis– For State and Local Governments.
 - b. Population studies
 - c. Economic studies
 - d. Land Use Maps
 - e. Future Plans
 2. In doing so, the committee shall develop a formal set of criteria or use other techniques to use to organize the proposed public structures and improvements in order of importance. The following issues at a minimum should be considered:
 - a. Description, location, and purpose of project;
 - b. Justification for the need for project;
 - c. An explanation of its relationship to other projects;
 - d. The cost of project (submit detailed budget);
 - e. Estimated annual income from projects;
 - f. Estimated annual operation costs for the project;
 - g. Status of plans/specifications for the project and the expected length of time the capital project will last;
 - h. Year construction of project should start;
 - i. The rank/importance of project within department submitting it;
 - j. Environmental, health, and safety impacts and energy consumption.
 3. The proposed public structures and improvements in order of importance shall be considered a draft CIP, which shall be presented to the Commission.
- F. The planning commission shall review the CIP:
 1. The review shall include each project to determine the conformance of the projects with community comprehensive plans, development policies, and the objectives and goals of the community.
 2. The review shall include an opportunity for agencies to present their arguments for why any given project should be included in the program and at what order of priority.
 3. Upon completion of the review, a second draft of the CIP shall be prepared.
- G. The planning commission shall hold a public hearing on the second draft of the CIP.
- H. After the hearing, if needed, a third draft of the CIP shall be prepared. The planning commission then:
 1. Formally adopts the CIP in the form of a recommendation to the legislative body for adoption; or
 2. Adopts an amended version of the CIP in the form of a recommendation to the legislative body for adoption; or
 3. Does not approve, thus does not adopt the ranked listing/project priorities, and proceeds to further revise the CIP until the Commission is prepared to adopt the CIP.
- I. If the legislative body refers the CIP back to the Commission, the Commission shall further review the CIP, make modifications, and submit another version of the CIP to the legislative body.

17. Subdivision Review

- A. Prepare a Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), or amendments to the same, to submit to the legislative body
- B. Proposed Subdivisions.
 - 1. Staff for the Commission is to receive a plat and determine that the submission is complete. If incomplete, the plat shall be returned to the applicant with a list of deficiencies. If complete, the plat shall be received on behalf of the Commission.
 - 2. Conduct a review of plats of proposed subdivisions (and/or site-condominium).
 - 3. Hold a hearing on a proposed subdivision (and/or site-condominium) with notice of the hearing sent not less than 15 days before the date of the hearing.
 - a. The notice shall contain an explanation of what the hearing is for, the location and nature of the proposed development, the date, time, place of the hearing, where written comments may be submitted, and the deadline for those written comments.
 - b. The notice shall be sent to the person indicated on the plat (and/or draft site-condominium master deed) as the proprietor or other person(s) to whom notice of the hearing shall be sent, the property owner, and adjacent property owners.
 - c. The notice shall be published in a newspaper of general circulation in the [local unit of government]
 - d. Any others as required by the Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance).
 - 4. Within 63 days of a complete plat (and/or draft site-condominium master deed) being submitted, act on the proposed subdivision (and/or site-condominium) in the form of a recommendation to the legislative body of the municipality in which the proposed subdivision (and/or site-condominium) is located.
 - a. If applicable standards under the Land Division Act (M.C.L. 560.101 *et seq.*), Condominium Act (M.C.L. 559.101 *et seq.*) if applicable, and Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), the Commission shall recommend approval.
 - b. Grounds for any recommendation of disapproval of a plat (and/or Site-Condominiums) shall be stated upon the record of the Commission.
 - c. If the Commission does not act within the 63-day period, the plat (and/or Site-Condominiums) shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the Commission upon request of the applicant. The applicant may waive the 63-day period and grant an extension.
- C. Master Plan Amendment. Commission approval of a subdivision shall be considered to be an amendment to the master plan and a part thereof. The Commission shall cause the official copies of the master plan to be modified to reflect the amendment to the master plan within 30 days of the subdivision approval.

18. Other Matters to be considered by the Commission

- A. Commission Action. The following matters shall be presented for consideration at a meeting of the Commission:

The Statute Requires:

Section 71 of the Planning Act, for subdivision reviews. These bylaws should include detail on how review of subdivisions are handled when the community has adopted its subdivision review ordinance.

Site-Condominium and Land Division regulations might also be included in one comprehensive ordinance. However the review of site-condominiums must be based on authority found in the Condominium Act, M.C.L. 559.101 *et seq.* It is not enough to just indicate in the bylaws review of site-condominiums will be done. Such authority must be done by adopted ordinance. Consult the local government's attorney.

Land Division reviews should be done by the tax assessor or other designated official: that is a individual person, not a board or commission (M.C.L. 560.109(1)).

Other Matters considered by the Commission

Section 12.A. about matters to come before the Commission, and other duties the Commission may have should be reviewed carefully to insure there are not any additions or deletions. It is appropriate to delete those that do not apply.

1. At least annually, the adoption of priorities for the Commission's plan of work.
2. Annually, preparation of an annual report of the Commission.
3. Office, or Administrative Policy and ruling of interpretation of regulations by the Commission or its staff.
4. The general character, extent and layout of the replanning and redevelopment of blighted districts and slum areas.
5. Land subdivision plats.
6. All address changes pursuant to the [local unit of government] Address Ordinance, as amended.
7. All Planning reports and plans before publication.
8. Matters which properly come before the [local unit of government] County Designated Solid Waste Planning Agency, pursuant to Part 115 of P.A. 451 of 1994, as amended, (being the Solid Waste Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11501 *et seq.*)

9. Soil and Sedimentation Control Board of Appeals cases.
10. All matters of business of the [local unit of government] County Resource Conservation and Development Committee, with the Commission acting as that committee.
11. All matters of business of the [local unit of government] County policy committee as created by the [local unit of government] County Remonumentation Plan.
12. All matters of business concerning [local unit of government]'s computer, or digital, Geographic Information System (GIS) as delegated by the [legislative body] on [date] with power to act.
13. Planning Department's and Commission's budget requirements for the fiscal year and request for appropriation.
14. Selection of consultants and determination of basis for compensation and selection of a Planning Director.
15. Such other matters as the Director shall find it advisable or essential to receive consideration by the Commission.

- B. Staff Policy. From time to time the Commission shall publish policy to further define and categorize work done by staff for municipalities in [local unit of government] County as:
1. Tasks which are a basic purpose of the County Planning Commission and for which no charge or fee shall be charged.
 2. A secondary purpose of the Commission which is to include "assistance" to municipalities in [local unit of government] County for which a fee may or may not be charged, as may be established from time to time by the Commission.
 3. A secondary purpose of the Commission which is to include "work" on a contract or for hire basis by municipalities in [local unit of government] County for which a fee shall be charged, as established from time to time by the Commission.
- C. Fees. The Commission shall from time to time establish fees for services, municipal "assistance", or municipal "work". Such fees shall not contravene any state statute, county ordinance, or fee established by the [local unit of government] legislative body.

19. Commission staff

- A. Authorization. The Commission staff may consist of a Planning Director and such other personnel as may be authorized by the Commission after the budget for the same is approved by the [local unit of government].
1. Planning Director selection shall in addition to [local unit of government] policy and/or Labor Contract requirements include considering this position as necessary to fill from candidates

County only:

Sections 18.A.8., 18.A.10., and 18.A.11. apply to county planning commissions only, and should be deleted in city, village, and township planning commission bylaws.

Section 18.A.9. does not apply to a township planning commission. Section 18.A.9. should be deleted for a township bylaws and only left in a city or village planning commission bylaws if the city or village is the designated soil and sedimentation control agency.

Commission staff

Section 13 on Commission staff should be omitted if there is no staff. Section 5.M., section 8, section 12.B. and section 12.C. should also be changed to reflect that there is no staff or some other office will handle the functions.

- representing more than just the [local unit of government] labor market. Thus, any advertising for this position should appear, in order of priority in:
- a. *Planning and Zoning News of Lansing*
 - b. Newspapers of general circulation in [local unit of government]
 - c. Michigan State University Career Placement Bulletin
 - d. University of Michigan Career Placement Bulletin
 - e. Wayne State University Career Placement Bulletin
 - f. Central Michigan University Career Placement Bulletin
 - g. Northern Michigan University Career Placement Bulletin
 - h. *Detroit News-Free Press* Sunday edition (optional)
 - i. American Planning Association *Job Mart* (optional, only if nation-wide candidate search is desired).
2. Assistant Planner(s) selection shall in addition to [local unit of government] policy and/or Labor Contract requirements include considering these positions as necessary to fill from candidates representative of labor markets both in and outside the [local unit of government]. Thus, any advertising for this position should appear, in order of priority in:
 - a. *Planning and Zoning News of Lansing*
 - b. Newspapers of general circulation in [local unit of government]
 - c. Michigan State University Career Placement Bulletin
 - d. University of Michigan Career Placement Bulletin
 - e. Central Michigan University Career Placement Bulletin
 - f. Northern Michigan University Career Placement Bulletin
 - g. *Detroit News-Free Press* Sunday edition (optional)
 - h. American Planning Association *Job Mart* (optional, only if nation-wide candidate search is desired).
 3. Zoning Administrator(s) selection shall in addition to [local unit of government] policy and/or Labor Contract requirements include considering these positions as necessary to fill from candidates representative of labor markets both in and outside the [local unit of government]. Thus, any advertising for this position should appear, in order of priority in:
 - a. *Planning and Zoning News of Lansing*
 - b. Newspapers of general circulation in [local unit of government]
 - c. Michigan State University Career Placement Bulletin
 - d. University of Michigan Career Placement Bulletin
 - e. Central Michigan University Career Placement Bulletin
 - f. Northern Michigan University Career Placement Bulletin
 - g. *Detroit News-Free Press* Sunday edition (optional)
 - h. American Planning Association *Job Mart* (optional, only if nation-wide candidate search is desired).
 4. Planning Department Secretary(ies), Planning Technicians, and Assistant Zoning Administrators selection shall in addition to [local unit of government] policy and/or Labor Contract requirements include considering this position to be filled from the [local unit of government] labor market area with advertising in local media.
- B. General Responsibility. The Commission staff is charged with the duty of preparation and administration of such plans as are authorized by the Commission, appropriate for the [local unit of government] and its environs and are within the scope of the Planning Act and the Zoning Act.
 - C. Advocacy. The Commission staff shall not attempt to represent the views or comments of a member of the public at a public hearing or Commission meeting. Staff shall indicate a member of the public wishing to make their views known and they should do so directly to the Commission in person, through an agent, or by providing written comment. Staff should avoid situations of appearing to advocate for an individual or group. Nothing herein is intended to prevent staff from helping an individual or group be better informed and to present their own views. Nothing herein is intended to prevent staff from expressing their own views as private citizens.
 - D. Coordinated Enforcement. To further supplement the small number of staff responsible for inspections and enforcement of various regulations, staff shall report all suspected problems or violations seen during the course of their work. Staff shall follow the following procedures and guidelines:
 1. When observing a problem or suspected violation, do not assume a violation exists or confront the suspected perpetrator. Avoid a situation where discussion or confrontation exists in an area outside the staff person's jurisdiction.
 2. Report the problem or suspected violation to the [local unit of government] department, county, state, or federal agency which has jurisdiction, as quickly as possible.

3. When observing or receiving a report from another [local unit of government] department, county, state, or federal agency, of a problem or suspected violation, pursue enforcement, or its resolution through normal procedures for the particular situation.

E. Conflict of Interest.

1. All members of the Commission's staff shall avoid situations which are conflicts of interest, and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
 - b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
 - c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
 - d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
 - e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
 - f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - (1) an applicant or agent for an applicant, or
 - (2) has a direct interest in the outcome.
2. When a conflict of interest exists staff shall do all of the following immediately, upon first review of the case and determining a conflict exists:
 - a. declare a conflict exists,
 - b. cease to process the case any further, and
 - c. forward the case, and all pertinent records, to an alternate, assistant, or manager so the case is dealt with by someone else.
3. Other than as part of work for the Commission staff shall not (1) provide private consultation services, or advise on similar related services for clients, (2) provide work in professions or services which is or could be regulated by the Commission (such as, but not limited to planning, zoning, real estate, land development, solid waste, land surveying, architecture, professional and civil engineering, landscape architecture, sociology, economics, geography, political science, public administration consulting or work) within a site within the boundaries of [local unit of government] or for clients who are or may be applicants before the Commission, Zoning Board of Appeals, or the Commission's staff. This is not intended to prevent a staff person from assisting residents, municipalities, or others seeking help from the Commission, which are normally part of an employee's duties.

Adjacent Land and Conflict of Interest

Some thought should be given to how far away from one's own property one goes to consider it to be a conflict of interest. In a very small community, with a large distance from the property, it may be hard to ever have a situation which is not a conflict for a number of members of the Commission.. This practical matter should be balanced with the need to avoid the appearance of conflict and actual conflicts.

Courts have only gone as far as the adjacent parcel, and do not consider it a conflict beyond that. Some communities have used a "within 300 feet" standard (the same distance where notices are required).

Family and Conflict of Interest

Some thought should be given to how expansive, or limited, the list of who is included in "family" is. In a very small community, with an expansive list of family, it may be hard to ever have a situation which is not a conflict. This practical matter should be balanced with the need to avoid appearance and actual conflicts.

- F. Planning Director's Duties. The Planning Director shall be responsible for the professional and administrative work in directing and coordinating the program of the Commission. His or her work shall be carried on with the widest degree of professional responsibility, subject to the policy determinations and job description as adopted from time to time by the Commission and administrative policies of the County. In addition to any

job description adopted from time to time by the Commission, the basic fundamentals of the Planning Director's job shall include, but not be limited to:

1. Recommendations. The Planning Director shall take action or make recommendations in the name of the Commission, in accordance with such plans, policies and procedures as are approved or established by the Commission from time to time. Where there is a serious conflict of interest, public controversy, or uncertainty or doubt as to the plans, policies, or procedures approved or established by the Commission, presentation of the matter shall be made at a Commission meeting.
2. Administrative Duties. The Planning Director shall:
 - a. Supervise and review the work of the professional, technical, and nontechnical employees of the Commission staff.
 - b. Prepare a proposed annual budget for the Commission and Department to submit to the Commission.
3. Policy Formulation. The Planning Director shall:
 - a. Be responsible for carrying out the directives of the Commission.
 - b. Advise and assist the Commission in the establishment of general planning policy.
 - c. Work with the Chair of the Commission for formulation of staff policy, subject to approval by the Commission.
 - d. Recommend to the Commission action necessary for effectuating plans with respect to both public and private endeavors.
 - e. Administer zoning and subdivision ordinances.
 - f. Prepare drafts of Capital Improvement Programs.
 - g. Prepare long range comprehensive plans and other plans.
4. Public Relations. The Planning Director shall:
 - a. Officially present the Commission's recommendations to the governing body.
 - b. Officially represent the Commission and its staff at planning conferences, interdepartmental meetings of the county government, and serve generally as a liaison between the Commission and the public.
 - c. Encourage private development or investment in accord with comprehensive plans.
 - d. Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.
 - e. Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding of and government cooperation with planning efforts.
 - f. Accept other responsibilities as may be directed by the Commission, Governing Body, or Chief Executive.
5. Commission duties delegated to the Planning Director:
 - a. To oversee and coordinate Commission staff teams, pursuant to section 9 of these rules as directed.
- G. Other Staff Duties. The Commission shall establish, with consultation with the Planning Director from time to time, updated job descriptions for each staff position in the Planning Department.

Spokesperson

Section 3.D. of these Bylaws also provides for a spokesperson for the Commission. Make sure the provision in section 3.D. does not contradict with the staff performing that function here. Consider omitting the reference here or editing section 3.D. to make a cross-reference to here (§19.F.4.a.).

20. Adoption, Repeal, Amendments

- A. Upon adoption of these Bylaws of [date], they shall become effective and all previous Bylaws, shall be repealed.
- B. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
- C. These Bylaws may be amended at any regular or special meeting by a two-thirds ($\frac{2}{3}$) vote of the members present.