

1. September 20, 2016 Agenda

Documents:

[09-20-16 COUNCIL AGENDA.PDF](#)

2. September 20, 2016 Packet

Documents:

[09-20-16 - COUNCIL PACKET.PDF](#)

**MAYOR  
Michael C. Taylor**

**COUNCIL MEMBERS**

**Joseph V. Romano, Mayor Pro Tem  
Deanna Koski  
Maria G. Schmidt**

**Nate Shannon  
Doug Skrzyniarz  
Barbara A. Ziarko**

**CITY OF STERLING HEIGHTS**

**AGENDA FOR REGULAR CITY COUNCIL MEETING**

**TUESDAY, SEPTEMBER 20, 2016**

**7:30 P.M.**

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**LOCATION: CITY COUNCIL CHAMBERS, CITY HALL, 40555 UTICA ROAD, PHONE (586) 446-CITY  
(MINUTES OF COUNCIL MEETINGS ARE FILED IN THE CITY CLERK'S OFFICE)**

**MEETING CALLED TO ORDER**

**PLEDGE OF ALLEGIANCE TO THE FLAG AND INVOCATION**

**ROLL CALL**

**APPROVAL OF AGENDA**

**REPORT FROM CITY MANAGER**

**PRESENTATION**

**Nice Neighbor**

**Nice Neighbor (Presentation – Fire Chief Chris Martin).**

**Presentation of the Sterling Heights Fire Department's Survival Coin Program (Fire Chief Chris Martin).**

**To acknowledge and accept a donation to the Sterling Heights Fire Department from Buff Whelan Chevrolet (Presentation – Fire Chief Chris Martin).**

**ORDINANCE INTRODUCTION**

1. **To consider introduction of an ordinance amending Zoning Ordinance No. 278 to upgrade the landscaping and site improvement standards for nonresidential properties and developments within the City (Presentation - Chris McLeod, City Planner).**
2. **To consider introduction of a map amendment to Zoning Ordinance No. 278 to conditionally rezone property on the east side of Ryan Road, south of Nathan West in Section 17 from to R-60 (One Family Residential District) to C-1 (Local Convenience Business); Case No. PZ15-1136 (Presentation – Chris McLeod, City Planner).**
3. **CONSENT AGENDA**
  - A. **Approval of Minutes**  
**Regular Meeting of September 6, 2016**
  - B. **Approval of Bills**
  - C. **To purchase two investigative vehicles for the Sterling Heights Police Department (Total expenditure of \$45,942).**
  - D. **To purchase DSX Access System Upgrades at City facilities (Total expenditure of \$56,391.45).**
  - E. **To set a public hearing to consider the request by DM Tool & Fab Inc. for an Industrial Facilities Tax Exemption Certificate at 6101 Eighteen ½ Mile Road.**
  - F. **To approve a change order in connection with repairs to the 48” storm sewer pipe at 42724 Pond View Drive (Increase in project cost of \$81,800.00).**
  - G. **To approve a change order in connection with repairs to the 72” storm sewer culvert at Red Run Street, north of 14 Mile Road (Increase in project cost of \$24,500.00).**
  - H. **To approve a contract between the Michigan Department of Transportation and the City of Sterling Heights for the Dodge Park Shared Use Trail Bridge Over Clinton River, City Project #15-277 (Estimated City share of project cost is \$491,797).**

**CONSIDERATION**

4. **To consider an appointment to the City of Sterling Heights Zoning Board of Appeals.**

**COMMUNICATIONS FROM CITIZENS**

**(a) This item shall be taken up at 10:00 p.m. if the business portion of the agenda has not been concluded.**

**In accordance with the Sterling Heights Governing Body Rules of Procedure, under this agenda item, citizens are permitted to address the City Council on issues not on the agenda. Citizens are afforded a reasonable opportunity to be heard. Generally, no response shall be made to any communication from a citizen until all citizens have been permitted to speak.**

**You may be called to order by the Chair or a Council member if you:**

- **Attempt to engage the Council or any member in debate**
- **Fail to address the Council on matters germane to City business**
- **Use vulgarity**
- **Make personal attacks on persons or institutions**
- **Disrupt the public meeting**

**If you are called to order, you will be required to take your seat until the Council determines whether you will be permitted to continue.**

**These rules are in place and will be followed to ensure order and civility.**

**REPORTS FROM CITY ADMINISTRATION AND CITY COUNCIL**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**CLOSED SESSION PERMITTED UNDER ACT 267 OF 1976 - (roll call vote required)**

**ADJOURN**

**Clerk of the Council**

**The City of Sterling Heights will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon 7 days notice to the Community Relations Department at 446-CITY.**

**The backup information for this agenda is available on the City's website.  
Go to [www.sterling-heights.net](http://www.sterling-heights.net) and click on City Council e-Packets.**

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Michael C. Taylor**

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## CITY MANAGER'S REPORT

### **September 20, 2016 --- CITY COUNCIL MEETING**

#### **A. UPCOMING CITY EVENTS**

○ **VAN DYKE REDEDICATION & FALL GRUB CRAWL**

As a reminder, the City will be hosting a rededication ceremony of Van Dyke tomorrow at 5 pm near the Metro Parkway intersection. The Sterling Heights Regional Chamber of Commerce and Industry's Annual Fall Grab Crawl will begin at 5:30 pm and involve restaurants along Van Dyke. Contact the Sterling Heights Regional Chamber at 586-731-5400 for more information and to register.

○ **STATE OF THE CITY**

The City of Sterling Heights is having its first annual State of the City address on Friday, September 30<sup>th</sup> at the Wyndham Garden Hotel. Attendees will hear from Mayor Taylor and city leaders on current projects and future initiatives. The event begins at 8 am. Contact the Sterling Heights Regional Chamber at 586-731-5400 for more information and to register.

○ **FIRE DEPARTMENT ANNUAL OPEN HOUSE**

The Sterling Heights Fire Department is having its annual Open House from **11am – 2pm on Sunday, October 2<sup>nd</sup> at Fire Station #4** (adjacent to Baumgartner Park). Residents are encouraged to join the fire department for a festival of fun and fire safety. Events include activities for kids, fire department exercises and various displays. Visitors will also be treated to refreshments, clowns and safety information.

The city's Firefighters Union, Local 1557, and local businesses are donating time, goods and services to continue this popular fire education program that attracted record crowds last year. The city's firemen/paramedics on site will once again donate their time and talents to the Open House. For further information, please contact the Fire Department at 586-446-2950.

○ **RECREATING RECREATION FORUM**

If you've been unable to attend the first 3 Recreating Recreation Forums, you still have an opportunity to attend the final forum on Tuesday, October 11<sup>th</sup> at 6:30 pm at the Senior Center.

○ **4<sup>TH</sup> ANNUAL PUTTIN' ON THE RITZ**

The Sterling Heights Community Foundation presents the 4<sup>th</sup> Annual Puttin' on the Ritz Gala honoring Barbara W. Rossman, President & CEO of Henry Ford Macomb Hospitals as she receives the second annual Richard J. Notte Civic Service Leadership Award for all she has done to help strengthen Macomb County by building and operating an extensive world-class health provider, and for the leadership she provides to nearly one dozen community civic organizations throughout Southeastern Michigan. Tickets are available through the Sterling Heights Community Foundation.

**B. Presentation – Election Update**

**C. MISCELLANEOUS**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark D. Vanderpool", written over a horizontal line.

Mark D. Vanderpool, City Manager



Business of the City Council  
Sterling Heights, Michigan

DELIVERED SEP 15 2016

City Clerk's Use

Item No: *Presentation #1*

Meeting: 9/20/2016

AGENDA STATEMENT

OMB AS03 Rev. 11/04

Item Title: Nice Neighbor Award Presentation

Submitted By: Community Relations Department

Contact Person/Telephone: Sue Giallombardo, Community Relations Specialist / 446-2473 *SES*

Administration (initial as applicable)

Attachments

<i>NK</i> City Clerk	___	Resolution	___	Minutes
<i>AB</i> Finance & Budget Director	___	Ordinance	___	Plan/Map
<i>MK</i> City Attorney (as to legal form)	___	Contract	___	Other
<i>MY</i> City Manager				

Check box if this agenda item requires billing\revenue collection (fees, etc.) by Treasury Office

Executive Summary

This is another presentation in the Nice Neighbor Program, which honors homeowners and businesses that improve the quality of life for their neighbors. The Community Relations Department is proud to present Bill Koza for recognition as a recipient of a Nice Neighbor award. Mr. Koza was nominated by his neighbor, Ed Biegas, for the Nice Neighbor award.

In support of this nomination, Mr. Biegas states that he and Mr. Koza have been neighbors for 25 years. Ed adds that Bill has an enormous amount of tools and knows how to repair anything and everything for all of the neighbors. Ed stated that Bill is always there, whenever you need him, helping out with yardwork and home repairs.

"He is an all-around nice guy", notes Mr. Biegas. "I couldn't have asked for a better neighbor and we are lucky to have him around."

Suggested Action:

Present Bill Koza with a Nice Neighbor Award in recognition of his efforts to assist the community and contributions in making Sterling Heights' overall quality of life second to none.

The Sterling Heights Mayor & City Council  
proudly issue this

## NICE NEIGHBOR AWARD

to

**Bill Koza**

*In recognition of your efforts to assist your community and contributions  
in making Sterling Heights' overall quality of life second to none.*



Mayor Michael C. Taylor  
Mayor Pro Tem Joseph V. Romano  
Councilwoman Deanna Koski  
Councilwoman Maria G. Schmidt  
Councilman Nate Shannon  
Councilman Doug Skrzyniarz  
Councilwoman Barbara A. Ziarko

*Issued: September 20, 2016*



Business of the City Council
Sterling Heights, Michigan

DELIVERED SEP 15 2016

City Clerk's Use

Item No: Presentation #2
Meeting: 9/20/2016

AGENDA STATEMENT

OMB AS03 Rev. 11/04

Item Title: Nice Neighbor Award Presentation (Presentation – Fire Chief Chris Martin).

Submitted By: Fire Department

Contact Person/Telephone: Chris Martin, Fire Chief 446-2951

Administration (initial as applicable)

Attachments

Table with 4 columns: Initials, Title, Attachment 1, Attachment 2. Rows include City Clerk, Finance & Budget Director, City Attorney, and City Manager.

Check box if this agenda item requires billing/revenue collection (fees, etc.) by Treasury Office

Executive Summary

This is another presentation in the Nice Neighbor Program, which honors homeowners and businesses that improve the quality of life for their neighbors.

In support of this nomination, the Fire Department cites Towne Place Suites implementation of the Helping Hands Program for the benefit of Sterling Heights residents who are impacted by a fire or other casualty loss.

Tonight, Patti Najduk and Kevin Lawn are present and representing Marriott Towne Place Suites. Patti and Kevin have been integral to making this benefit available to Sterling Heights residents in time of need.

Suggested Action:

Present Marriott Towne Place Suites with a Nice Neighbor Award in recognition of its efforts to assist the community and contribution in making Sterling Heights' overall quality of life second to none.

*The Sterling Heights Mayor & City Council  
proudly issue this*

## **NICE NEIGHBOR AWARD**

*to*

### **Marriott Towne Place Suites**

*In recognition of your efforts to assist your community and contributions  
in making Sterling Heights' overall quality of life second to none.*



**CITY OF  
Sterling  
Heights**  
InnovatingLiving

A handwritten signature in black ink, which appears to be "Michael C. Taylor".

Mayor Michael C. Taylor  
Mayor Pro Tem Joseph V. Romano  
Councilwoman Deanna Koski  
Councilwoman Maria G. Schmidt  
Councilman Nate Shannon  
Councilman Doug Skrzyniarz  
Councilwoman Barbara A. Ziarko

*Issued: September 20, 2016*



Business of the City Council
Sterling Heights, Michigan

DELIVERED SEP 15 2016

City Clerk's Use
Item No: Presentation #3
Meeting: 9/20/16

AGENDA STATEMENT

OMB AS03 Rev. 11/04

Item Title: Presentation of the Sterling Heights Fire Department's Survival Coin Program (Fire Chief Chris Martin)

Submitted By: Sterling Heights Fire Department

Contact Person/Telephone: Chris Martin, Fire Chief (586) 446-2951

Administration (initial as applicable)

Attachments

Table with 4 columns: Initials, Name, Attachment Type, and Description. Rows include City Clerk, Finance & Budget Director, City Attorney, and City Manager.

Check box if this agenda item requires billing/revenue collection (fees, etc.) by Treasury Office

Executive Summary

Introduction - The Sterling Heights Fire Department (SHFD) responds to over 100 cardiac arrest cases annually. Patient survival rates improve significantly where there is early recognition of the event, prompt intervention and transport by paramedics, and cardiac treatment administered by physicians at cardiac care hospital units.

Sterling Heights is blessed to have personnel and resources available to ensure that cardiac patients benefit from these life-saving factors. Statistics demonstrate that cardiac patients in Sterling Heights have better odds for surviving a cardiac arrest as compared to national averages.

Survival Coin Program - The goal of SHFD first responders is to ensure that the patient survives and is provided the very best cardiac care to minimize the impact on quality of life. Successful outcomes are very rewarding for everyone involved. Unfortunately, all too often, first responders and patients have no contact once patient care is transferred to the primary cardiac care physician. To bridge this gap, the SHFD is initiating the Survival Coin Program. Through a small token presented by the SHFD, the bond that started under emergency conditions is sealed through a personal connection between first responder and patient celebrating a life saved.

Tonight, the inaugural recipients of the Survival Coin will be present. Fire Chief Martin will introduce the recipients and present them with their Survival Coin.

Suggested Action:

MOVED BY:

SECONDED BY:



**Business of the City Council  
Sterling Heights, Michigan**

DELIVERED SEP 15 2016

City Clerk's Use  
Item No: *Presentation #4*  
Meeting: 9/20/16

**AGENDA STATEMENT**

OMB AS03 Rev. 11/04

**Item Title:** To acknowledge and accept a donation to the Sterling Heights Fire Department from Buff Whelan Chevrolet (Presentation – Fire Chief Chris Martin).

**Submitted By:** Sterling Heights Fire Department

**Contact Person/Telephone:** Chris Martin, Fire Chief (586) 446-2951

**Administration (initial as applicable)**

**Attachments**

<i>MC</i> City Clerk	___	Resolution	___	Minutes
<i>BB</i> Finance & Budget Director	___	Ordinance	___	Plan/Map
<i>MC</i> City Attorney (as to legal form)	___	Contract	___	Other
<i>MV</i> City Manager				

Check box if this agenda item requires billing\revenue collection (fees, etc.) by Treasury Office

**Executive Summary**

Buff Whelan Chevrolet, located at 40445 Van Dyke, has been a fixture in the City's business community for many years. In recognition of Firefighter Appreciation Day celebrated on August 11, 2016, Buff Whelan Chevrolet is donating \$500 to the City to fund the Fire Department's public education outreach initiatives. The proceeds of the donation will be used to purchase materials in support of the annual Fire Department Open House occurring Sunday, October 2<sup>nd</sup> and future educational programs.

Buff Whelan Chevrolet's generosity did not end with the monetary donation. On the Firefighter Appreciation Day, Buff Whelan Chevrolet hosted a luncheon for its employees and on-duty personnel of the Fire Department at the dealership. Both the food and company were greatly appreciated by all fire department personnel.

It is appropriate to acknowledge the donation and generosity of Buff Whelan Chevrolet, which will enable the Sterling Heights Fire Department to advance its mission of protecting life and property.

**Suggested Action:**

**MOVED BY:**

**SECONDED BY:**

RESOLVED, to acknowledge and accept the donation in the amount of \$500 to the Sterling Heights Fire Department by Buff Whelan Chevrolet, 40445 Van Dyke, Sterling Heights, Michigan.



**AGENDA STATEMENT**

OMB AS03 Rev. 11/04

Item Title: To consider introduction of an ordinance amending Zoning Ordinance No. 278 to upgrade the landscaping and site improvement standards for nonresidential properties and developments within the City (Presentation - Chris McLeod, City Planner).

Submitted By: Office of Planning

Contact Person/Telephone: Chris McLeod, City Planner/446-2384 *com*

Administration (initial as applicable)

Attachments

<i>MC</i> City Clerk	___	Resolution	___	Minutes
<i>B</i> Finance & Budget Director	<u>x</u>	Ordinance	___	Plan/Map
<i>MK</i> City Attorney (as to legal form)	___	Contract	___	Other
<i>MV</i> City Manager				

Check box if this agenda item requires billing\revenue collection (fees, etc.) by Treasury Office

Executive Summary:

Introduction

The Office of Planning has been working with City Administration and the City Attorney's office over the past several months to prepare revised landscaping and site improvement standards for nonresidential properties throughout the City. The ordinance amendments are a priority in that the City is constantly striving to improve the condition of properties under development through additional landscaping, site improvements, and amenities. As part of this initiative, the City is interested in increasing its "green footprint" (the total area of overall greenspace, landscaping and amenities) within all developments in the City. These amendments promote all of the guiding principles set forth in City's overall 2030 Visioning Plan:

- Focal points that are both public and private to serve as destinations for residents and visitors
- Well maintained and aesthetically pleasing roads and green spaces
- Successful, vibrant and attractive commercial centers with unique offerings
- Destination for high-tech and emerging industries and entrepreneurs

The City has a solid reputation for supporting the business community through a low tax rate, comparatively low water and sewer rates and where applicable providing tax incentives to foster the continued growth of businesses. This pro-business philosophy is continued in the proposed ordinance. The increased aesthetic standards outlined in this ordinance are partially offset from a cost basis by decreased requirements for parking. Property owners are able to designate future parking areas and construct those areas as needed. This will result in significant cost savings while enhancing the look of commercial property.

## Proposed Ordinance:

The proposed ordinance includes the following components which together will improve the landscaping and aesthetics of nonresidential properties within the City while decreasing the cost to develop future sites or redevelop existing sites through relaxed parking standards:

### Frontage Landscaping (Section 24.03, Paragraph B)

This revised section augments the existing front yard landscaping requirements. The current requirements are only that:

- (1) Street landscaping must be installed equal to the depth of the required front yard setback; and,
- (2) One tree must be installed for every 30 feet of linear frontage.

The new requirements are more substantial and more specific:

- In the frontage greenbelt area, one frontage tree will now be required for each 750 square feet of frontage greenbelt. The trees will have to be at least 3" in caliper at the time of planting and will be limited to certain species which are more apt to thrive in areas that are near a roadway.
- In addition, one shrub would be required for each 300 square feet of frontage greenbelt. The shrubs must be a minimum 2 gallon size at planting and must be from the City's list of designated species.
- The frontage greenbelt is also required to include some perennial flowers and grasses (from a list of species) which will enhance the aesthetics of the frontage greenbelt.
- If there are any parking spaces located within 50' of a public street or right of way, or within 50' of a private street, the perimeter landscaping must include a hedge of upright evergreens or deciduous shrubs at a rate of 1 shrub for every 30" of parking or maneuvering lane along the frontage. They can be planted as a formal hedge, or grouped in natural groupings.
- The frontage landscaping should include a variety of species of trees and shrubs, with one particular species of tree or shrub not accounting for more than 50% of the total.
- Frontage landscaping on Van Dyke between 14 Mile Road and 18 Mile Road must incorporate a variety of shade trees, ornamental trees, shrubs, perennials, and grasses from the approved list of landscape materials and plant types included in the 2016 LDFA/Smart Zone Enhancement Report that was utilized for the new landscaping along Van Dyke in that area. Samples are depicted in the draft ordinance.

### Foundation Plantings (Section 24.08)

This new section introduces a requirement that landscaping be installed in areas around the building (particularly the sides that are visible from the street and other public areas), not just in the front yard setback area.

- Current landscaping requirements do not require foundation plantings for commercial buildings or industrial buildings (defined as decorative landscaping planted adjacent to exterior building walls visible from a public thoroughfare, a parking lot, or an outdoor dining area or outdoor plaza area). Under this draft, foundation plantings must be installed along 50% of the linear frontage of an office or commercial building or along the parts of the building dedicated to office and administrative use on industrial sites.

- The foundation plantings must be at least 3' deep within 12' of the exterior building wall, and may include in-ground landscaping, raised beds, decorative planters or a combination of them. Additional landscaping is required adjacent to outdoor dining areas and outdoor plazas. A graphic of foundation plantings is included in the draft ordinance.

#### Off-Street Parking Lot Landscaping (Section 24.03, Paragraph A)

This revised section imposes greater and more specific landscaping requirements for parking lots. It requires curbed landscaped islands in the parking lots that must be landscaped with hardy species of trees at a rate of one for each 150 square feet and shrubs or flowering plants covering 50% of the island area. The interior parking lot tree requirement has been enhanced as well.

- The ordinance upgrades current parking lot landscaping requirements by requiring curbed landscaped islands of a minimum of 150 square feet in area at the end of each row. A graphic of a curbed landscaped island is provided.
- Interior parking lot trees shall be installed at a rate of 1 tree for each 5 parking spaces (instead of the current 1:6 ratio). The types of trees to be installed are specified to ensure that trees most apt to survive in parking lot use are utilized. Clear vision for vehicles, bicyclists, and pedestrians near the parking lot landscaping must be maintained.
- The curbed landscaped islands must be planted with shrubs or other flowering plants covering at least 50% of the area of the island.

#### Reserved Future Parking Areas (Section 23.01, Paragraph N)

This new section introduces the concept of allowing a developer or property owner to reserve an area for future parking to be installed if needed rather than requiring installation of larger, possibly unneeded asphalt parking areas which are environmentally unfriendly, while reserving the City's right to require their installation in the future if and when needed.

- In order to minimize the amount of unnecessary asphalt paving in shopping areas while planning for the possibility of the need to install additional parking in the future if the uses change, the concept of reserved parking areas is being introduced.
- Where the developer or owner shows that the specific proposed use requires a fewer number of parking spaces than typically required by the Zoning Ordinance based on a smaller total usable floor area, a substantially smaller total number of employees than typically anticipated for such uses, the existence of a combination of uses which share parking facilities, or the proposed use has peak hours of operation which vary from typical business hours, making the required parking excessive.
- With City approval, a developer or owner may request that a certain number of parking spaces be reserved for possible future installation.
- The reserved parking spaces must be shown on the site plan and clearly identified as "Reserved Future Parking Area" with a notation that "No buildings, structures, or improvements shall be constructed in the Reserved Future Parking Area."
- If deemed necessary by the City due to traffic patterns, a change in use or an increase in intensity of the use on the property, a decrease in approved storage area, etc., or any other factor that warrants the installation of some or all of the reserved parking spaces, the additional requested parking spaces must be installed within 6 months of the City's request.

- A recordable agreement satisfactory to the City Planner and City Attorney must be executed and recorded to put future owners on notice of their obligation to install future parking in the Reserved Future Parking Area if required by the City.

#### Trash Receptacles (Section 24.05)

This revised section spells out in more detail the City's requirements relating to the location and screening of trash receptacles. Permissible materials for doors and gates are spelled out and wooden privacy fencing will no longer be permitted.

- The screening of trash receptacles and dumpsters is being enhanced by this proposed amendment.
- Wooden privacy fencing will now be prohibited, in addition to the currently prohibited chain link fencing with view-obscuring slats.
- The door or gate to the enclosure must be constructed of steel materials with a decorative wood or other durable face material.
- Trash compactors must be screened with a decorative wall matching the height of the compactor and the architecture of the building.

#### Decorative Fences (Section 24.07)

This new section would establish standards for decorative fencing on nonresidential properties.

- Additional regulations have been added to require that fencing on nonresidential properties and uses abutting public streets be decorative where the fencing is visible from the street. A graphic illustration of decorative fencing is included.
- Chain link fencing is prohibited unless approved by the Planning Department or Planning Commission where the fencing is not visible to the public. Slats and other inserted materials will be prohibited.
- The Planning Department or Planning Commission may require additional landscaping for fencing in the non-required front yard.
- Fencing is generally prohibited in the required front yard setback area.

#### Screening of Transformers and Other Ground-mounted Appliances (Section 24.09)

This new section imposes screening requirements for transformers and other ground-mounted appliances, like air conditioners and generators.

All ground-mounted transformers, generators, air conditioning units, or other similar appliances or equipment must be screened by architectural features or landscaping sufficient to hide such appliances or equipment on a year-round basis.

#### Pedestrian Connections (Section 24.10)

This new section requires pedestrian connections between public sidewalks and the entrance to a commercial or industrial building to improve pedestrian accessibility and safety.

- Pedestrian connections of at least 5' in width must be provided between sidewalks adjacent to the frontage roadway and the entrance to the building, using parking islands and landscape areas to provide maximum protection to pedestrians.

- Pedestrian connections shall be integrated with the overall landscaping plan to separate pedestrians from vehicles. A graphic illustration is provided in the draft.

#### Bicycle Racks (Section 24.11)

This new section requires the installation of a bicycle rack near the entrance to a commercial or shopping center building if the building is 5,000 square feet or larger.

- A bicycle rack with at least 3 bicycle parking spaces must be installed in a conspicuous location within 50' of the entrance of every commercial building or shopping center building containing at least 5,000 square feet.

#### Enhanced Landscaping Treatments (Section 24.12)

This new section requires additional landscaping enhancements to improve the aesthetics and appeal of a site.

- In order to encourage site development in a manner likely to attract interest to residents and businesses outside of the City, developers will be required to provide at least 2 outdoor enhanced landscaping treatments.
- The enhanced landscaping treatment can be in the form of an outdoor dining area, a pedestrian pass through, or an outdoor plaza.
- The Planning Department may approve other alternatives that accomplish the same objectives.

#### Tents Approved as Part of a Temporary Use (Section 28.14, Paragraph I)

This new paragraph is added to have a uniform color (white) for any tent which is used in conjunction with an approved temporary use.

- Only white tents will be permitted in conjunction with an approved temporary use. This limitation will not apply to residential situations (graduation parties, showers, family parties, and other non-commercial activities).

#### Irrigation Systems (Section 24.02, Paragraph A 3)

This revised section expands irrigation requirements to landscaped areas other than only front yard setback areas; certain right-of-way areas in nonresidential developments; and multiple family and one family cluster (attached) developments.

- All landscaping must have an irrigation system installed and maintained to ensure maintenance of all landscaping in a healthy, thriving condition.
- The Planning Department may modify or waive these irrigation system requirements for natural vegetation areas of the site, where an alternative method of irrigation is provided, or where installation of an irrigation system is impractical or unfeasible due to the unavailability of a proximate water supply or other existing site conditions.

Application of New Ordinance Regarding Upgrading of Landscaping and Site Improvements on Existing Developed Sites (Section 29.05)

This new section is designed to apply to existing landscaping and site improvements (parking areas, walls, fences, etc.) on nonresidential properties. Various sites within the City have landscaping and/or site improvements that were once lawful but which have deteriorated over time due to a lack of care, maintenance, repair, or replacement. City Administration wishes to implement a program where, over a reasonable period of time, properties whose non-compliant landscaping or site improvements no longer comply with the approved landscaping or site plan on file with the City, or which are otherwise out of compliance with City standards, will be required to upgrade their landscaping and/or site improvements to conform with the current ordinance requirements.

- Existing landscaping and site improvements installed on nonresidential properties will not be required to conform to the new standards provided these installations are maintained in compliance with approved site or landscape plans.
- Landscaping that over time has become noncompliant due to removal or lack of maintenance will be required to install new landscaping complying with the new ordinance standards.
- Compliance with the new standards becomes effective July 1, 2017. This will give property owners with deteriorated landscaping approximately 8 months (more than 4 planting months) to bring their landscaping into compliance with their approved landscape/site plan on file with the City. If they do so, they would not be required to upgrade to the new standards unless they subsequently do work on their site which requires a new site plan approval, landscaping work that requires a new landscape plan, approval, or change the use of their property.
- The Zoning Board of Appeals has authority under existing Section 30.02 of the Zoning Ordinance to hear administrative appeals and grant administrative modifications to the ordinance. The Zoning Board of Appeals' existing power under Section 30.02 of the Zoning Ordinance will also apply to the provisions of Section 27.03A.

**Planning Commission:**

At the August 11, 2016 Planning Commission meeting, the City Planner and City Attorney made a detailed presentation on the draft nonresidential landscaping and site improvement ordinance. At its September 8<sup>th</sup> meeting, the Planning Commission held a public hearing on the proposed ordinance, and voted 8-1 (motion by Gariepy, supported by Militello) to recommend that the City Council APPROVE the proposed Zoning Ordinance amendments, Case No. PZ16-1144.

**Recommendation:**

The Office of Planning is recommending adoption of the proposed ordinance as a means to enhance the appearance and physical condition of nonresidential properties and further the Visioning 2030 objectives for making the City a vibrant and visually attractive community.

**Suggested Action:**

**MOVED BY:**

**SECONDED BY:**

RESOLVED, to introduce the ordinance amending Articles 23, 24, 27, 28 and 31 of Zoning Ordinance No. 278 to upgrade the landscaping and site improvement standards for nonresidential properties and developments within the City.

**APPLICANT: PZ16-1144 – CITY OF STERLING HEIGHTS – COMMERCIAL LANDSCAPING STANDARDS**

**40555 Utica Road**

**SEPTEMBER 8<sup>th</sup>, 2016**

### **Introduction**

Enclosed you will find the most recent draft of new commercial landscaping standards for the City. The goal of these ordinance amendments is to require that (i) commercial sites be developed or redeveloped with more substantial landscaping along the street frontage, around the building foundation, and in interior parking areas, and (ii) non-compliant landscaping and site improvements on existing sites be upgraded to these new standards when they fall out of compliance with the existing standards.

### **History**

The Office of Planning has been working with City Administration and the City's legal counsel over the course of the last several months to prepare these new standards. The ordinance amendments were deemed a priority in that the City is constantly striving to produce and maintain higher quality developments and properties within the City. In addition the City is also looking to increase its "green footprint" by increasing the amount of overall greenspace, landscaping and amenities within all developments in the City. These amendments also tie into the City's overall Vision 2030 Plan which has the following guiding principles:

- Safe, well maintained and desirable neighborhoods enhanced by great schools
- Plentiful leisure and recreation opportunities featuring fully utilized parks
- Abundant pathways for biking and walking
- Focal points that are both public and private to serve as destinations for residents and visitors
- Well maintained and aesthetically pleasing roads and green spaces
- Successful, vibrant and attractive commercial centers with unique offerings
- Destination for high-tech and emerging industries and entrepreneurs

### **Proposal**

Below is a summary of the most important components of this ordinance amendment:

#### **Frontage Landscaping (Section 24.03, Paragraph B)**

This revised section augments the existing front yard landscaping requirements. The current requirements are only that (1) street landscaping must be installed equal to the depth of the required front yard setback and (2) one tree must be installed for every 30 feet of linear frontage. The new requirements are more substantial and more specific:

- In the frontage greenbelt area, one frontage tree will now be required for each 750 square feet of frontage greenbelt. The trees will have to be at least 3" in caliper at the time of planting and will be limited to certain species which are more apt to thrive in areas that are near a roadway.
- In addition, one shrub would be required for each 300 square feet of frontage greenbelt. The shrubs must be a minimum 2 gallon size at planting and must be from the City's list of designated species.

- The frontage greenbelt is also required to include some perennial flowers and grasses (from a list of species) which will enhance the aesthetics of the frontage greenbelt.
- If there are any parking spaces located within 50' of a public street or right of way, or within 50' of a private street, the perimeter landscaping must include a hedge of upright evergreens or deciduous shrubs at a rate of 1 shrub for every 30" of parking or maneuvering lane along the frontage. They can be planted as a formal hedge, or grouped in natural groupings.
- The frontage landscaping should include a variety of species of trees and shrubs, with one particular species of tree or shrub not accounting for more than 50% of the total.
- Frontage landscaping on Van Dyke between 14 Mile Road and 18 Mile Road must incorporate a variety of shade trees, ornamental trees, shrubs, perennials, and grasses from the approved list of landscape materials and plant types included in the 2016 LDFA/Smart Zone Enhancement Report that was utilized for the new landscaping along Van Dyke in that area. Samples are depicted in the draft ordinance.

### **Foundation Plantings (Section 24.08)**

This section is new. It introduces a requirement that landscaping be installed in areas around the building (particularly the sides that are visible from the street and other public areas), not just in the front yard setback area.

- Current landscaping requirements do not require foundation plantings for commercial buildings or industrial buildings (defined as decorative landscaping planted adjacent to exterior building walls visible from a public thoroughfare, a parking lot, or an outdoor dining area or outdoor plaza area). Under this draft, foundation plantings must be installed along 50% of the linear frontage of an office or commercial building or along the parts of the building dedicated to office and administrative use on industrial sites.
- The foundation plantings must be at least 3' deep within 12' of the exterior building wall, and may include in-ground landscaping, raised beds, decorative planters or a combination of them. Additional landscaping is required adjacent to outdoor dining areas and outdoor plazas. A graphic of foundation plantings is included in the draft ordinance.

### **Off-Street Parking Lot Landscaping (Section 24.03, Paragraph A)**

This revised section imposes greater and more specific landscaping requirements for parking lots than the current ordinance. It requires curbed landscaped islands in the parking lots that must be landscaped with hardy species of trees at a rate of one for each 150 square feet and shrubs or flowering plants covering 50% of the island area. The interior parking lot tree requirement has been enhanced as well.

- The ordinance draft upgrades current parking lot landscaping requirements by requiring curbed landscaped islands of a minimum of 150 square feet in area at the end of each row. A graphic of a curbed landscaped island is provided.
- Interior parking lot trees shall be installed at a rate of 1 tree for each 5 parking spaces (instead of the current 1:6 ratio). The types of trees to be installed are specified to ensure that trees most apt to survive in parking lot use are utilized. Clear vision for vehicles, bicyclists, and pedestrians near the parking lot landscaping must be maintained.
- The curbed landscaped islands must be planted with shrubs or other flowering plants covering at least 50% of the area of the island.

### **Reserved Future Parking Areas (Section 23.01, Paragraph N)**

This new section introduces the concept of allowing a developer or property owner to reserve an area for future parking to be installed if needed rather than requiring installation of larger, possibly unneeded asphalt parking areas which are environmentally unfriendly, while reserving the City's right to require their installation in the future if and when needed.

- In order to minimize the amount of unnecessary asphalt paving in shopping areas while planning for the possibility of the need to install additional parking in the future if the uses change, the concept of reserved parking areas is being introduced where the developer or owner shows that the specific proposed use requires a fewer number of parking spaces than typically required by the Zoning Ordinance based on a smaller total usable floor area, a substantially smaller total number of employees than typically anticipated for such uses, the existence of a combination of uses which share parking facilities, or the proposed use has peak hours of operation which vary from typical business hours, making the required parking excessive.
- With City approval, a developer or owner may request that a certain number of parking spaces be reserved for possible future installation.
- The reserved parking spaces must be shown on the site plan and clearly identified as “Reserved Future Parking Area” with a notation that “No buildings, structures, or improvements shall be constructed in the Reserved Future Parking Area.”
- If deemed necessary by the City due to traffic patterns, a change in use or an increase in intensity of the use on the property, a decrease in approved storage area, etc., or any other factor that warrants the installation of some or all of the reserved parking spaces, the additional requested parking spaces must be installed within 6 months of the City’s request.
- A recordable agreement satisfactory to the City Planner and City Attorney must be executed and recorded to put future owners on notice of their obligation to install future parking in the Reserved Future Parking Area if required by the City.

#### **Trash Receptacles (Section 24.05)**

This revised section spells out in more detail the City’s requirements relating to the location and screening of trash receptacles. Permissible materials for doors and gates are spelled out and wooden privacy fencing will no longer be permitted.

- The screening of trash receptacles and dumpsters is being enhanced by this proposed amendment.
- Wooden privacy fencing will now be prohibited, in addition to the currently prohibited chain link fencing with view-obscuring slats.
- The door or gate to the enclosure must be constructed of steel materials with a decorative wood or other durable face material.
- Trash compactors must be screened with a decorative wall matching the height of the compactor and the architecture of the building.

#### **Decorative Fences (Section 24.07)**

This new section would establish standards for decorative fencing on nonresidential properties.

- Additional regulations have been added to require that fencing on nonresidential properties and uses abutting public streets be decorative where the fencing is visible from the street. A graphic illustration of decorative fencing is included.
- Chain link fencing is prohibited unless approved by the Planning Department or Planning Commission where the fencing is not visible to the public. Slats and other inserted materials will be prohibited.
- The Planning Department or Planning Commission may require additional landscaping for fencing in the non-required front yard.
- Fencing is generally prohibited in the required front yard setback area.

#### **Screening of Transformers and Other Ground-mounted Appliances (Section 24.09)**

This new section imposes screening requirements for transformers and other ground-mounted appliances, like air conditioners and generators.

- All ground-mounted transformers, generators, air conditioning units, or other similar appliances or equipment must be screened by architectural features or landscaping sufficient to hide such appliances or equipment on a year-round basis.

### **Pedestrian Connections (Section 24.10)**

This new section requires pedestrian connections between public sidewalks and the entrance to a commercial or industrial building to improve pedestrian accessibility and safety.

- Pedestrian connections of at least 5' in width must be provided between sidewalks adjacent to the frontage roadway and the entrance to the building, using parking islands and landscape areas to provide maximum protection to pedestrians.
- Pedestrian connections shall be integrated with the overall landscaping plan to separate pedestrians from vehicles. A graphic illustration is provided in the draft.

### **Bicycle Racks (Section 24.11)**

This new section requires the installation of a bicycle rack near the entrance to a commercial or shopping center building if the building is 5,000 square feet or larger.

- A bicycle rack with at least 3 bicycle parking spaces must be installed in a conspicuous location within 50' of the entrance of every commercial building or shopping center building containing at least 5,000 square feet.

### **Enhanced Landscaping Treatments (Section 24.12)**

This new section requires additional landscaping enhancements to improve the aesthetics and appeal of a site.

- In order to encourage site development in a manner likely to attract interest to residents and businesses outside of the City, developers will be required to provide at least 2 outdoor enhanced landscaping treatments.
- The enhanced landscaping treatment can be in the form of an outdoor dining area, a pedestrian pass through, or an outdoor plaza.
- The Planning Department may approve other alternatives that accomplish the same objectives.

### **Tents Approved as Part of a Temporary Use (Section 28.14, Paragraph I)**

This new paragraph is added to have a uniform color (white) for any tent which is used in conjunction with an approved temporary use.

- Only white tents will be permitted in conjunction with an approved temporary use. This limitation will not apply to residential situations (graduation parties, showers, family parties, and other non-commercial activities).

### **Irrigation Systems (Section 24.02, Paragraph A 3)**

This revised section expands irrigation requirements to landscaped areas other than only front yard setback areas; certain right-of-way areas in nonresidential developments; and multiple family and one family cluster (attached) developments.

- All landscaping must have an irrigation system installed and maintained to ensure maintenance of all landscaping in a healthy, thriving condition.
- The Planning Department may modify or waive these irrigation system requirements for natural vegetation areas of the site, where an alternative method of irrigation is provided, or where installation of an irrigation

system is impractical or unfeasible due to the unavailability of a proximate water supply or other existing site conditions.

### **Application of New Ordinance Regarding Upgrading of Landscaping and Site Improvements on Existing Developed Sites (Section 29.05)**

This is a new section designed to apply to existing landscaping and site improvements (parking areas, walls, fences, etc.) on nonresidential properties. Various sites within the City have landscaping and/or site improvements that were once lawful but which have deteriorated over time due to a lack of care, maintenance, repair, or replacement. City Administration wishes to implement a program where, over a reasonable period of time, properties whose non-compliant landscaping or site improvements no longer comply with the approved landscaping or site plan on file with the City, or which are otherwise out of compliance with City standards, will be required to upgrade their landscaping and/or site improvements to conform with the current ordinance requirements.

- City Administration is interested in applying the new landscaping standards to existing sites in a reasonable, legally defensible way. The City landscaping regulations are in the Zoning Ordinance, as is the case with virtually all communities (authority derived from the Michigan Zoning Enabling Act, MCL 125.3101 et seq.).
- Existing *lawful* landscaping and site improvements in place as of the adoption of this new ordinance may remain so long as they are properly maintained.
- The City Attorney's office has researched the legality of requiring the upgrading of landscaping on all sites with existing landscaping which does not meet the new landscaping standards, and has found no reported Michigan cases which have specifically dealt with an ordinance similar to what the City is seeking to do in this ordinance.
- While it has not been legally tested, the City Attorney's Office believes that the City may require properties that are substantially out of compliance with previous landscaping and site improvement standards to bring the property into compliance with the current standards.
- The proposed ordinance includes the following provisions:
  - The property owner whose landscaping on an existing site dies, becomes diseased, overgrown, or missing from what is shown on the approved landscape or site plan will be required to install new landscaping complying with the new ordinance standards.
  - This new provision requiring such owners of deteriorated landscaping to bring it into compliance with the new standards would become effective July 1, 2017. This would give property owners with deteriorated landscaping approximately 8 months (4 planting months) to bring their landscaping into compliance with their approved landscape/site plan on file with the City. If they do so, they would not be required to upgrade to the new standards unless they did work on their site which required a new site plan approval, landscaping work that required a new landscape plan approval, or they changed their use of the property.
  - For large-scale landscaping deterioration or removal, a property owner could commit to upgrading the landscaping over a period of time if it signed a Landscape Upgrade Agreement prepared by the City in recordable form committing the property owner to making the landscape improvements within a specified time period. The authorized period would depend on the estimated nature, scope, and cost of the upgrade. The City Planner would have the authority to approve a phasing of the improvements over a period not exceeding three (3) years.
  - The Zoning Board of Appeals has authority under existing Section 30.02 of the Zoning Ordinance to hear administrative appeals and grant administrative modifications to the ordinance. The Zoning Board of Appeals' existing power under Section 30.02 of the Zoning Ordinance will also apply to the provisions of Section 27.03A.
  - For nonresidential properties with landscaping and/or site improvements that have fallen out of compliance with applicable standards, a notice of violation will be issued. Until July 1, 2017, the property owner will be permitted to restore the property to the previously-applicable standards.

Beginning July 1, 2017, however, any property with substantial and material non-compliance will be required to submit a new site plan and/or landscaping plan that will restore the property to the new Zoning Ordinance standards. Failure to comply with these requirements will subject the property to any of the remedial measures available to the City under Chapter 11 of the City Code, which include the issuance of a misdemeanor citation, the initiation of a circuit court nuisance abatement, a review by the Board of Ordinance Appeals, and/or condemnation.

- City Administration believes that these provisions will facilitate enforcement efforts to obtain compliance with current and new landscaping requirements in an equitable manner while still preserving the City's well-earned reputation as a business-friendly community.

The purpose of tonight's meeting is to conduct the required public hearing for the proposed Zoning Ordinance amendment, provide any input to the proposed draft, and then forward a recommendation to City Council for their review and action.

**SUGGESTED ACTION:**

That the Planning Commission forward a recommendation to City Council to approve Case PZ16-1144, Planning Commission/City Council, Zoning Ordinance Text Amendments amending Article 23 Off Street Parking and Loading Requirements, by amending Section 23.01 General Parking Requirements and Article 24 Environmental Provisions, by amending Section 24.02 Site Landscaping Requirements and Section 24.03 Parking Lot Landscaping Requirements and Section 24.05 Location and Screening of Trash Receptacles and adding Sections 24.07 Decorative Fencing for Nonresidential Properties and Uses, Section 24.08 Foundation Plantings, Section 24.09 Transformer and Other Ground Mounted Appliance Screening, Section 24.10 Pedestrian Connections, Section 24.11 Enhanced Landscaping Treatments, Section 24.12 Bicycle Racks, and by amending Article 27 Nonconforming Uses, Building and Structures, by adding Section 27.03A Landscaping and Site Improvements; Resumption and Restoration, and amending Article 28 General Provisions by amending Section 28.14 General Provisions, and amending Article 31 Definitions, by amending Section 31.01, and any other technical corrections related to Zoning Ordinance No. 278(adopted September 13, 1989, as amended).

CITY OF STERLING HEIGHTS

COUNTY OF MACOMB, MICHIGAN

ORDINANCE NO. 278-\_\_\_

AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO ADD ARTICLE 23, SECTION 23.01, PARAGRAPH N TO PROVIDE FOR RESERVED PARKING AREAS; TO AMEND ARTICLE 24, SECTION 24.02 TO REQUIRE ADDITIONAL LANDSCAPING IRRIGATION; TO AMEND ARTICLE 24, SECTION 24.03 TO REGULATE INTERIOR PARKING LOT LANDSCAPING AND FRONTAGE LANDSCAPING; TO AMEND ARTICLE 24, SECTION 24.05 TO REGULATE THE PLACEMENT AND SCREENING OF TRASH RECEPTACLES AND DUMPSTERS; TO ADD ARTICLE 24, SECTION 24.07 TO REGULATE DECORATIVE FENCING ON NONRESIDENTIAL PROPERTIES AND USES; TO ADD ARTICLE 24, SECTION 24.08 TO REQUIRE FOUNDATION PLANTINGS; TO ADD ARTICLE 24, SECTION 24.09 TO REGULATE SCREENING OF TRANSFORMERS AND OTHER GROUND-MOUNTED APPLIANCES; TO ADD ARTICLE 24, SECTION 24.10 TO REQUIRE PEDESTRIAN CONNECTIONS; TO ADD ARTICLE 24, SECTION 24.11 TO REQUIRE INSTALLATION OF BICYCLE RACKS FOR CERTAIN COMMERCIAL BUILDINGS AND SHOPPING CENTERS; TO ADD ARTICLE 24, SECTION 24.12 TO REQUIRE ENHANCED LANDSCAPING TREATMENTS TO BE INSTALLED; TO ADD ARTICLE 29, SECTION 29.05 TO REGULATE NON-COMPLIANT LANDSCAPING AND SITE IMPROVEMENTS; TO AMEND ARTICLE 28, SECTION 28.14, PARAGRAPH I TO REGULATE TENTS USED AS PART OF A TEMPORARY USE; TO AMEND ARTICLE 31, SECTION 31.01 TO ADD DEFINITIONS OF FOUNDATION PLANTING, FRONTAGE GREENBELT, FRONTAGE LANDSCAPING, FRONTAGE TREES, LINEAR FOOTAGE, ENHANCED LANDSCAPING TREATMENTS; AND TO AMEND THE TITLE AND MAKE ANY OTHER TECHNICAL CORRECTIONS RELATING TO ZONING ORDINANCE NO. 278.

Section 1. Article 23, Section 23.01 of Zoning Ordinance No. 278 shall be amended to add Paragraph N. which shall read as follows:

*N. Reserved Parking Areas.*

1. A developer or owner may request that a certain number of parking spaces be reserved for possible future installation if required. The proposed reserved parking spaces must be shown and labeled on the proposed site plan. The Planning Department (or the Planning Commission if preliminary site plan review is required under the Zoning Ordinance to be performed by the Planning Commission) may approve one or more areas of reserved parking spaces where (a) the developer or owner shows that the specific proposed use requires a fewer number of parking spaces than typically required by Ordinance based on (a) a smaller total usable floor area, (b) a substantially smaller total number of employees than typically anticipated for such uses, (c) the existence of a combination of uses which share parking facilities, or (d) the

proposed use has peak hours of operation which vary from typical business hours making the required parking excessive, provided the proposed reserve parking for the development can be serviced safely and will not result in undue stacking of vehicles, and traffic flow throughout the parking lot can be maintained in a safe manner.

2. If the Planning Department (or the Planning Commission if preliminary site plan review is required under the Zoning Ordinance to be performed by the Planning Commission) determines that the development cannot be serviced safely, that excessive stacking is likely to occur, or that traffic flow cannot likely be maintained in a safe manner if reserved parking is permitted, the Planning Department (or Planning Commission as the case may be) shall not approve the developer or owner's request for reserved parking.

3. If the Planning Department (or the Planning Commission as the case may be) approves the request of the developer or owner for reserved parking, the site plan shall depict (i) the location and number of parking spaces required to be installed currently, (ii) the location and number of all of reserved parking spaces which may be required to be installed in the future identified as "Reserved Future Parking Area", and (iii) the total number of parking spaces which may be required if the reserved parking spaces are required to be installed in the future. The site plan shall contain a notation in each Reserved Future Parking Area that states "No buildings, structures or improvements shall be constructed in the Reserved Future Parking Area".

4. The owner of the site with one or more approved Reserved Future Parking Areas shall execute and deliver to the City a reserved parking agreement satisfactory to the City Planner and City Attorney in recordable form which makes the reserved future parking area arrangement a matter of record so that future owners of the property will be on notice of the reserved parking arrangement and restriction on future development in the Reserved Future Parking Area, and the possible requirement for future installation of additional parking spaces as may be required by the City.

5. If the Planning Department (or the Planning Commission as the case may be) determines that traffic patterns, a change in use or an increase in intensity of the use on the property, either as a result of an increase in the number of employees or hours of operation, a decrease in approved storage area, etc. or any other factor requires the installation of some or all of the reserved parking spaces, the Planning Department may require additional parking spaces, as determined by the Planning Department, to be constructed in the Reserved Future Parking Area(s) shown on the site plan within six (6) months of notice of such additional parking being required.

Section 2. The last sentence of Article 24, Section 24.02, Paragraph A 2 of Zoning Ordinance No. 278 shall be deleted and the following sentence substituted in its place:

2. All landscaping shall have an irrigation (water sprinkler) system installed and maintained in good operating condition to ensure the maintenance of all landscaping in a healthy, thriving condition. The Planning Department may modify or waive the irrigation system requirements for natural vegetation areas of the site, where an alternative method of irrigation is provided, or where installation of an irrigation system is impractical or unfeasible due to the unavailability of a proximate water supply or other existing site conditions.

Section 3. Article 24, Section 24.03, Paragraph A of Zoning Ordinance No. 278 shall be amended to read as follows:

### **Section 24.03 Off-Street Parking Lot Landscaping Requirements**

#### *A. Interior parking lot landscaping.*

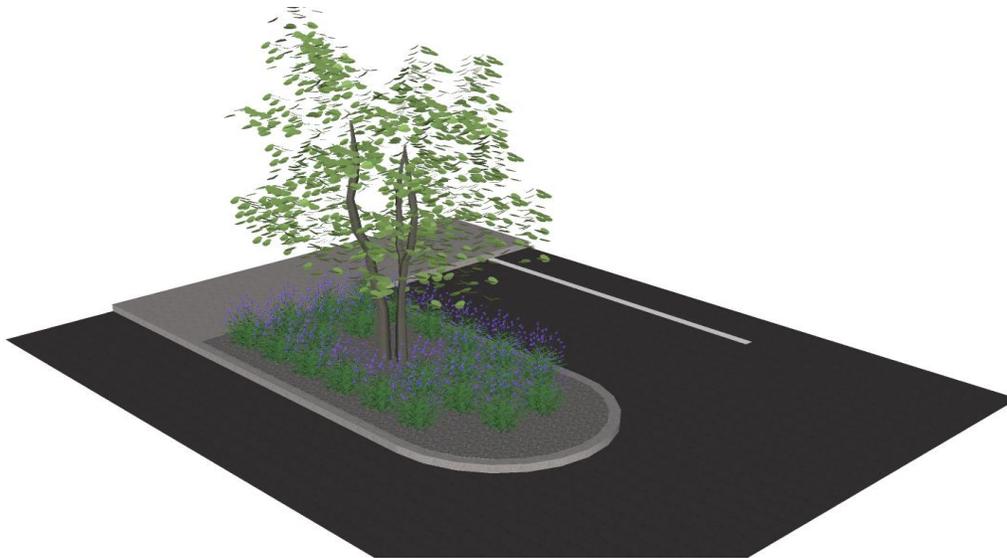
1. All off-street surface parking areas required under the Zoning Ordinance shall incorporate and provide curbed landscaped islands at the end of each parking row. The Planning Department or Planning Commission (as the case may be) may modify the requirement for curbed landscape islands in instances where the installation of curbed landscaped islands would impair the use of the site or otherwise be impractical, based upon the size, configuration or anticipated traffic generation on the site.

a. Curbed landscaped islands shall be a minimum of one hundred and fifty (150) square feet in area.

b. The curbed landscaped islands shall be planted with shrubs or other flowering plants that provide coverage of at least fifty (50) percent of the area of the island.

c. Interior parking lot trees shall be provided at a rate of one (1) tree for each five (5) parking spaces and shall be planted in curbed landscaped islands or adjacent to an off-street parking area. (See illustration below)

#### Curbed Landscaped Area at End of Parking Row



d. The minimum size of all parking lot trees shall be three (3) inch caliper at the time of planting. The following types of trees or similar types are considered to be suitable for off-street parking areas:

- i. White fir;
- ii. Norway maple;

- iii. Tulip tree (magnolia);
- iv. Austrian and red pine;
- v. Moraine, skyline, majestic and sunburst locusts.

e. All trees, shrubs and other landscaping planted in or adjacent to an off-street parking lot shall be installed in a location and pruned and maintained in a manner to maintain clear vision for vehicles, bicyclists and pedestrians in the vicinity of the trees, shrubs, or other landscaping.

Section 4. Article 24, Section 24.03, Paragraph B shall be amended to read as follows:

*B. Frontage landscaping.*

1. A minimum of one (1) frontage tree shall be provided for each seven hundred and fifty (750) square feet of frontage greenbelt. Frontage trees shall include trees such as Honey Locust, River Birch, Spruce, Chanticleer Pear, Cleveland Select Pear, Basswood, Hackberry, Linden, Oak, Ginkgo, Maple, etc. Frontage trees shall be a minimum of three (3) inches in caliper at the time of planting.

2. In addition to the frontage trees required above, one (1) plant/shrub shall be provided for each three hundred (300) square feet of frontage greenbelt. Frontage plants/shrubs shall include but are not limited to: Knock Out roses, nearly wild roses, dwarf lilacs, hydrangeas, maiden grasses, large hostas, sedums, densi yews, Carpet roses, Russian sage, etc. Plants or shrubs shall be a minimum size of two (2) gallon size at planting.

3. In addition to the plantings above, supplemental perennial grasses and flowers shall also be provided. Perennial grasses and flowers may include black-eyed Susans, fescue grass, oat grass, day lilies, Indian grass, dropseed, blue stem, etc.

4. Wherever a parking lot or vehicle parking space is located within fifty (50) feet of a public street, right-of-way or private street, the perimeter landscaping shall also include a landscape hedge of deciduous or upright evergreen shrubs. The number of required shrubs shall be equivalent to one (1) shrub for each thirty (30) inches of parking or maneuvering lane along the roadway or right-of-way, unless appropriate planting practices otherwise dictate. Plantings may be planted in either a formal hedge or in natural groupings. The Planning Department may approve other plant materials or configurations that the Planning Department determines provide the equivalent of the required frontage landscape.

5. The types of trees and shrubs planted as a result of this section shall be diverse in nature. No one (1) specific species of tree shall account for more than fifty (50%) percent of the total number of trees or shrubs.

6. All plantings shall conform to the required corner clearance requirements of Section 28.03.

7. Properties that have frontage on Van Dyke Road between 14 Mile Road and 18 Mile Road shall incorporate landscape materials and plant types listed in the 2016 LDFA/Smart Zone Enhancement Report. A mixture of shade trees, ornamental trees, perennials and grasses shall be

utilized from the list and planted in a manner consistent with the overall conceptual rendering for the corridor.

8. The proposed plantings shall provide a continuous landscaping scheme across the entire road frontage and meet the minimum planting requirements of Section 24.03.

9. Frontage landscaping may be installed in accordance with any of the following illustrations:

Permitted Frontage Landscaping on Corner Lots or Corner Parcels



Permitted Landscaping on Interior Lots or Interior Parcels





Section 5. Article 24, Section 24.05, Paragraph B of Zoning Ordinance No. 278 shall be amended to read as follows:

B. All trash receptacles shall be screened on three (3) sides by decorative masonry walls which are similar to or compatible with the exterior construction materials used elsewhere on the site. Chain link fencing with view-obscuring slats or wooden privacy fencing shall be prohibited. A door or gate of an enclosure screening trash receptacles or dumpsters shall be constructed of steel materials with a decorative wood or other decorative durable face material. All trash receptacles shall be placed on a concrete pad of not less than ten (10) feet by ten (10) feet in size with a minimum of six (6) inch thick concrete. Concrete or metal bollards shall be placed between the trash receptacle or dumpster and the rear wall of the enclosure.

1. For sites that utilize a trash compactor, the trash compactor shall be appropriately screened with a decorative wall, matching the heights of the trash compactor and that matches the architecture of the building. Other suitable screening mechanisms may be approved by the Planning Department (or the Planning Commission as the case may be), provided the screening is equivalent to the required wall.

Section 6. Article 24 of Zoning Ordinance No. 278 shall be amended to add Section 24.07 which shall read as follows:

#### **Section 24.07 Decorative Fencing for Nonresidential Properties and Uses**

A. All fences located on nonresidential properties or properties developed with nonresidential uses which abut a local collector, major, or regional roadway or a highway or expressway that are visible from such roadway, highway, or expressway shall be constructed of durable, decorative fencing material such as decorative wrought iron, PVC, etc. The use of standard chain link fencing shall be prohibited except in instances where the Planning Department (or the Planning Commission as the case may be) determines that the fence will not be visible from an abutting roadway, highway or expressway.

B. Fencing on a nonresidential property or for a nonresidential use shall only be permitted when necessary and in conjunction with a permitted principally permitted, approved special approval land use, or permitted applicable accessory use within the specific district in which it is located.

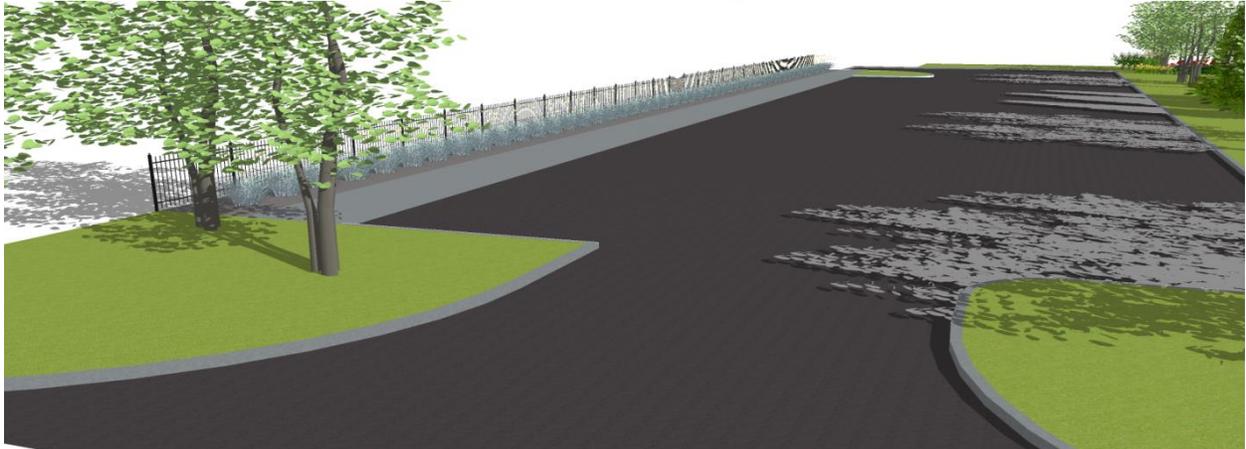
C. Fencing shall not be permitted within the required front yard. Fencing shall only be permitted within the non-required front yard. For those fences located in the non-required front yard, additional landscaping between the fence and the street right of way may be required by the Planning Department (or the Planning Commission as the case may be). Fencing may be permitted within the required side yard setback and within the required rear yard setback.

D. The use of slats or other strips of wood, metal, plastic or other materials inserted into a fence to provide screening or privacy shall be prohibited.

E. The provisions of this Section 24.07 shall not apply in instances where this Ordinance specifically requires fencing within the front yard or other area of the site.

F. Decorative fencing shall be installed similar to the illustration below:

Decorative Fencing



Section 7. Article 24 of Zoning Ordinance No. 278 shall be amended to add Section 24.08 which shall read as follows:

### **Section 24.08 Foundation Plantings**

A. Foundation plantings shall be installed along a minimum of fifty (50%) percent of the linear footage of each side of an office or commercial building that is visible from a public thoroughfare. Buildings located on an outlot of a shopping center or otherwise built in front of the established front building line shall be landscaped with foundation plantings on those sides of the building that are clearly visible to the general public from the parking lot of the overall shopping center or site. For industrial sites, the landscaping requirement shall apply to that area of the industrial building dedicated to office and administrative use.

B. The foundation planting area shall be at least three (3) feet deep and may include in-ground landscaping, raised landscape beds, decorative container planters, or a combination of these. The Planning Department may approve other alternative landscaping schemes, such as green walls, increased landscaped island space, etc., consistent with the intent of this section.

C. The required landscaping shall be planted within twelve (12) feet of the exterior building walls. When a use contains an outdoor dining area or similar outdoor plaza area along the building frontage, the foundation planting area may be permitted to extend beyond the twelve (12) foot area to up to twenty-five (25) feet from the building or to a distance necessary to provide a landscaped treatment and/or screening along the perimeter sides of the outdoor dining area or outdoor plaza area which are furthest from the building, whichever is greater. (See illustration below).

Foundation Plantings Surrounding Outdoor Dining or Outdoor Plaza Area



Section 8. Article 24 of Zoning Ordinance No. 278 shall be amended to add Section 24.09 which shall read as follows:

**Section 24.09 Transformer and Other Ground-mounted Appliance Screening**

The location of any and all ground-mounted transformers, generators, air conditioning units or other similar appliances or equipment shall be shown on the site plan. Screening of the transformer or appliances shall be provided by the use of appropriate architectural features or landscaping which consists of plant materials of sufficient size and nature to provide a year round screen.

Section 9. Article 24 of Zoning Ordinance No. 278 shall be amended to add Section 24.10 which shall read as follows:

**Section 24.10 Pedestrian Connections**

A pedestrian connection shall be provided between the sidewalk along the frontage roadway and the entrance to the building. The pedestrian connection shall utilize parking islands,

landscape areas, etc. to provide pedestrian protection to the greatest extent possible. The pedestrian connections shall be a minimum of five (5) feet in width and shall comply with all necessary accessibility requirements. Further, the pedestrian connection shall be integrated into the landscaping design for the entire site providing landscape materials to provide greater separation between the pedestrian connection area and any abutting vehicular maneuvering lanes or parking areas. (See illustration below).

### Pedestrian Connections



Section 10. Article 24 of Zoning Ordinance No. 278 shall be amended to add Section 24.11 which shall read as follows:

#### **Section 24.11 Bicycle Racks**

A minimum of one (1) bicycle rack with spaces to park at least three (3) bicycles shall be installed at each commercial building or shopping center building that contains 5,000 square feet or more of useable space. The bicycle rack(s) shall be placed in one or more conspicuous location(s) within fifty (50) feet of a building entrance so that pedestrian access to the entrance or pedestrian movement on the site is not impeded.

Section 11. Article 24 of Zoning Ordinance No. 278 shall be amended to add Section 24.12 which shall read as follows:

#### **Section 24.12 Enhanced Landscaping Treatments**

In order to create a cohesively designed physical land use environment that portrays a sense of community specific to the City of Sterling Heights and a dynamic, flexible, and sustainable presence insuring long term value for both the community and the region, all nonresidential developments within the City shall provide at least two (2) outdoor enhanced landscaping treatments, at least one (1) of which shall serve the general public.

An enhanced landscaping treatment shall include at least two (2) of the following site elements or amenities listed in the following table, provided that such spaces are open, inviting, and accessible and total a minimum of five (5%) percent of the gross floor area of all buildings. Two

(2) of the same types of elements may be selected, provided that they are located in two (2) distinct locations of the site and meet the requirements of this section. All enhanced landscaping treatments shall be maintained in good condition on a year-round basis.

Enhanced Landscaping Treatment	Required Element	Proximity and Accessibility Requirement	
<b>Outdoor dining areas</b>	The outdoor dining area shall be an integral element in the overall building and site design. If the use of the area ceases for dining purposes, the area shall be repurposed and maintained appropriately as a plaza area unless otherwise redeveloped.	Outdoor dining shall be provided in a location that is accessible to patrons or users as well as accessible for maintenance and upkeep. Outdoor dining areas shall also be afforded protection/separation from any abutting vehicular maneuvering lanes or parking areas.	
<b>Pedestrian Pass Through</b>	All pedestrian pass through areas shall be at least eighteen (18) feet wide. This requirement may be modified by the Planning Department if it is demonstrated that the pedestrian pass through is designed with architectural elements that reinforce an appropriate pedestrian scale. Pedestrian pass through areas shall include appropriate architectural and landscape elements which are in character with the remainder of the building and site. When uncovered, the	A pedestrian pass through area shall serve as a passageway through a building connecting place of interest or other significant site elements.	

	<p>pedestrian pass through shall include enhanced pavement that distinguishes the pedestrian pass through from adjacent sidewalks.</p> <p>Whether uncovered or enclosed, a pass through shall also include elements such as seating areas, trash receptacles, and pedestrian scaled lighting. A bike rack shall be within the pedestrian pass through or located within thirty (30) feet of the pedestrian pass through entrance.</p>		
<b>Plaza</b>	<p>A plaza shall be designed to attract the general public. It shall include moveable seating, at least one (1) trash receptacle and one or more of the following additional items: a garden, landscape containers/planters, and/or water features such as fountains, reflecting pool, ponds, or waterfalls.</p>	<p>A plaza is separated from parking areas by a buffer, or landscape plantings at least three (3) feet in height.</p>	

Alternatives. Alternatives will only be permitted if the Planning Department finds the proposed alternative(s) is/are in keeping with the spirit of this section. Any alternatives shall result in engaging, interesting, attractive, safe, context sensitive, and comfortable places.

Section 12. Article 29 shall be amended to add new Section 29.05 which shall read as follows:

## **SECTION 29.05 LANDSCAPING AND SITE IMPROVEMENTS; RESUMPTION AND RESTORATION**

It is the intent of the City to improve the aesthetics and environmental quality of the City by requiring commercial and industrial properties with required landscaping or other exterior site improvements (such as roads, drives, parking areas, utilities, retention areas, walls, fences, open space areas, etc.) that have deteriorated over time due to a lack of care, maintenance, repair, or replacement to be brought into compliance with the current standards of the Zoning Ordinance.

### **A. Landscaping**

1. Landscaping that is not in compliance with the provisions of the Zoning Ordinance shall be allowed to continue so long as it otherwise remains lawful and is properly maintained.

a. However, such landscaping shall not be extended, replaced, or moved except in a manner that complies with the terms of this Zoning Ordinance.

2. When existing landscaping on a site dies, becomes diseased, becomes overgrown, or is missing from the site despite being required in an approved landscape plan or site plan for the site, the dead, diseased, overgrown, or missing landscaping shall be replaced with landscaping that meets the current requirements of the Zoning Ordinance.

3. A property owner shall bring the landscaping on a site into compliance with all current Zoning Ordinance requirements in any of the following circumstances:

a. Whenever a property owner proposes to do site modifications that require a new site plan approval or replacement work relating to landscaping that requires a new landscape plan approval;

b. Whenever a property owner changes the use of the property or building;

c. Whenever a property owner undertakes improvements relating to a parking lot and/or paving, except that routine maintenance of a parking lot and/or paving shall not cause application of this provision unless the structural integrity of the parking lot or paving has deteriorated to the extent that it must be replaced rather than repaired;

d. Whenever the property is approved for expansion of a non-conforming use or structure; or

e. Whenever the property is approved for a map amendment to the zoning map or a conditional rezoning agreement.

### **B. Site Improvements**

1. Site improvements that are not in compliance with the provisions of the Zoning Ordinance shall be allowed to continue so long as they otherwise remain lawful and are properly maintained.

- a. However, such site improvements shall not be extended, replaced, altered, moved, constructed, or reconstructed except in a manner that complies with the terms of this Zoning Ordinance.

2. If an existing site improvement has deteriorated and/or has been destroyed, removed, or unlawfully modified to the extent that it is no longer in compliance with the Zoning Ordinance standards applicable at the time the site improvement was approved, the site improvement shall not be permitted to be resumed or restored to non-compliant standards but shall be brought into compliance with the current standards of the Zoning Ordinance, except that routine maintenance of a site improvement shall not cause application of this provision unless the structural integrity of the site improvement has deteriorated to the extent that it must be replaced rather than repaired.

3. A property owner shall bring the site improvements on the site into compliance with all current Zoning Ordinance requirements in any of the following circumstances:

- a. Whenever a property owner proposes to do site work or work on any site improvement which requires a permit or City approval;
- b. Whenever a property owner changes the use of the property or building;
- c. Whenever the property is approved for expansion of a non-conforming use or structure; or
- d. Whenever the property is approved for a zoning map change or conditional zoning agreement.

### C. Phasing of Work for Compliance

1. The City Planner may allow a property owner who is required to bring landscaping or site improvements into compliance with the current requirements of this Zoning Ordinance pursuant to this section to do so over a period of time, provided the property owner executes and delivers to the City a Landscaping Upgrade Agreement or Site Improvement Agreement, as the case may be, in recordable form prepared by the City setting forth the property owner's commitments and obligations to install such landscaping or site improvements.

2. In implementing this phased compliance, the City Planner is authorized to allow a property owner a period of up to three (3) years depending on the nature, scope, and cost of the estimated work to bring the landscaping or site improvements into compliance with current Zoning Ordinance requirements. The phasing period shall require continuous, regular progress with respect to bringing the landscaping or site improvements into compliance with current Zoning Ordinance requirements.

3. Notwithstanding any other provision to the contrary contained in this section, a property owner shall not cause any condition or allow any condition to exist on its property which creates a hazard to the health, safety, or welfare of the public or anyone on the property.

D. Zoning Board of Appeals Authority

1. A property owner aggrieved by an administrative determination made relating to Section 29.05 may file an administrative appeal to the Zoning Board of Appeals in accordance with the provisions of Section 30.02 Paragraph B 1 of the Zoning Ordinance.

2. A property owner may seek a modification from the Zoning Board of Appeals of the requirements of Section 29.05 as applied to its property in accordance with the provisions of Section 30.02 Paragraph C 4 of the Zoning Ordinance.

E. Process

1. A written notice of violation shall be delivered to a property owner that fails to bring any landscaping and/or site improvement into compliance as required by this section.

2. Until July 1, 2017, the property owner may restore the landscaping and/or site improvement in a manner that complies with the requirements applicable to the property prior to the issuance of the notice of violation.

3. Effective July 1, 2017, if the property has been determined by the City to be substantially and materially out of compliance with its approved site plan, landscape plan, and/or the ordinance standards applicable to site improvements and/or landscaping on the property, the notice shall require the property owner to submit a new or updated landscaping plan and/or site plan to the City Planner which shall incorporate the current requirements of the Zoning Ordinance.

4. Failure to comply with these requirements shall subject the property owner to the remedial and enforcement provisions set forth elsewhere in the Zoning Ordinance and in Section 11-141 of the City Code.

Section 13. Article 28, Section 28.14, Paragraph I shall be amended to read as follows:

I. Any temporary structures shall be erected in a safe manner in accordance with applicable city codes, ordinances or standards. All tents used in conjunction with an approved temporary use shall be white.

Section 14. Article 31, Section 31.01 of Zoning Ordinance No. 278 shall be amended to add the following definitions to be inserted in their proper alphabetical sequence:

***ENHANCED LANDSCAPING TREATMENT.*** An outdoor site element, feature, or amenity (such as an outdoor dining area, plaza, or pedestrian pass through) that (i) contributes to making a place more inviting and aesthetically pleasing to current or prospective residents, employees, businesses, visitors, or others who currently or may in the future live, work, play, do

business, or visit the City, and/or (ii) promotes community spirit within the City, and camaraderie among those who live, work, play, do business, or visit the City.

**FOUNDATION PLANTING.** A planting providing decorative landscaping adjacent to (i) an exterior building wall visible to the general public from a public thoroughfare, or parking lot of the overall shopping center or site, or (ii) an outdoor dining area or outdoor plaza area.

**FRONTAGE GREENBELT.** A flat or undulating landscaped area or landscaped berm located in the front yard(s) of a lot or parcel of a depth not less than the required front yard setback.

**FRONTAGE LANDSCAPING.** Grass, shrubs, trees, other plantings, mulch, and decorative stones installed in a bed or other landscape area located in the frontage greenbelt of a lot or parcel parallel to the street(s) adjacent to the lot or parcel.

**FRONTAGE TREES.** Evergreen or deciduous trees installed in the frontage greenbelt of a lot or parcel. Frontage trees shall not include street trees planted in the right-of-way area adjacent to the front yard of a lot or parcel.

**LINEAR FOOTAGE OR LINEAR FEET.** The straight line measurement in feet of lot or parcel frontage on a street or of an object (such as exterior wall of a building).

Section 15. All other provisions of Zoning Ordinance No. 278 not amended in this ordinance shall remain in full force and effect.

Section 16. This amendment shall become effective seven (7) days after publication of this amendment or a notice of adoption.

This Ordinance was introduced at a regular meeting of the City Council of the City of Sterling Heights on the \_\_\_ day of October, 2016, and was duly adopted at a regular meeting of the City Council of the City of Sterling Heights on the \_\_\_\_ day of October, 2016.

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MARK CARUFEL  
CITY CLERK

INTRODUCED: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE: \_\_\_\_\_



**AGENDA STATEMENT**

OMB AS03 Rev. 11/04

**Item Title:** To consider introduction of a map amendment to Zoning Ordinance No. 278 to conditionally rezone property on the east side of Ryan Road, south of Nathan West, in Section 17 from R-60 (One Family Residential District) to C-1 (Local Convenience Business District); Case No. PZ15-1136 (Presentation – Chris McLeod, City Planner).

**Submitted By:** Office of Planning

**Contact Person/Telephone:** Chris McLeod, City Planner, (586) 446.2384 *cpm*

**Administration (initial as applicable)**

**Attachments**

<i>MC</i>	City Clerk	___	Resolution	___	Minutes
<i>AB</i>	Finance & Budget Director	___	Ordinance	<u>  x  </u>	Plan/Map
<i>MK</i>	City Attorney (as to legal form)	___	Contract	<u>  x  </u>	Other
<i>MV</i>	City Manager				

Check box if this agenda item requires billing\revenue collection (fees, etc.) by Treasury Office

**Executive Summary**

**Introduction**

Sam and May Alisa (Petitioners) are requesting a conditional rezoning for property located on the east side of Ryan Road, south of Nathan West in Section 17, from R-60 (One Family Residential District) to C-1 (Local Convenience Business District) in order to develop the subject property with a 13,500 square foot commercial shopping center. The subject property is currently vacant.

**Background**

Petitioners are the owners of the subject property, which has approximately 368' of frontage on Ryan Road and a depth of approximately 227'. This 1.92 acre vacant parcel is surrounded by single family residential homes. The lot immediately to the south of the subject parcel is zoned R-60 (One Family Residential) and is improved with a single family residence. Further to the south, at the northeast corner of the 17 Mile Road and Ryan Road intersection, is a local commercial shopping center that is zoned C-1 (Local Convenience Business District).

To the north, across Nathan West, the properties are zoned R-60 (One Family Residential) and are improved with single family residences. To the east, the subject property immediately abuts single family residential housing that is zoned R-60 (One Family Residential)

The Master Land Use Plan designates this area as Neighborhood Residential. This Master Land Use Plan designation envisions a diversity of residential housing consisting largely of single family residential housing intermixed with higher density residential housing and townhomes.

## Proposal

Petitioners propose development of the subject property with a 13,500 square foot commercial building. Ingress and egress to the commercial development will be available from a single driveway providing access to Ryan Road. There is the potential for 9 tenant spaces -- possibly fewer if any of the prospective tenants has the need for a larger tenant space. Two of the nine spaces will be occupied by Petitioners' businesses (barber shop and florist), and seven will be available for lease. Tenant spaces are approximately 1,500 square feet each.

Petitioners have proposed a conditional rezoning request whereby certain conditions are being voluntarily offered to the City which would control development and uses of the subject property should the request be granted. The conditions are reflected within the plans presented to the City Council and/or will be specified in a conditional rezoning agreement entered into between the City and Petitioners.

Specific conditions which have been voluntarily offered by Petitioners include:

- All ingress and egress shall be confined to Ryan Road. No ingress or egress on Nathan West, a local street.
- A six-foot high decorative masonry wall will be installed on the east property line with an abutting 23.5' wide landscaped strip, which exceeds the 10' ordinance minimum. This will provide separation from the single-family residential uses behind the commercial center.
- Frontage landscaping will exceed minimum ordinance standards.
- Building will be constructed of all brick with metal shingled roof with dormers
- Petitioner will restrict the types of businesses in this development, and will specifically prohibit the following uses:
  - 1) Convenience Stores
  - 2) Meat and Fish Markets
  - 3) Fruit and Vegetable Markets
  - 4) Restaurants
  - 5) Carry-out Restaurants
  - 6) Taverns and Bars

Petitioners are subject to the following time limitations that are standard in all conditional rezoning agreements and required by Zoning Ordinance No. 278:

- Apply for and obtain site plan approval for the Proposed Development of the Property within twelve (12) months of the effective date of the ordinance amendment approving the rezoning or map amendment.
- Apply for and obtain a building permit for the Proposed Development within eighteen (18) months of such effective date; and
- Complete construction of the Proposed Development within thirty (30) months of such effective date.

## Planning Considerations

Based upon the location and development patterns within this area, the rezoning request from R-60 (One Family Residential) to C-1 (Local Convenience Business District), with the proposed conditions,

can be seen as logical and appropriate. This specific area of the city has a very strong commercial demand, as evidenced by the commercial vacancy survey provided by Petitioners.

Rezoning the subject property to C-1 will likely not create an adverse land use relationship to the remaining area properties due to the list of prohibited uses. Both of Petitioners' intended uses of part of the commercial center (barber shop and florist) are low intensity uses. Office uses which are permitted as a matter of right in the O-1 district are permitted as a matter of right in the C-1 Local Convenience Business district. Many of the permitted uses which have not been excluded by Petitioners' offered conditions are predominantly low intensity retail and service uses. By excluding the more intense uses that are permitted in the C-1 zoning district, the development takes on more of an office type feel, and reduces the common nuisances associated in a commercial zone such as foodstuffs in dumpsters and frequent deliveries.

However, it should be noted that remaining permitted uses in the C-1 Local Convenience Business District still contain some intense uses which may generate traffic and congestion, such as grocery stores, liquor stores, dance studios, and all special approval land uses (such as veterinary clinics, child and adult day care centers, dry cleaning and laundry establishments, and auto supply stores). By further limiting the intensity of allowable uses in the proposed commercial center, Petitioners are better able to mitigate the potential conflict between the predominant residential uses and commercial uses that will be introduced into the area.

Because of the list of prohibited uses proposed to be incorporated as conditions into the conditional rezoning agreement, the commercial center may function as a transitional land use area, which can be seen as an appropriate land use for this area. As noted in the Master Land Use Plan, transitional land use areas serve as flexible use areas and are generally located along major roads, but not at major intersections, and in proximity to commercial or other more intensive land uses. Further, the plan identifies transition areas for locations where detached single family residential dwellings are located, but should be phased out over time (such as houses fronting on major roads).

An older, vacant farmhouse-style residence was demolished on this property in 1999. The residentially-zoned property to the south will need to be addressed in the immediate future in terms of appropriate zoning. Otherwise, this conditional rezoning will create a spot zoning as the residential (R-60) parcel to the immediate south will be located between two (2) C-1 properties. Consequently, this rezoning will necessitate extending the nonresidential zoning pattern to the south.

### **Recommendation**

The Office of Planning reviewed Petitioners' conditional rezoning request and offered the Planning Commission the following points to consider:

1. Conditional rezoning of this property based upon the proposed voluntary conditions and development plans ensures that the development will be constructed in accordance with a specific zoning agreement between Petitioners and the City, to the benefit surrounding property owners and the City;
2. Conditional rezoning of this property based upon the proposed voluntary conditions and development plans will result in a development compatible with the surrounding zoning and land uses;
3. Conditional rezoning of this property would provide a suitable land use in keeping with the stated planning principles as defined in the City's Master Land Use Plan.

At the regular meeting of May 12<sup>th</sup>, 2016, the Planning Commission approved by a 6 – 2 vote (one member absent) the following motion to recommend denial of the Petitioners request to conditionally rezone the subject property, Case No. PZ15-1136:

Motion by Norgrove, supported by Rowe, that the Planning Commission forward a recommendation to City Council to DENY case number PZ15-1136, Sam & May Alisa, request to conditionally rezone property from R-60 (One Family Residential) to C-1 (Local Convenience Business) for the following reasons:

1. It is a spot zone and contradictory to the zoning set forth in the Master Plan and would negatively impact the surrounding area.
2. The property can be developed as residential.
3. The rezoning is inconsistent with the Master Plan.

**Suggested Action (To DENY conditional rezoning):**

MOVED BY:

SECONDED BY:

RESOLVED, to deny introduction of the map amendment to conditionally rezone property on the east side of Ryan Road, south of Nathan West, in Section 17 from R-60 (One Family Residential District) to C-1 (Local Convenience Business District); Case No. PZ15-1136.

**Alternate Suggested Action (To introduce ordinance to conditionally rezone):**

MOVED BY:

SECONDED BY:

RESOLVED, to introduce a map amendment to conditionally rezone property on the east side of Ryan Road, south of Nathan West in Section 17, from R-60 (One Family Residential District) to C-1 (Local Convenience Business District), Case No. PZ15-1136, and direct the Applicant to proceed to finalize a proposed agreement so that the City Council can further evaluate the offer of conditional rezoning of the property at the October 18<sup>th</sup>, 2016 regular meeting.

NOTIFICATION LIST

Sam and May Alisa  
43338 Forest Creek  
Sterling Heights MI 48314  
586.978.0981

APPLICANT: PZ15-1136 – SAM & MAY ALISA

39272 RYAN ROAD

MAY 12<sup>th</sup>, 2016

**SUMMARY:**

**Requested Action:** Conditional Rezoning from R-60 (One-Family Residential) to C-1 (Local Convenience Business).

**Proposal:** Development of a commercial shopping center consistent with the included site plan and rezoning request.

**Location:** East side of Ryan Road between Seventeen Mile Road and Nathan West in Section 17.

**Existing Zoning:** R-60 (One-Family Residential)

**Existing Land Use:** Vacant

**Master Land Use Plan Designation:**  
Neighborhood Residential



## **FINDINGS & CONCLUSIONS:**

### **Introduction**

See petitioner's drawing for parcel shape, dimensions, and building location.

The subject property is comprised of a vacant parcel situated on the east side of Ryan Road between Seventeen Mile Road and Nathan West in Section 17. The frontage for the property on Ryan Road is 368 feet. The property depth is approximately 227 feet. The total property acreage is approximately 1.9 acres.

### **Background**

The petitioner is the owner of the property and is requesting this zoning change in order to construct a commercial building. The proposed building is one story containing approximately 13,500 square feet. It is completely constructed of brick and an metal shingled roof with dormers to give it more of a residential appearance. The pedestrian walkway at the front of the building will be covered, providing all-weather protection.

The petitioner is a barber and his wife is a florist. They would like to locate their businesses to this facility as owner occupants.

Certain conditions have been offered by the petitioner to the City which would control the development and use of the subject property, and those conditions are reflected within the plans presented and/or will be incorporated into the conditional rezoning agreement if the City Council elects to proceed favorably on the petitioner's request. Those offered conditions are discussed later in this Staff Report.

The application was before the Planning Commission at its June 11<sup>th</sup>, 2015 meeting (minutes included). At that time, the application was postponed indefinitely to allow time for the applicant to discuss the proposal with the surrounding neighbors. The application was brought back before the Planning Commission at the March 10<sup>th</sup>, 2016 meeting to establish a new date for the application to be heard and the May 12<sup>th</sup> meeting date was set by the PC.

### **Rezoning / Conditional Rezoning Agreement**

As this is a conditional rezoning agreement, the petitioner has offered to the City of Sterling Heights to restrict the permitted uses of this property as set forth below. The petitioner has further offered that the development will be constructed in accordance with the plans submitted. The petitioner may not deviate substantially from or add to the approved use of the property without review and approval by the City Council.

No variances are being requested with this proposal and the site plan can meet all the specific conditions of the ordinance.

### **Proposal**

Petitioner proposes one building of 13,500 square feet. Access to the development will be provided by one drive from Ryan Road. There is the potential for 9 tenant spaces -- possibly fewer if any of the prospective tenants has the need for a larger tenant space. Two of the nine spaces will be occupied by the petitioner, and seven will be available for lease. Tenant spaces are approximately 1,500 square feet each.

Petitioner is proceeding with a conditional rezoning request whereby certain conditions are being offered to the City which would control development and uses of the subject property should the request be granted. The conditions will be reflected within the plans presented to the City Council and/or specified in the conditional rezoning agreement entered into between the City and Petitioner.

Conditions which have been voluntarily offered by the petitioner to the City are as follows:

- All ingress and egress shall be confined to Ryan Road. No ingress or egress on Nathan West.
- A six-foot high decorative masonry wall will be installed on the east property line with an abutting 23.5' wide landscaped strip, which exceeds the 10' ordinance minimum.
- Frontage landscaping will exceed minimum ordinance standards.
- Building will be constructed of all brick with metal shingled roof with dormers
- Petitioner will restrict the types of businesses in this development, and will specifically prohibit the following uses:
  - 1) Convenience Stores
  - 2) Meat and Fish Markets
  - 3) Fruit and Vegetable Markets
  - 4) Restaurants
  - 5) Carry-out Restaurants
  - 6) Taverns and Bars

Since the last meeting, petitioner has slightly revised its plans to provide additional tree plantings along the east property line in an effort to provide additional buffering to the residences to the east. Petitioner has also provided some additional pedestrian walkways to enhance pedestrian access to the site.

The owner has agreed to the following time limitations that are standard in all conditional rezoning agreements and required by Zoning Ordinance No. 278:

- Apply for and obtain site plan approval for the Proposed Development of the Property within twelve (12) months of the effective date of the ordinance amendment approving the rezoning or map amendment.
- Apply for and obtain a building permit for the Proposed Development within eighteen (18) months of such effective date; and
- Complete construction of the Proposed Development within thirty (30) months of such effective date.

### Conclusions

Based upon the location and development patterns comprising this area, this rezoning request from R-60 (One Family Residential) to C-1 (Local Convenience Business District), with the proposed conditions, can be seen as logical and appropriate. This specific area of the city has a very strong commercial demand, as evidenced by the commercial vacancy survey provided by petitioner.

Rezoning the subject property to C-1 will likely not create an adverse land use relationship to the remaining area properties due to the list of prohibited uses. Both of the petitioner's intended uses of part of the shopping center building (barber shop and florist) are low intensity uses. Office uses which are permitted as a matter of right in the O-1 district are permitted as a matter of right in the C-1 Local Convenience Business district. Many of the permitted uses which have not been excluded by the petitioner's offered conditions are predominantly low intensity retail and service uses. By excluding the more intense uses that are permitted in the C-1 zoning district, the development takes on more of an office type feel, and reduces the common nuisances associated in a commercial zone such as foodstuffs in dumpsters and frequent deliveries. However, the Planning Commission may want to clarify petitioner's list of excluded uses, as the list of remaining permitted uses in the C-1 Local Convenience Business classification still contains some more intense uses likely to generate traffic and congestion, such as grocery stores, liquor stores, dance studios, and all special approval land uses (such as veterinary clinics, child and adult day care centers, dry cleaning and laundry establishments, and auto supply stores. By limiting the intensity of allowable uses in the proposed shopping center, the Planning Commission can better ensure that this shopping center development is in line with the Master Land Use Plan objectives of enhancing the retail/service mix and minimizing uses that are in abundance, such as party stores and carry-out restaurants.

Because of the list of prohibited uses proposed to be incorporated as conditions into the conditional rezoning agreement, the development would mirror a transitional land use area, which is appropriate for this area. As noted in the Master Land Use Plan, transitional land use areas serve as flexible use areas and are generally located along major

roads, but not at major intersections, and in proximity to commercial or other more intensive land uses. Further, the plan identifies transition areas for locations where detached single family residential dwellings are located, but should be phased out over time (such as houses fronting on major roads). An older, vacant farmhouse-style residence was demolished on this property in 1999. The property to the south will need to be addressed though in terms of zoning. The remaining residence to the south of the subject property will remain R-60 One Family Residential and will be located between two (2) C-1 properties.

Finally, several additional site planning issues may help further minimize the impacts of a nonresidential use on this property to the abutting residential properties; these include decorative lighting throughout the development (that also utilizes full cut off fixtures, as well as additional landscape and/or architectural details along the east side of the property. These would be in addition to those items already offered by the applicant through the conditional rezoning agreement.

In summary, we believe a C-1 zoning applied to the subject property, with the appropriate mutually agreeable conditions, could be an acceptable use for this area and be found consistent with the City's overall Master Land Use Plan.

#### **SUGGESTED ACTION:**

That the Planning Commission forward a recommendation to City Council to **APPROVE** case number PZ15-1136, Sam & May Alisa, request to conditionally rezone property from R-60 (One Family Residential) to C-1 (Local Convenience Business) for the following reasons:

1. Conditional rezoning of this parcel based upon the proposed conditions and development plans will ensure that the development will be constructed in accordance with a specific zoning agreement between the petitioner and city, to the benefit surrounding property owners and the city;
2. Conditional rezoning of this parcel based upon the proposed conditions and development plans will result in a development compatible with the surrounding zoning and land uses;
3. Conditional rezoning of this property would provide a suitable land use in keeping with the stated planning principles as defined in the City's Master Land Use Plan.

The mutually agreeable conditions offered by petitioner include the following:

- All ingress and egress shall be confined to Ryan Road. No ingress or egress on Nathan West.
- A six-foot high decorative masonry wall will be installed on the east property line with an abutting 23.5' wide landscaped strip, which exceeds the 10' ordinance minimum.
- Frontage landscaping will exceed minimum ordinance standards.
- Building will be constructed of all brick with metal shingled roof with dormers.
- Petitioner will install and maintain additional trees along the east property line to provide a better buffer from the adjoining residential uses to the east.
- Petitioner will install and maintain additional pedestrian walkways to enhance pedestrian accessibility to the shopping center businesses.
- Petitioner will restrict the types of businesses in this development, and will specifically prohibit the following uses:

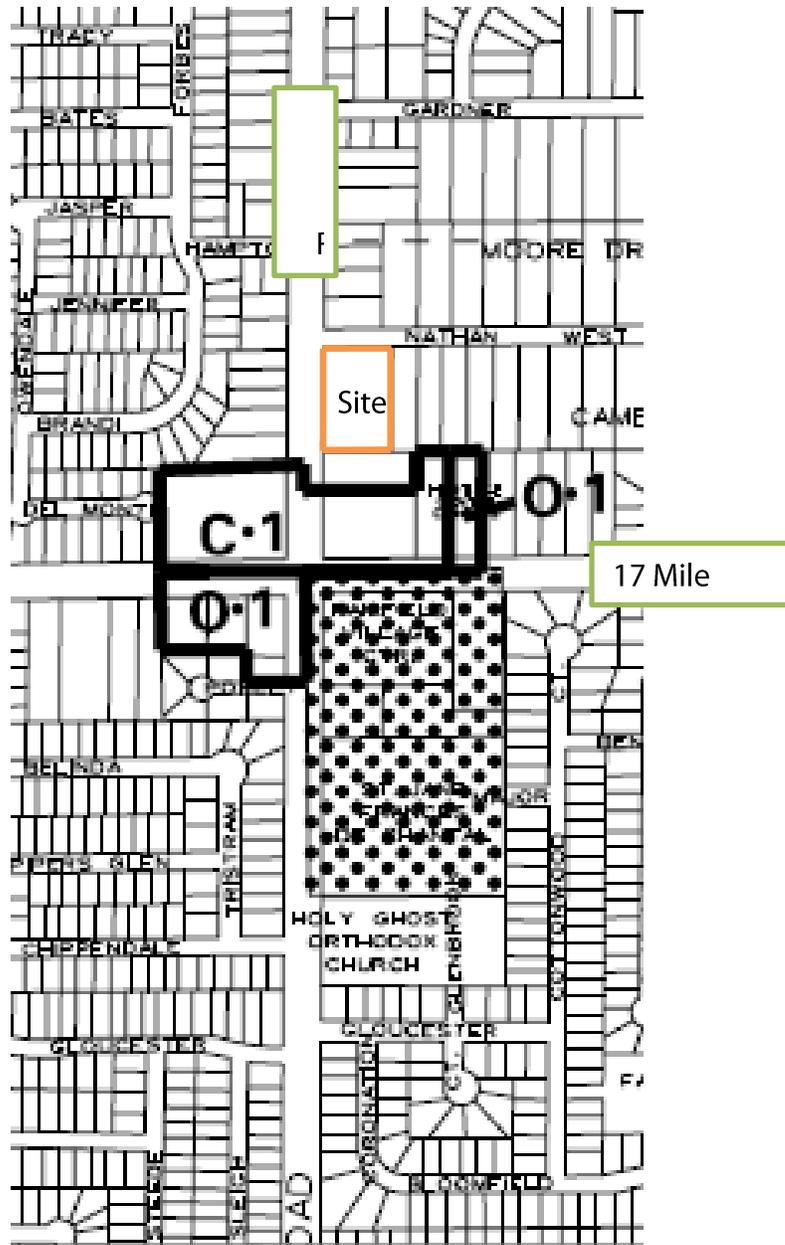
Convenience Stores  
Meat and Fish Markets  
Fruit and Vegetable Markets  
Restaurants  
Carry-out Restaurants  
Taverns and Bars

[Any other more intense permitted uses which petitioner is willing to prohibit in the shopping center]

APPLICANT: PZ15-1136 – SAM AND MAY ALISA -  
CONDITIONAL REZONING R-60 (ONE FAMILY RESIDENTIAL to C-1 LOCAL CONVENIENCE  
BUSINESS

39272 Ryan Road

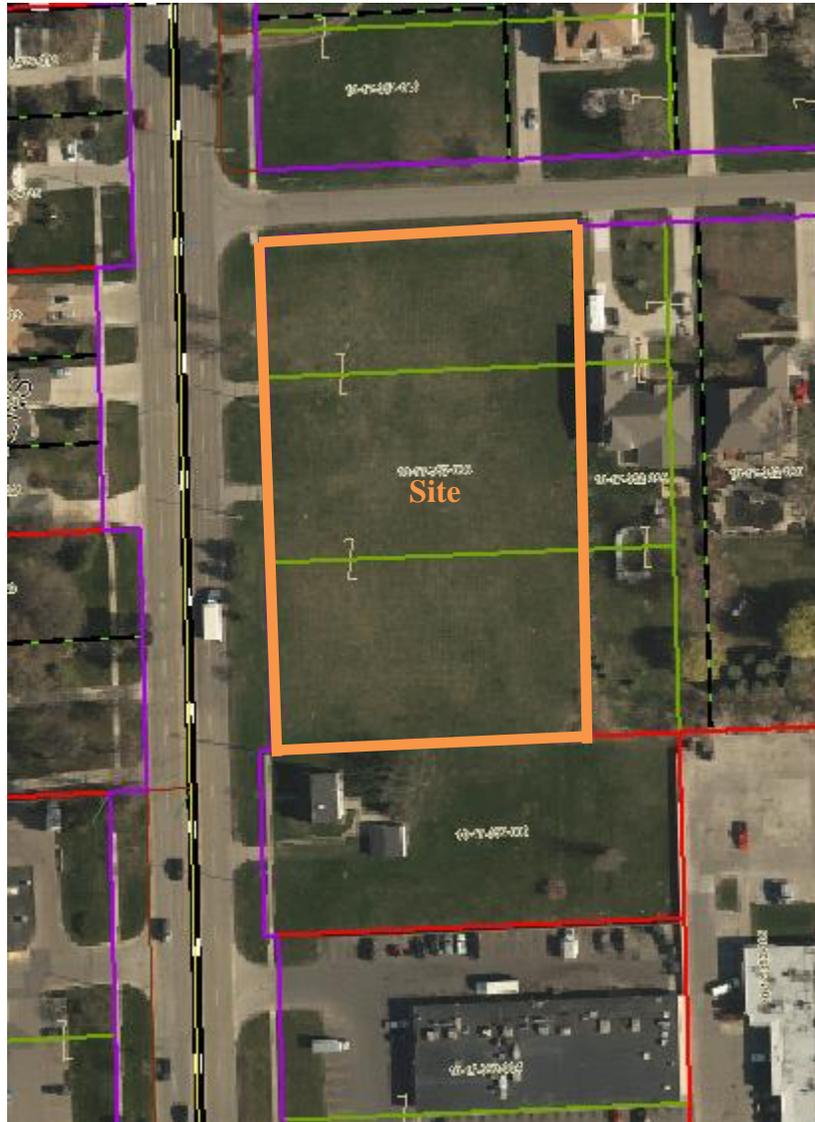
SEPTEMBER 20<sup>th</sup>, 2016



APPLICANT: PZ15-1136 – SAM AND MAY ALISA -  
CONDITIONAL REZONING R-60 (ONE FAMILY RESIDENTIAL to C-1 LOCAL CONVENIENCE  
BUSINESS

39272 Ryan Road

SEPTEMBER 20<sup>th</sup>, 2016



STERLING HEIGHTS PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL  
May 12, 2016

LOCATION: City Council Chambers, 40555 Utica Road, Sterling Heights, MI  
SUBJECT: Minutes of the Regular Meeting of the Planning Commission held May 12, 2016.

Mr. Reinowski called the meeting to order at 7:00 p.m.

Members present at roll call: Benjamin Ancona, Paul Jaboro, Edward Kopp, Stefano Militello, Donald Miller, Jeffrey Norgrove, Leonard Reinowski, and Gerald Rowe

Members absent at roll call: None

Also in attendance: Chris McLeod, City Planner  
Clark Andrews, City Attorney

**APPROVAL OF AGENDA**

Moved by Rowe, supported by Miller, to approve the Agenda.

Ayes: Rowe, Miller, Ancona, Jaboro, Kopp, Militello, Norgrove, Reinowski,

Nays: None

Absent: None

Motion carried.

**CONSIDERATIONS**

In the case of PZ16-1141 – 7191 Associates LLC

Requesting Rezoning from RM-2 and M-1 to M-2 (Heavy Industrial) district – North side of 17 Mile Road, between Van Dyke and Mound Roads in Section 16.

Property Address: 7191 17 Mile Road and 39639 Van Dyke

Mr. Reinowski stated the petitioner sent correspondence for the matter to be withdrawn.

**PZ15-1136 – Sam Alisa and May Alisa**

Requesting Conditional Rezoning from R-60 (One-Family Residential) to C-1 (Local Convenience Business) district - East side of Ryan Road between Seventeen Mile Road and Nathan West in Section 17.

Property Address: 39272 Ryan Road

Mr. Reinowski asked Mr. McLeod to give an overview.

Mr. McLeod stated the application was before the Commission back in June of 2015, at that time it was postponed, and recently was scheduled for present meeting. The postponement was to allow the applicant time to discuss the proposal with surrounding neighbors and provide any changes to the site-plan that is attached to the conditional rezoning. The proposed development is for an approximate 13,500 square foot shopping center. The property currently is vacant. The Master Land Use Plan designation is neighborhood residential transition. The total area of the property is approximately 1.9 acres. The applicant is seeking approval to construct a commercial building with an aesthetic that is residential in nature. This is a conditional rezoning request which allows the petitioner to place their own conditions on the proposed zoning request. The planning commission cannot require conditions of their own to be placed on this request; they have to be offered by the petitioner.

Mr. McLeod read the proposal and stated since the last meeting, the petitioner has revised the plan slightly to provide additional tree plantings along the east property line to provide additional buffering to the residents to the east. The petitioner has also provided additional walkways to enhance pedestrian access to the site.

Mr. Reinowski asked petitioner, or someone on behalf of the petitioner, to come forward to the podium.

Anthony Penna with Moore Penna & Associates, 38600 Van Dyke, Sterling Heights, MI 48312 stepped to the podium.

Mr. Penna stated he was representing Sam and May Alisa. He stated a year ago, during the Planning Commission meeting, they heard from neighbors regarding their concerns with the property. Over the last year, they have reevaluated the development. They have canvassed the area and spoken to people in the community to gather support to make the development harmonious with the residential area.

Mr. Penna then described, for the neighbors, what the conditional rezoning request entailed. The description included the proposed site plan, elevation plan, and the self-imposed restrictions on uses that will go in the development. He explained the restrictions will be in a contract between his client (Sam and May Alisa) and the City.

Mr. Reinowski asked for any questions from the commissioners.

Mr. Norgrove asked to reserve the right to ask questions after Mr. McLeod gave his recommendation.

Mr. Reinowski thanked Mr. Penna and asked for public participation.

Al Dapos, Sterling Heights resident, stated there are not businesses on Ryan Rd. other than a couple of churches and a funeral home. The businesses are at the intersections with the mile roads and he would like to keep Ryan Road residential.

Paul Boile, 39394 Ryan Road (two houses from proposed property), is opposed to the request. He stated he has concerns for added traffic in the turn lane. He read the Sterling Heights Zoning Ordinance, Section 25.01, which stated the City Council shall be the approving authority on this and not the Planning Commission. He stated concern regarding whether the restrictions are effective if the property changes hands and whether building design can be altered during the building process.

Mr. Reinowski stated the Planning Commission can only make a recommendation to the City Council and the City Council has the final authority.

Michael Slocum, 4685 Nathan West, Sterling Heights, stated he is opposed to request. He listed all the commercial properties in the area within the commercial zoning district. He stated there is a need for residential property and asked for the property to remain residential.

Carl L. Dallo, 3905 17 Mile Road, Sterling Heights, stated he is in support of the project. He stated the current businesses in the area are thriving and there is a need for the area to be rezoned.

Barbara Mezzapelle, 4116 Nathan West, Sterling Heights, stated she is the house right next to the development and was never approached by the developer to discuss the development. She pointed out that major congestion already exists at Ryan and 17 Mile Road which makes it nearly impossible to make a left turn out of Nathan West. People are already using Nathan West to get to 17 Mile Rd. She stated a concern for deliveries in the back of building which will be very close to her backyard and kitchen window.

George Lee, 4446 Nathan West, Sterling Heights, resident for 24 years. He stated he built a custom 3,700 sq. ft. home on one acre. He stated when he built his property, he inquired about the old home that was on subject property and was told by various city employees it would remain R-1 residential unless there was hardship. He described the neighborhood and stated the proposed property is residential and needs to remain residential. He also stated he was not approached by anyone regarding questions about the site.

Dan Mezzapelle, 4116 Nathan West, Sterling Heights, made a presentation regarding safety in association with allowing a commercial property to exist at proposed site. He provided an analysis done with SEMCOG data.

Lynn Potts, 4144 Nathan West, Sterling Heights, stated she bought her property and built a house. She stated there is an integrity issue with buying residential property and trying to

turn it into a commercial property. She hopes the city will handle this as if it was an issue for one of their own family members. She stated she was not canvassed by anyone for the proposed site.

Art Gorney 4223 Nathan West, Sterling Heights, stated when they bought their home three years ago, they were told by a city employee the proposed site was a residential property. He stated they have put in thousands of dollars into their house to make it fit in the neighborhood. He stated it is residential and is a bad idea to approve this.

Henry Palus, 4206 Nathan West, Sterling Heights, stated the people closest to the site have not been canvassed. He listed, from a document he obtained from City Records; the people that were on the petition were not close to the site. He presented 49 petitions opposed to the proposed property rezoning going through. He described various options for the site to keep it residential.

Amir Zetouna, 3616 DelMonte, Sterling Heights, stated her house backs to a strip mall and she doesn't have any issues with it.

Dino Martinelli, 39380 Ryan Rd, Sterling Heights stated he is opposed to development because the value of his residential property will go down.

George Kurzym, 4510 Nathan West, Sterling Heights, has resided there for about 31 years. He stated the petitioners knew the property was residential when they purchased it. He stated surrounding properties are residential.

Giralda Miuri, Sterling Heights, stated she is original owner of property and the intent was to keep it residential. She stated she has been a resident for 48 years and is opposed to the subject site becoming commercial.

Orysia DiVito, Sterling Heights, stated she loves living in Sterling Heights and the residents should be taken care of and the site should remain residential. The area is saturated with strip malls and vacant sites that could be used. Safety is a big concern with increased traffic.

Ron Macioce, 4350 Nathan West, Sterling Heights, stated he built his house and has lived there for over 26 years. He strongly disagrees with putting up a commercial development at the site. They are in support of keeping it residential.

Hithem Choulagh, 43798 Holmes Dr., Sterling Heights stated he has lived in Sterling Heights for 27 years. He is in support of building a shopping center.

Mr. Hanna, 4661 Pickwick Dr., Sterling Heights, stated he is in support of commercial type property being built.

Annette Berg, 4314 Nathan West, Sterling Heights, stated she built home 28 years ago and was promised the subject site was going to remain residential and there are many vacancies within Sterling Heights for these businesses. She stated the proposed site is not necessary and not agreeable to the residents.

Steve Sielagoski, 5511 Metropolitan Pkwy, Sterling Heights, stated he supports the petitioner.

Faik Yaldo, 43194 Harcourt Dr., Sterling Heights stated he is a real estate agent and lives north of the property. He stated traffic is already a problem and people do not want to buy residential property on a main street. He supports the proposal.

Ms. Hakim stated she is in support of the proposal. She stated her friend, May, would like to make a one-stop wedding planning site.

Samira Choulagh, Sterling Heights, stated she is in support of the proposal.

Mr. Berg, 4314 Nathan West, Sterling Heights, stated there are traffic problems with vehicles speeding down the street. He stated he is opposed to the proposal.

Sophia Yousif, 4251 Angeline Dr., Sterling Heights, stated she is a friend of May Alisa and is interested in having a business at the proposed property. She feels it will be beneficial for the area.

Mr. Reinowski asked for any further comments from the public. Being none, he asked the commissioners if there were any questions for Mr. McLeod or petitioner.

Mr. Norgrove asked Mr. McLeod why the commissioners did not receive applications, titles, comprehensive prints, and things of that nature.

Mr. McLeod stated it was a postponed case and information was in the initial submission.

Mr. Norgrove asked Mr. Andrews why this would not be considered a spot zone.

Mr. Andrews stated it could be considered a spot zone if it was trapped between two parcels that are zoned residential.

Mr. Norgrove stated this is not a favorable situation to have and wanted Mr. Andrews clarification that he believes it is a spot zone.

Mr. Andrews stated that if there is a changing trend in a particular area, it is not as critically important.

Mr. Norgrove stated it is clearly stated in the Master Plan as residential and has a problem because it is a spot zone.

Mr. Penna stated the property to the south has been vacant for some time. He stated the existing property is residential but also a transitional area aside from single families. He stated the city is ever evolving and so the Master Plan is always changing. He stated the development stopped at the site of the property and market states you can't put single family homes there.

Mr. Norgrove stated not only does he believe this is a spot zone, he asked where is the hardship that the petitioner cannot develop property as currently zoned.

Mr. Penna stated they are not seeking any type of variances and not claiming hardship. He stated because the area is evolving, they feel the best use for the property is commercial and with the conditions proposed it would be a good transitional use.

Mr. Norgrove asked Mr. Andrews if they were to approve, would the conditions carry over to the next property owner.

Mr. Andrews stated an agreement will be prepared, signed by the property owner, that will be recorded against that property, which will be binding and run with the property. The only way it could be changed would be an amendment done with the approval of the City Council in the future. The conditions would be binding with this property owner and also anyone that would buy the property from them.

Mr. Norgrove stated it is a spot zone and will not be in favor of rezoning.

Mr. Ancona asked Mr. McLeod who should be addressed regarding repaving of road, mentioned earlier by a resident.

Mr. McLeod stated it should go to the City Engineering Department and is typically done through a Special Assessment District.

Mr. Ancona asked if the city has any analysis regarding future traffic concerns.

Mr. McLeod stated there were none provided as part of the review. He stated SEMCOG is a reliable regional planning source. He stated although he hasn't had opportunity to review documents submitted tonight, but he trusts the documents submitted are from a reliable source.

Mr. Ancona confirmed with Mr. Andrews that the Planning Commission is a recommending body to the City Council. He then asked whether the commission recommends the proposal or not, does it still go to City Council?

Mr. Andrews stated it will go to the City Council no matter what, unless the request is withdrawn by the applicant.

Mr. Rowe stated he understands the difficulty in developing this property but the Master Plan shows the property as residential and feels the updated Master Plan will not be changing. He cannot support the rezoning for that reason.

Mr. Miller stated to Mr. McLeod the commercial developments are on the mile roads and corners. He stated if it is changed to build commercial on Ryan Road, this will set a precedent for future rezonings. He stated this property is developable as R-60. He asked if it could be a residential use, such as Special Approval Land Use for residential.

Mr. McLeod stated the property dimensions more than accommodate residential. In regards to the issue of precedence, it could be setting a precedence going further north or south, the Planning Commission needs to make a determination whether or not those extensions need to, or should, occur as the development of Ryan Road moves forward.

Mr. Miller stated he too will oppose the rezoning.

Mr. McLeod stated he received an objection letter from the Fontanas. The letter stated concerns for increased traffic, businesses close to the property will lead to privacy issues, parking adjacent to their home creating disturbances, and there are already three strip malls at 17 Mile Rd. and Ryan Rd.

Mr. McLeod also stated the resident at 39272 Ryan Rd. spoke with him. She is concerned with traffic, lights hitting her property, introduction of commercial property in a residential area, and the overall value of her property would go down.

Mr. Andrews addressed comments made of hardship, as previously mentioned in public hearing. He stated the standard, relating to hardship, has to do with the Zoning Board of Appeals -- the Planning Commission makes recommendations relating to rezonings, and the standards for rezoning do not relate to hardship.

Mr. Reinowski asked for any further discussion. Being none, he called for a motion.

Motion by Norgrove, supported by Rowe, that the Planning Commission forward a recommendation to City Council to DENY case number PZ15-1136, Sam & May Alisa, request to conditionally rezone property from R-60 (One Family Residential) to C-1 (Local Convenience Business) for the following reason:

1. It is a spot zone and contradictory to the zoning set forth in the Master Plan and would negatively impact the surrounding area.

2. The property can be developed as residential.
3. The rezoning is inconsistent with the Master Plan.

Mr. Reinowski asked for any discussion on the motion.

Mr. Rowe asked to add numbers 2 and 3 to the motion. Mr. Norgrove agreed.

Mr. Reinowski stated when driving down Ryan Road there are a number of impressive newer houses built right on Ryan Road. He stated a traffic concern doesn't seem to be an impediment to the residential properties.

Mr. Reinowski asked for any further comments. Being none, he called for a roll call vote.

Ayes: Norgrove, Rowe, Reinowski, Ancona, Kopp, Miller,

Nays: Jaboro, Militello

Absent: None

Motion denied.

Mr. Reinowski called for a recess until 9:20 p.m.

#### **PPCM-1150 – AutoZone Development**

Request for a Special Approval Land Use to construct an auto supply store in the C-1 (Local Convenience Business) district - East side of Van Dyke, west of Utica Road in Section 03.

Property Address: Part of 43020 Van Dyke

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod stated the application is for the construction of a new 6,000 square feet retail building for AutoZone. Automobile supply stores in the C-1 Local Convenience Business Zoning District are required to have a Special Approval Land Use. The property is located in the North Van Dyke Corridor Improvement District. The property is still owned by Comerica Bank and the property transfer would become complete upon approval of Site Plan and Special Approval Land Use. This property has received three variances from the Zoning Board of Appeals. The plan has been reviewed by the Corridor Improvement Authority group (administratively) which consists of the Planning Office, the Community Development Director, and the building official. The site plan has been deemed acceptable by that group. Mr. McLeod displayed and summarized drawings of the site.

Mr. Reinowski asked for any questions from the Commissioners for Mr. McLeod. Being none, he called for the petitioner (or representative) to come forward to the podium.

Wes Berlin from PEA – civil engineering consultant on behalf of AutoZone, 7927 Nemco Way Suite 115, Brighton, MI

Mr. Berlin thanked the Planning Commission for their time and consideration for approval of their project. He thanked Mr. McLeod for the thorough presentation. Mr. Berlin stated they are requesting a Special Approval Land Use; the use for the site will be auto parts retail sales. He stated they have made great effort to minimize setback variances, increase landscaping, and offer building upgrades to provide a visually appealing site. They have used the smallest prototype building AutoZone has. They have worked closely with neighboring property owners for cross access solutions. He stated based on approval for Special Land Use they are ready to proceed with all other site plan approvals necessary to begin construction.

Mr. Reinowski asked if the Commissioners had any questions for petitioner.

Mr. Norgrove confirmed with Mr. Berlin that the AutoZone is the smallest prototype building. He asked Mr. Berlin, whether AutoZone will have any type of outside storage or complete any type of heavy maintenance work in the parking lot.

Mr. Berlin stated there will not be any kind of outdoor storage. They have weekly deliveries and all done internally. AutoZone does help customers with minor changes, i.e., windshield wipers, bulb changes, things of that nature. There are typically only two or three employees working at a time and help customers if asked. There are no fluid changes done. AutoZone does have an oil recycling program, all housed inside the building.

Mr. Norgrove asked if there will be any storage underground.

Mr. Berlin stated absolutely not.

Mr. Reinowski asked for any questions from the Commissioners for petitioner. Being none, he then asked if there were any comments from public.

Karen Birdie of Earl Earl & Rose, 31851 Mound Rd., Warren, MI 48092, Representing Al's Hideaway Bar and Grill. She stated they are in support of the Special Approval Land Use. AutoZone has been excellent to deal with. They had problems in the beginning and all have been resolved. She stated they feel the project will be an asset to the city and looking forward to being their neighbor.

Mike Finatis, National Real Estate Transaction Director for Comerica Bank, stated they support the project, feel AutoZone will be an asset to the city, and AutoZone has been an outstanding company to work with.

Mr. Reinowski asked for any other comments from public. Being none, he closed public participation.

Mr. Reinowski asked for any questions from the Commissioners. Being none, he called for a motion.

Motion by Ancona, supported by Militello, in the case of PPCM-1150 and PSP 16-0004 part of 10-03-352-002 commonly known as 43020 Van Dyke, (the property is intended to be split off), I move to APPROVE the Special Approval Land Use based upon the facts and plans presented, subject to the following conditions:

1. That the development and operation of the facility shall remain consistent with the scale and nature of the use as described in the proposal, at Public Hearing and reflected on the site plan;
2. That the petitioner shall develop, maintain and operate the facility in compliance with all pertinent codes, ordinances and standards of the City of Sterling Heights, County of Macomb and the State of Michigan;
3. That the petitioner file a Notice of Special Approval Land Use with the Macomb County Register of Deeds within sixty (60) days following this action. Failure to file this notice will serve as grounds to revoke the Special Approval Land Use;
4. The decision of the Planning Commission shall remain valid and in force only as long as the facts and information presented to the Commission in the public hearing are found to be correct and the conditions upon which this motion is based are forever maintained as presented to the Commission.
5. The sale of auto parts shall be limited to new parts and remanufactured or reconditioned parts which are remanufactured or reconditioned off of the premises.
6. The installation of minor vehicle parts shall be permitted. Vehicle batteries, windshield wipers, fuses, replacement bulbs, and similar small vehicle parts which do not require disassembly of part of the vehicle or require use of the specialized tools provided the replaced parts are properly disposed of. The addition of fluids to a vehicle shall be limited to small quantities of fluid such as windshield washer fluid, oil, or transmission fluid added in a manner that does not create any spills of fluid or hazardous materials onto the parking lot.
7. That AutoZone be responsible for daily cleanup of any spilled fluids or materials in its parking lot caused by the activities of its customers and execute and deliver to the city any agreements or documents required by the city attorney.
8. That revised plans to be submitted must eliminate the cross access drive to the north and any agreements permitting such cross access must be terminated to the satisfaction of the city attorney.

9. That the cross access easement agreement for the cross access alignment to the south be provided for review by the city attorney and office of engineering and after approval recording against the property.
10. That the proposed property split be completed in accordance with terms of the Land Division Ordinance of the City.

This action is based on the following findings:

1. The site is zoned C-1 and it located along Van Dyke Road which contains a variety of retail uses both north and south of the proposed site which are consistent with the proposed use of the site for an automobile supply store.
2. The proposed auto supply retail plan use has been reviewed against and found to be in compliance with the city's Zoning Ordinance and Corridor Improvement Authority guidelines based upon the facts set forth in comments 1-5 above and has also granted the necessary variances.
3. That the proposed auto supply retail use is in conformance with the general Special Approval Land Use standards of Section 25.02 of the Zoning Ordinance as outlined in comments A-G above.
4. That the installation of minor vehicle parts limited to vehicle batteries, windshield wipers, fuses, replacement bulbs, and similar small vehicle parts that do not require disassembly of any part of the vehicle or the use of the specialized tools meets the standards of Section 25.02 provided any replacement parts are properly disposed of.
5. That the addition of small quantities of vehicle fluid such as windshield washer fluid, oil, or fuel additives meets the standards of Section 25.02 provided such additions do not cause any spills onto the parking lot and AutoZone shall be responsible for daily environmental cleanup in compliance with applicable environmental laws of any spilled fluids or materials resulting from its customers activities on the site.

Mr. Reinowski asked for any discussion on the motion.

Mr. Militello stated the petitioner was very easy to work on the ZBA and amicable to making any changes they were asked to make.

Mr. Reinowski asked for any other comments. Being none, he called for a roll call vote.

Ayes: Ancona, Militello, Jaboro, Kopp, Miller, Norgrove, Reinowski, Rowe

Nays: None  
Absent: None  
Motion Carried.

**PPCM-1152 – Potbelly – Nowak and Fraus Engineers**

Request for a Special Approval Land Use to construct a restaurant with a drive through restaurant in the C-3 General Business District - East side of Van Dyke, north of 15 Mile Road in Section 27.

Property address: 35100 Van Dyke

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod gave an overview and stated the driveway to the site is located internal to the overall existing MJR Theater development. There will not be an exterior curb cut for this development. The property as shown in the site plans, landscape plans, building elevations, and so forth, met the requirements set forth in the Zoning Ordinance. This was based on several conditions being met. Mr. McLeod reviewed drawings of the site.

Mr. Reinowski asked for petitioner, or representative, to come to the podium.

Mike Peterson with Nowak & Fraus Engineers, 46777 Woodward Ave., Pontiac  
Mr. Peterson stated he has been working on this area (corner) for about the past 13 years. He stated the project is looking for special approval land use to put in a casual restaurant with a drive through. He stated the developers have no issue with conforming to the suggested actions and recommendations the Planning Department as suggested and will work with the city to implement them. If the Special Approval Land Use is granted they are ready to go forward with site plan approval and engineering approval.

Mr. Reinowski asked for any questions from the Commissioners.

Mr. Ancona asked the petitioner about hours of operation.

Mr. Peterson stated he wasn't sure, but he didn't think it would be past midnight.

Mr. Militello confirmed with Mr. McLeod that the developers would be willing to "punch up" the overall design of the outside of the building.

Mr. McLeod stated during his conversation with the developer, they would be willing to do that provided the general configuration of the building remains the same.

Mr. Ancona asked if Action #12 covers the improvements for appearance of building.

Mr. McLeod stated it was left general because there are various ways to go about making the overall site more appealing.

Mr. Peterson stated he wasn't sure if the developers have obtained an architect yet or if they had someone provide generic elevations at this point. He stated they have had internal discussions regarding making the building more appealing and the developers are willing to do so.

Mr. McLeod stated with the Van Dyke improvements, the city wants to have it more appealing as well. Mr. McLeod had conveyed that to the developer previously.

Mr. Reinowski asked for any other questions from the Commissioners. Being none, he asked for public participation. Being none, he called for a motion.

Motion by Rowe, supported by Militello, in the case of PPCM-1152, 35100 Van Dyke, I move to APPROVE the Special Approval Land Use based upon the facts and plans presented, subject to the following conditions:

1. That the development and operation of the facility shall remain consistent with the scale and nature of the use as described in the proposal, at Public Hearing and reflected on the site plan;
2. That the petitioner shall develop, maintain and operate the facility in compliance with all pertinent codes, ordinances and standards of the City of Sterling Heights, County of Macomb and the State of Michigan;
3. That the petitioner file a Notice of Approval with the Macomb County Register of Deeds within sixty (60) days following this action. Failure to file this notice will serve as grounds to revoke the Special Approval Land Use;
4. The decision of the Planning Commission shall remain valid and in force only as long as the facts and information presented to the Commission in the public hearing are found to be correct and the conditions upon which this motion is based are forever maintained as presented to the Commission.
5. That the Planning Commission has found that the proposed drive through facility is compliant with Section 25.02 of the Zoning Ordinance.
6. Sign review and approval is a separate process and not a part of this review.
7. A pedestrian pass through should be provided within the island separating the drive through lane and the general maneuvering lane.

8. That a landscape hedge be provided between the entire length of the parking lot and the Van Dyke frontage as well as the parking lot and the internal roadway to the east of the site and that the applicant work with the Planning Department to implement design elements of the Van Dyke landscaping scheme within the Van Dyke boulevard.
9. That a landscape area be provided along the rear of the building by reducing the width of the drive through lane along the rear of the building.
10. That the parking lot trees be increased to thirteen (13) to meet the minimum requirements of the Zoning Ordinance.
11. That physical separations be provided between the proposed outdoor patio areas and the adjacent vehicular maneuvering lanes through the use of decorative panels, landscape areas, etc.
12. The applicant work with the Planning Department to provide additional architectural features and materials to the proposed building.
13. That the cross access easement agreement for the cross access alignment to the south be provided by review for the city attorney and office of engineering and after approval recording against the property.

This action is based on the following findings:

1. That the proposed shopping center with the drive through is in conformance with the specific requirements of Section 11.02 of the Zoning Ordinance as outlined in comments #1-#6 above.
2. That the proposed shopping center with the drive through is in conformance with the general planning standards of Section 25.02 of the Zoning Ordinance as outlined in comments A-G above.
3. That the proposed shopping center with the drive through meets or exceeds all other applicable Zoning Ordinance requirements upon compliance with conditions #1-#13 above.

Mr. Reinowski asked for any discussion on the motion.

Mr. McLeod stated the board may want to consider adding a requirement for the cross access.

The motion was amended by Mr. Rowe and supported by Mr. Militello, to add #13 and revised finding #3.

Mr. Reinowski asked for any other questions or comments from the Commissioners. Being none, he called for a roll call vote.

Ayes: Rowe, Militello, Ancona, Jaboro, Kopp, Miller, Norgrove, Reinowski  
Nays: None  
Absent: None  
Motion Carried.

**PSP16-0009 – AT&T (Warren Co Uverse-Phase 2)**

Requesting Board approval for the construction of a parking lot in the C-3 General Business and O-2 Planned Office Districts. East side of Van Dyke, south of 15 Mile Road in Section 34. Property address: 34480 Van Dyke

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod gave an overview for the request of additional parking spaces to the existing AT&T store. The parking spaces will be used for cars used for the day to day service calls. Mr. McLeod displayed and summarized drawings of the site.

Mr. Reinowski asked for any questions from the Commissioners for Mr. McLeod. Being none, he called for the petitioner to come to the podium.

Art Cabrera, Project Manager with EXP

Mr. Cabrera stated the request is to fulfill their commitment to pave the existing gravel parking area with asphalt.

Mr. Reinowski asked the Commissioners for any question to the petitioner. Being none, he asked for public participation.

Nicole Deleon, 34351 Daventry Ct., Sterling Heights, (property is directly behind AT&T property)

Ms. Deleon wanted to clarify there would still be a buffer of trees between the parking lot and her property.

Mr. Cabrera confirmed the parking lot will not be extended; they are only paving the existing gravel area.

Mr. McLeod explained the drawing further. He stated there will be an area where a retention pond is going to be and there will be 75 feet of trees preserved along the rear of the property line.

Ms. Deleon asked what the purpose of the retention pond is.

Mr. McLeod stated as part of any new development, there has to be a retention or detention for storm water. County requirements dictate there has to be a pond.

Mr. Reinowski asked for any further question or comments.

Mr. McLeod stated there were several correspondence sent in by residents concerned about the pond location, as well as, pond not being fenced. He stated a fence, per the slope, is not required.

Representative of the petitioner explained slope dimensions.

Mr. Reinowski asked for any further question or comments. Being none, he called for a motion.

Motion by Miller, supported by Militello, in the case of PSP16-0009, 34480 Van Dyke, I move to APPROVE the proposed preliminary Site Plan based upon the facts and plans presented, subject to the following conditions:

1. That the development and operation of the improvements on the site shall remain consistent with the scale and nature of the use as described in the proposal, at Public Hearing and reflected on the site plan;
2. That the petitioner shall develop, maintain and operate the facility in compliance with all pertinent codes, ordinances and standards of the City of Sterling Heights, County of Macomb and the State of Michigan;
3. The decision of the Planning Commission shall remain valid and in force only as long as the facts and information presented to the Commission in the public hearing are found to be correct and the conditions upon which this motion is based are forever maintained as presented to the Commission.
4. That the Planning Commission has found that the proposed parking lot expansion complies with Article 26 of the Zoning Ordinance.
5. The landscaping on the site is approved, subject to petitioner increasing the size of the parking lot trees to a minimum of three (3) inch caliper as required by article 24 of the Zoning Ordinance.
6. The retaining wall shall be installed as set forth on the site plan utilizing a decorative stone or stamped material. This will need to be coordinated with the City's Engineering and Building Department.

7. The gates for the dumpster enclosure shall be utilized durable, decorative wood gates.
8. If additional light poles/fixtures above the one (1) shown on the site plan are intended to be installed, a revised photometric plan shall be provided for review and approval by the City. Such additional lighting shall use decorative fixtures as required by the Planning Department.
9. The proposed light pole within the proposed parking area should be located at the intersection of parking space striping, not within the confines of a striped parking space.
10. The storm water detention basin shall be designed, constructed, and operated in accordance with the standards of the Office of Engineering. Petitioner shall execute and deliver to the City a maintenance agreement for the detention basin in recordable form satisfactory to the Office of Engineering and the City Attorney.

Mr. Reinowski asked for any discussion on the motion.

Mr. Andrews asked that the word "preliminary" be added to the approval statement in the motion.

Mr. Miller amended motion and Mr. Militello supported.

Mr. Reinowski asked for any further discussion on the motion. Being none, he called for a roll call vote.

Ayes: Miller, Militello, Norgrove, Reinowski, Rowe, Ancona, Jaboro, Kopp

Nays: None

Absent: None

Motion Carried.

**PZ16-1141 – 7191 Associates LLC**

Requesting Rezoning from RM-2 and M-1 to M-2 (Heavy Industrial) district – North side of 17 Mile Road, between Van Dyke and Mound Roads in Section 16.

Property Address: 7191 17 Mile Road and 39639 Van Dyke

Mr. Reinowski stated Mr. McLeod received a letter for this case to be withdrawn.

Motion by Rowe, supported by Militello, in the case of PZ16-1141 – 7191 Associates LLC, to rezone from RM-2 and M-1 to M-2 (Heavy Industrial) district – North side of 17 Mile Road, between Van Dyke and Mound Roads in Section 16.

Property Address: 7191 17 Mile Road and 39639 Van Dyke

Commission ACCEPTS petitioner's request to WITHDRAW.

Mr. Reinowski asked for any discussion on the motion. Being none, he called for a roll call vote.

Ayes: Rowe, Militello, Ancona, Jaboro, Kopp, Miller, Norgrove, Reinowski

Nays: None

Absent: None

Motion carried to accept petitioner's withdrawal request.

### **CITIZEN PARTICIPATION**

None

### **APPROVAL OF MINUTES**

Motion by Rowe, supported by Miller, to approve the minutes of April 14, 2106.

Ayes: Rowe, Miller, Militello, Norgrove, Reinowski, Jaboro,

Nays: None

Absent: None

Abstained: Ancona and Kopp – Not present at April 14<sup>th</sup> meeting

Motion Carried.

### **CORRESPONDENCE**

Mr. Militello listed who the letters were from:

- Rebina Vance, Monica Logan (Kiel), and Rick Bodgua regarding AT&T case.
- Oakland County Michigan Economic Development and Community Affairs highlighting their Master Plan and Economic Services review for Troy, sent by Eileen Dickerson, clerk.
- Michigan Planner

### **OLD BUSINESS**

None

### **NEW BUSINESS**

Mr. Norgrove stated he would like to extend an invite to Mr. Kollmorgen to attend the appreciation banquet for all the work he has done in the past year on the committee and for past years.

Motion by Norgrove, supported by Miller, to direct the City to invite Mr. Kollmorgen to the appreciation banquet.

Mr. Reinowski asked for any discussion on the motion.

Mr. McLeod stated he will let community relations know.

Ayes: Norgrove, Miller, Reinowski, Rowe, Ancona, Jaboro, Kopp, Militello

Nays: None  
Absent: None  
Motion carried

Mr. Reinowski asked if there was any other new business.

Mr. McLeod stated at the next Planning Commission meeting, there will be a revised draft of sign ordinance and there will be a public hearing.

**MOTION TO ADJOURN**

Motion by Jaboro, supported by Militello, to adjourn.

Ayes: Jaboro, Militello, Norgrove, Reinowski, Rowe, Ancona, Kopp

Nays: None

Absent: None

Motion Carried

The meeting adjourned at 10:28 p.m.

Respectfully submitted,

Stefano Militello, Secretary  
Planning Commission

G. TIMOTHY MOORE  
ANTHONY J. PENNA  
JOHN P. RUSSI  
TIMOTHY J. HARRINGTON



38600 Van Dyke Avenue, Suite 300, Sterling Heights, MI 48312  
Main: (586) 883-6585 • Fax: (586) 883-6468

E-MAIL:  
apenna@moorepennalaw.com

April 7, 2015

**VIA: HAND DELIVERY**

Attn: Don Mende  
40555 Utica Road  
Sterling Heights, MI 48311-8009

*RE: 39273 Ryan Road, Sterling Heights, MI  
Property Located on the East side of Ryan Road between 17 Mile and Nathan Drive*

Dear Mr. Mende:

Enclosed herewith please find the Petition to Amend the Zoning Ordinance for the above referenced property. It is my understanding you already have all the necessary plans. If you need any additional documentation please advise. It is further my understanding at this point you will place this matter on the next available planning commission agenda.

Should you have any questions or require any further information, please contact our office at your convenience.

Very Truly Yours,

**MOORE PENNA & ASSOCIATES PLLC**

A handwritten signature in blue ink, appearing to read "AJP", is written over the printed name of the sender.

Anthony J. Penna  
Attorney at Law

AJP/src  
Enclosure(s)

PZ15-1136

DATE: January 22, 2016

APPLICATION FOR SITE PLAN APPROVAL  
CITY OF STERLING HEIGHTS

Approval of a site plan is hereby requested for the following parcel of land in the City of Sterling Heights. This application is submitted with the required copies of the site plan and other data as required by the City Zoning Ordinance and outlined in the procedure guide for approval of site plans.

PLEASE PRINT OR TYPE ALL INFORMATION.

1. Proposed development name: ALISA SHOPPING CENTER
2. Parcel address: 3927~~8~~ RYAN
3. Location of property is on the EAST side of RYAN  
Road between 17 MILE and NATHAN DRIVE in Section 17

4. The property is presently zoned R-60
5. The total site area is 1.922 acres.
6. Portion of total site area being developed is 100%
7. It is proposed that the following building(s) will be constructed (indicate the number of buildings; whether they will be sold or retained under single ownership; and, if they are to be leased, the period of the lease.

13,500 SQ FT - ONE BUILDING - RETAINED UNDER SINGLE OWNERSHIP -  
9 UNITS - ARE TO BE LEASED - 5 YR MIN. LEASE

RECEIVED

JAN 22 2016

STERLING HEIGHTS  
BUILDING SERVICES

ENVIRONMENTAL PERMITS CHECKLIST FOR THE  
CITY OF STERLING HEIGHTS

*This checklist is designed to assist businesses in their efforts to identify and comply with state and county environmental permit requirements. This form is part of the Sterling Heights site plan review application and must be completed prior to site plan review.*

*The following steps should be followed:*

- 1. Review the list of requirements below and check the items which may apply to your business;*
- 2. Contact the appropriate government offices to obtain specific information about permit requirements;*
- 3. Apply for state and county permits and approvals, as necessary for your proposed activity;*
- 4. Return a copy of this form to the Sterling Heights Planning Department indicating the permits you are seeking;*
- 5. Retain a copy for your files.*

*This checklist is not a permit application form; businesses are responsible for obtaining information and permit application forms from appropriate government offices. Compliance with applicable county and state requirements is a pre-requisite for site plan approval in Sterling Heights.*

- 
1. Y  Will the project involve the discharge of any type of wastewater to a storm sewer, drain, lake, stream or other surface water?  
*Contact: Michigan Department of Environmental Quality, Surface Water Quality Division, Livonia District office (734) 953-1431.*
  2. Y  Will the project involve the discharge of liquids, sludges, wastewater and/or wastewater residuals into or onto the ground?  
*Contact: Michigan Department of Environmental Quality, Waste Management Division, Livonia District office (734) 953-1430.*
  3. Y  Will the project or facility store or use hazardous substances, oil or salt? Depending on the type of substance, secondary containment and a Pollution Incident Prevention Plan (or a material storage permit) may be required.  
*Contact: Michigan Department of Environmental Quality, Waste Management Division, Livonia District office (734) 953-1430 and the Sterling Heights Fire Department (810) 446-2970.*
  4. Y  Will the facility use underground storage tanks? Existing tanks must be registered with the State of Michigan. Tanks must be installed and operated in accordance with regulations of Sterling Heights and the Michigan State Police Fire Marshal Division.  
*Contact: Sterling Heights Fire Department (810) 446-2970 and Michigan State Police Fire Marshal Division, Northville District office, (248) 380-1100.*
  5. Y  Will the facility involve the transport, on-site treatment, storage or disposal of hazardous waste generated in quantities of 1000 kilograms (250 gallons or 2200 pounds) or more per month? If yes, one or more permits may be required.

Will the facility generate between 100 kilograms/month (25 gallons or 220 pounds) and 1000 kilograms/month (250 gallons or 2200 pounds) of hazardous waste? If yes, the facility may be a small quantity generator, subject to federal and state regulations. An EPA identification number should be obtained from the Michigan Department of Natural Resources (special forms are available) and a manifest (shipping paper) should be used to transport waste off-site.

RECEIVED

JAN 22 2016

*Contact: Michigan Department of Environmental Quality, Waste Management Division, Livonia District office (734) 953-1430 and the Sterling Heights Fire Department (810) 446-2970.*

(Over)

STERLING HEIGHTS  
BUILDING SERVICES

6. Y  Will the project involve burning, landfilling, transferring or processing any type of solid non-hazardous wastes on-site?  
*Contact: Michigan Department of Environmental Quality, Waste Management Division, Livonia District office (734) 953-1430.*
7. Y  Will the project involve the installation, construction, reconstruction, relocation, or alteration of any process or process equipment (including air pollution control equipment) which has the potential to emit air contaminants?  
*Contact: Michigan Department of Environmental Quality, Air Quality Division, Permit Section, Lansing Central office (517) 373-7087.*
8. Y  Will the project involve any dredging proposed within 500 feet of a lake, river, stream, creek or ditch?  
*Contact: Michigan Department of Environmental Quality, Land and Water Management Division, Livonia District office (734) 953-8905.*
9. Y  Does the project involve any work (dredging, filling, construction) proposed in a river, stream, creek, ditch, wetland or floodplain?  
*Contact: Michigan Department of Environmental Quality, Land and Water Management Division, Livonia District office (734) 953-8905.*
10. Y  Will any hazardous chemicals, hazardous wastewater or hazardous waste in any quantity be discharged to the Detroit Wastewater Treatment System? If yes, information may need to be provided to determine if pretreatment requirements apply.  
*Contact: Sterling Heights Public Works (810) 446-2440.*
11. Y  Will an on-site wastewater treatment system or septic system be installed? Will seepage be stored on-site prior to off-site disposal.  
*Contact: For sanitary sewage - Macomb County Environmental Health (810) 469-5236.*  
  
*For industrial wastewater or more than 10,000 gallons/day of sanitary sewage - Michigan Department of Environmental Quality, Waste Management Division, Livonia District office (734) 953-1430.*
12. Y  Is this facility (or any facility under your ownership) currently involved in any compliance discussions with the Michigan Department of Natural Resources or the Michigan Attorney General's Office?  
*Contact: Michigan Department of Environmental Quality, Office of Environmental Enforcement, Lansing Central office (517) 373-3503.*
13. Y  Is this facility/property (or any facility/property under your ownership) included on the Act 307 Priority List, "Michigan Sites of Environmental Contamination"?  
*Contact: Michigan Department of Environmental Quality, Environmental Response Division, Lansing Central office (517) 373-8448.*

*Note: For assistance with permits and approvals from the Michigan Department of Natural Resources, including permit coordination among MDNR divisions, contact the Permit Coordinator, Lansing Central office (517) 335-4235. For general information contact Department of Environmental Quality, Livonia District office (734) 953-8905.*

Business Name: **ROBERT J. TOBIN AND ASSOCIATES INC**

Mailing Address: **2201 12 MI - WARREN, MI 48092**

Telephone: **586-619-9639**

Date: **MAR 5, 2015**

**COMMERCIAL RETAIL OCCUPANCY SURVEY FOR  
RYAN ROAD BETWEEN 15 MILE & 18 MILE ROAD**

*This survey was performed on May 8, 2015 to assess the occupancy of retail shopping centers similar to that proposed by petitioner on Ryan Road between 15 Mile and 18 Mile Road. The results indicate the corners on Ryan Road between 15 Mile and 19 Mile Road are in high demand for retail, evidenced by only approximately 3 vacancies in over 12 commercial retail centers.*

*The occupancy rate for the surveyed area is nearly 100%. The following is a list of retail commercial centers and their respective occupancy:*

SITE LOCATION	OCCUPANCY
<b>FAIRFIELD VILLAGE PLAZA: S.E. Corner of 17 Mile &amp; Ryan Road</b> Antonio's Mannino's Bakery European Hair Design Magic Cleaners Hungry Howies Victorias Garden Florist Starbuzz Smoke Shop Everlasting Imaging Al Reem Jewelry Douglas J. Kardynal Dentistry Shaeffer Chiropractic Center	100%
<b>KATO PLAZA: N.E. Corner of 17 Mile &amp; Ryan Road</b> Buscemis Baghdad Restaurant Sweet & Sweeter Bakery Amir Hair Salon Sterling Heights Fruit Market Baghdad Meat	100%
<b>NUGGET PLAZA: E. of N.E. Corner of 17 Mile &amp; Ryan Road</b> Sahar's Fashions Romance Jewelry Global Services Princess Salon Al Jalia Imported Food Bakery	100%
<b>BRIAR HILL PLAZA: N.W. Corner of 17 Mile &amp; Ryan Road</b>	100%

Tarboosh Café  
AAA Insurance  
Nadia's Boutique  
Sundus Marogy Dentistry  
Grand Slam Baseball Cards  
Halawa Mosul Sweet & Bakery  
Al Rafidain Meats  
Ice Hookah & Tobacco Shop  
Jasmin Mediterranean Grill  
Senan Salon  
The Medicine Shop  
Hanna's Fruit Market

**LA STANTA PLAZA: S.W. Corner of 18 Mile & Ryan Road**

Sterling Heights 2 Fruit Market  
Dr. Eduardo Reglado Dentist  
Metro PCS  
Maximus Cleaners

100%

**18 RYAN PLAZA: S.E. Corner of 18 Mile & Ryan Road**

VG's Food Center  
Planet Fitness  
Dollar Tree  
O'Reilly Auto Parts  
Great Clips  
5 Star II Nails  
Dong Sing Chinese Carryout  
Jets Pizza  
Edward Jones  
Genie Mediterranean Grill

100%

**36822-36920: S.E. Corner of 16 Mile & Ryan Road**

Runway Fashions  
Normandy Optical  
Sally's Fine Jewelry  
Sam's Style Salon  
Al-Waleem Catering Food  
Baghdad Tower Sweets  
Babylon Fruit Market

100%

K&N Café	
<b>RYAN COMMONS: S.W. Corner of 16 Mile &amp; Ryan Road</b> Al Mawal Gammo Jewelry Neel's Hair Salon Red Ribbon Cake Shop Angel's Boutique Ryan Market	100%
<b>HATHERLY COMMONS: N.W. Corner of 15 Mile &amp; Ryan Road</b> Shatila Sweets Café Ishtar Restaurant Hatherly Cleaners Great Expressions Orthodontics Hair Studio Dream Fashion Grinder 2 Hadia Gifts Dream Dollar AW Shoe Repair HTM Accounting & Tax Titan Management Co. Offices We Do It All Computer Services Mama & Babies Boutique & More Town Pediatric St. Rita Family Services All Cities Driving School Helen Flowers Maan Dally Video & Photos	90%
<b>TIMES SQUARE: N.E. Corner of 15 Mile &amp; Ryan Road</b> Tim Hortons Pancho Villa's Hanna's Fruit Market Shish Kabob Instyle Nails Majid's Salon	100%

Chaldean Community Foundation  
Meat World  
Paris Pastry  
Beauty Kingdom  
Chanel Fashion  
7-Eleven

**BEAVER CREEK PLAZA: S.E. Corner of 15 Mile & Ryan Road**

Abu Nawas Restaurant  
Cloud City Vape  
New Dimension Hair Salon  
S&V Fashion Boutique  
Coin Laundry  
Max Deli & Market

100%

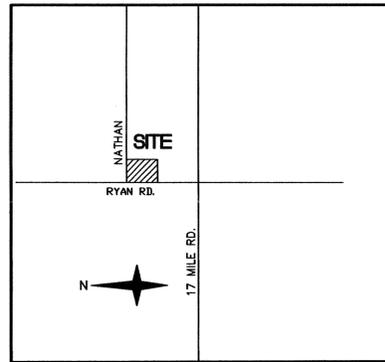
**15 RYAN PLAZA: S.E. Corner of 15 Mile & Ryan Road**

Gold'n Oven  
Shisha Town  
Baghdad Restaurant  
Samir Meat

100%

*This survey was conducted by the office of Anthony J. Penna.*





VICINITY MAP  
NOT TO SCALE

**PLANTING SCHEDULE**

SYMBOL	QUAN.	COMMON NAME	BOTANICAL NAME	HEIGHT	CALIPER	SPREAD
NM	24	NORWAY MAPLE	ACER PLATANIDES	8'-0"	2-1/2"	8'-10"
J	12	CREeping JUNIPER	JUNIPERS HORIZONTALS	24"	-	3'-0"
Y	23	DENS JAPANESE YEW	TAXUS MEDIA-DENSIFORMS	24"	-	2'-0"
A	5	AMERICAN ARBORVITAE	THUJA OCCIDENTALS	5'-0"	-	3'-0"
HL	4	HONEY LOCUST	TRICANTHOS INERMIS	8'-10"	-	8'-10"

NOTE: ENTIRE LANDSCAPED AREAS TO BE IRRIGATED

**LEGAL DESCRIPTION**

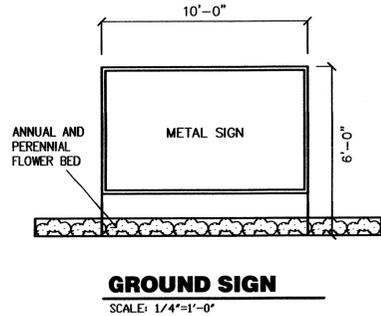
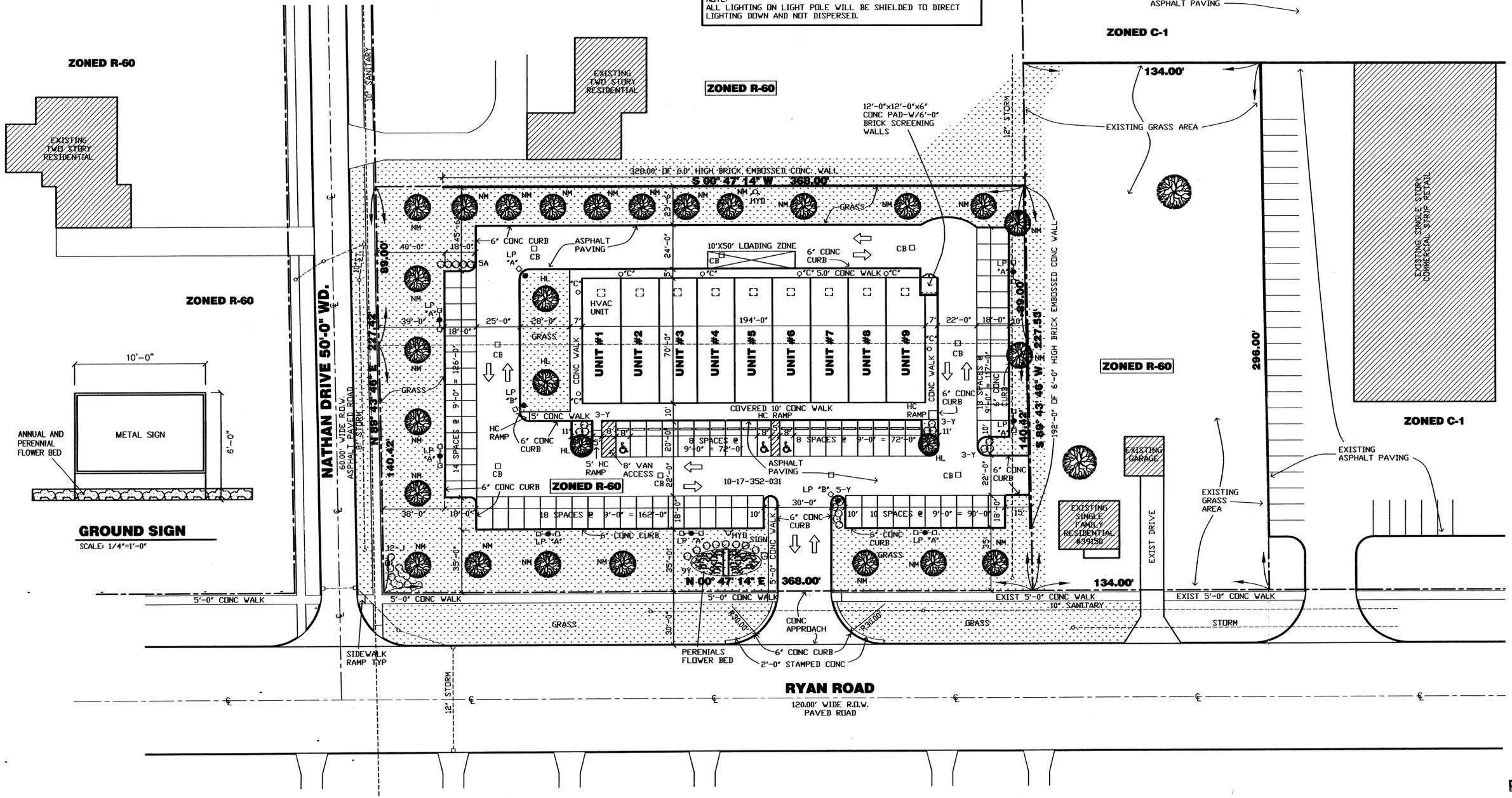
PART OF THE SW 1/4 OF SECTION 17, T2N, R12E CITY OF STERLING HEIGHTS, MACOMB COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 17; THENCE N00°47'14"E, 769.00 FEET ALONG THE WEST LINE OF SAID SECTION 17 AND THE CENTERLINE OF RYAN ROAD (120.00 FEET WIDE); THENCE N89°43'44"E, 60.01 FEET ALONG THE SOUTH LINE OF NATHAN DRIVE (50.00 FEET WIDE) TO THE POINT OF BEGINNING; THENCE CONTINUING N89°43'44"E, 227.42 FEET ALONG SOUTH LINE OF SAID NATHAN DRIVE; THENCE S00°46'10"W, 368.00 FEET; THENCE S89°43'44"W, 227.53 FEET; THENCE N00°47'14"E, 368.00 FEET ALONG THE EAST LINE OF RYAN ROAD TO THE POINT OF BEGINNING.

**PROPERTY INDEX**

SITE SIZE (COMBINED SIZE) 1.922 ACRES  
 EXISTING ZONING R-60  
 BUILDING SIZE 13,500 SQ. FT.  
 BUILDING HEIGHT 25'-0"  
 USE GROUP B-BUSINESS  
 CONSTRUCTION TYPE 3 B  
 PARKING REQUIREMENTS 15,580 SQ. FT.  
 13,580 x 90% = 12,222 SQ. FT.  
 12,222 + 200 = REQUIRED = 61 SPACES  
 PROVIDED = 64 SPACES

NOTE:  
 1) ALL LANDSCAPED AREAS SHALL BE AUTOMATICALLY IRRIGATED.  
 2) THERE ARE NO EXISTING TREES ON THE SITE.  
 3) STORM WATER DETENTION WILL BE REQUIRED ON SITE USING CATCH BASIN.

SIDWELLS: 10-17-352-031 AND 10-17-352-032  
 NOTE:  
 BUILDING MOUNTED "WALL-PACKS" TO BE FULL CUT OFF FIXTURE ARE DIRECTED STRAIGHT DOWNWARD. LIGHT TRESPASS SHALL NOT EXCEED 2.0 FOOT CANDLES AT PROPERTY LINE.  
 NOTE:  
 ALL LIGHTING ON LIGHT POLE WILL BE SHIELDED TO DIRECT LIGHTING DOWN AND NOT DISPERSED.



**GROUND SIGN**  
SCALE: 1/4"=1'-0"

DATE	REVISIONS	ITEM

**ROBERT J. TOBIN & ASSOC., INC.**  
 ARCHITECTS • ENGINEERS • PLANNERS  
 2201 TWELVE MILE ROAD, WARREN, MICHIGAN 48092  
 PHONE: 586.617.6639 FAX: 586.617.9341  
 A.I.A.



**SITE PLAN**  
**PROPOSED SHOPPING PLAZA**  
**39273 RYAN ROAD**  
**STERLING HEIGHTS MICHIGAN**

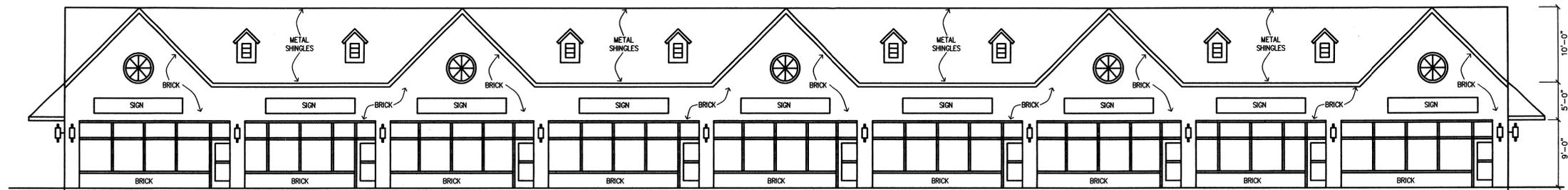
JOB NO. PJT-09-105	DATE: 01.15.16	DRAWN BY: [Signature]	APPROVED BY: R.J.T.
SHEET NUMBER			<b>C1</b>

PZ15-1136  
 RECEIVED  
 JAN 22 2016  
 STERLING HEIGHTS BUILDING SERVICES

**SITE PLAN**  
 SCALE: 1" = 30'-0"

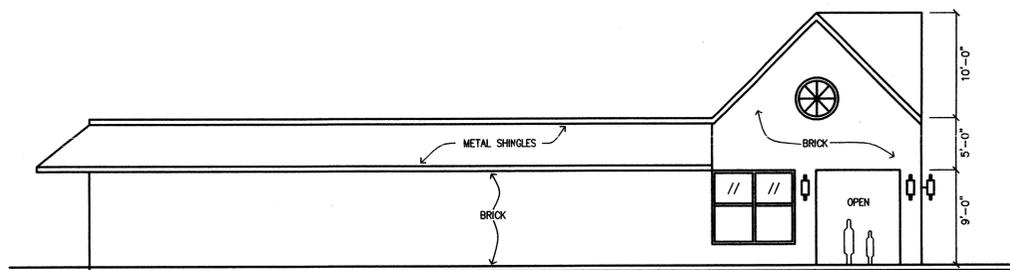


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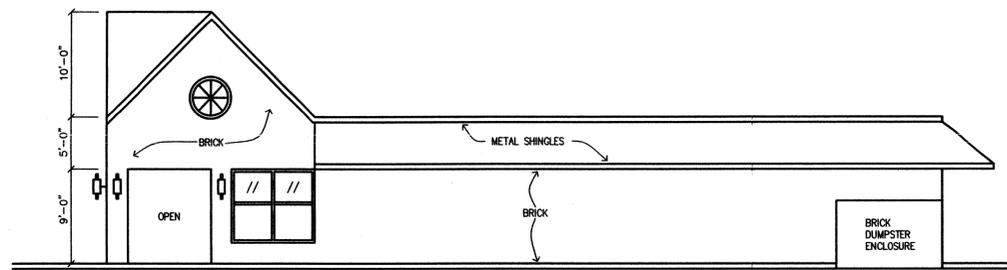
**WEST ELEVATION**

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



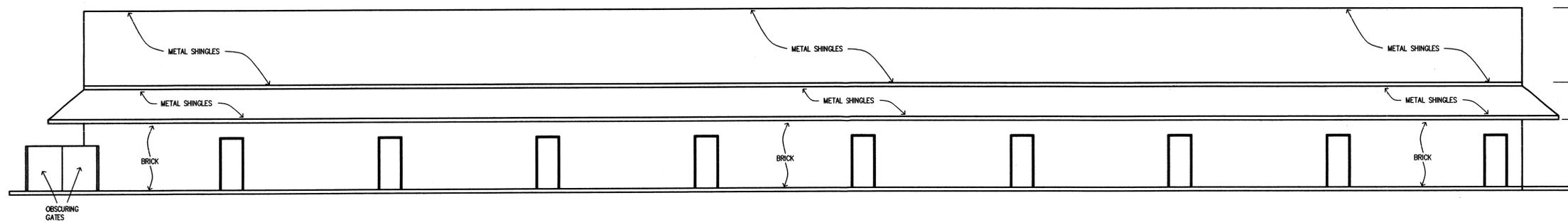
**NORTH ELEVATION**

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



**SOUTH ELEVATION**

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



**EAST ELEVATION**

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

DATE	REVISIONS	ITEM

**ROBERT J. TOBIN & ASSOC., INC.**  
 ARCHITECTS • ENGINEERS • PLANNERS  
 2201 TWELVE MILE ROAD, WARREN, MICHIGAN 48092  
 PHONE: 386.617.7839 FAX: 386.617.7341  
**A.I.A.**



**EXTERIOR ELEVATIONS**  
**PROPOSED SHOPPING PLAZA**  
**39273 RYAN ROAD**  
**STERLING HEIGHTS MICHIGAN**

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PZ15-1136

RECEIVED  
 JAN 22 2013  
 STERLING HEIGHTS BUILDING SERVICES

JOB NO: RJT-09-103  
 DATE: 02.20.14  
 DRAWN BY: [blank]  
 APPROVED BY: R.J.T.  
 SHEET NUMBER  
**A1**

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

I am asking for the support of the neighbors for my project. In order to build the project I need to re-zone the property from residential to a commercial use. I want to make the best use for the vacant property and I want that use to make sense to the community. I plan on working in the community for the rest of my life at this location and therefore the community's support is important to me.

If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:**

HOAN C. BUI

**Address:**

39235 Ryan Rd  
Sterling HTS

**Signature:**

Hoan C. Bui

**Date:**

11/16/2012

586-825-3375.

**To: Neighbor**

**From: Sam Alisa/Property Owner**

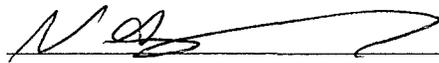
By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** Nayam Khamo  
**Address:** 4300 Lancelot  
sterling HT's mile (85) to  
**Signature:**   
**Date:** 11-07-13

(5) 268-3429

June 10, 2015

To Whom it May Concern:

As a resident of Nathan West for the past 27 years, and a resident of Sterling Heights for the past 52 years, my wife and I would like to voice our strongest opposition to the proposed plan to rezone the corner of Nathan West and Ryan from residential to Local Convenience Business in order to build another strip mall.

As you know, the northwest, northeast, and southeast corners of 17 Mile and Ryan are already strip malls filled with neon lights, and the southwest corner is office buildings. We do not need, nor do any of the residents of Nathan want, another strip mall.

Nathan West is one of the unique streets in Sterling Heights because of the size of our lots and the individuality of our homes. As individual home owners we payed 10,000 dollars to have our street paved in blacktop rather than cement, and chose not to have sidewalks for a more aesthetic look. We came as a collective unit to the city council in order that a cellphone tower would not be placed near our homes at 17 Mile and Ryan. The idea of a strip mall at the corner of our street is beyond inappropriate and would definitely alter not only the beauty of the street but the value of our homes.

It was only on Monday of this week that a placard was placed at the corner of Nathan and Ryan. We are very disappointed in the amount of time given to us residents for the notification of this plan. My wife and I will be unavailable to attend the planning board meeting, and did not have enough time to change our schedules. This letter is to put into writing our opposition to this plan. Please feel free to read it at the meeting on June 11, 2015.

Again, we are urging a "no" vote on Thursday to any plan to change this area from residential. We ask you all to consider the residents of Nathan West and the surrounding neighborhoods. Please vote as if the decision would be directly affecting you or your family member.

Thank you for your consideration in this very important matter.

Sincerely,

  
Jeffrey and Annette Berg



June 9, 2015

City of Sterling Heights

Office of City Development

This letter is in regards to a proposed rezoning variance for the area of Ryan Road between Nathan West and 17 Mile Rd. We are residents of Nathan West and have been for over 30 years and have seen a lot of development in this city during those years. However, to change this parcel of land zoned residential to business would definitely not be in the favor of any residents on this street. We are speaking for ourselves but are sure most people who live on our street would agree about the increase in traffic, we already have a lot of speeding on our street and feel that would increase too. There is a noise concern too with increased traffic and concern about trash generated from a business establishment. We currently have culverts and are constantly removing bottles and other trash with normal residential traffic down our street. Also, our street is used by school buses and the increased traffic would only add to the burden. We also wonder if property values would be affected? In conclusion, we are very opposed to changing this zoning from residential to business.

We are unable to physically be present for this meeting; hence this letter is being emailed to Mr. Donald Mende to be submitted on our behalf during this important meeting. Please keep the residents' concerns in mind when making your decisions.

George Kurzym

4510 Nathan West Dr.

Cynthia Kurzym

4510 Nathan West Dr.

**Donald Mende**

---

**From:** Barbara Scarcelli [barbiedoll1938@gmail.com]  
**Sent:** June 10, 2015 3:22 PM  
**To:** Donald Mende  
**Subject:** ATTN: Mr. Ben Ancona, Secretary of Planning Comm.

Dear Mr. Ancona: I am writing in regards to the June 11th meeting concerning the rezoning of property listed as: 39272 Ryan Rd. between 17 Mile and Nathan West... I am AGAINST the rezoning from (One-Family Residential) to C-1 (Local Convenience Business) district... When my husband and I bought our property on Nathan West almost 29 years ago it was because of the acreage and privacy it afforded us. NOW because of ONE family's "issues" their original (one-family residential - R-60) is UP for REZONING.... Well, Mr. Ancona, I know I am only one of MANY residents on Nathan West who oppose this rezoning request... I cannot think of any plausible reason why OUR "peaceful existence" has to come to an end.....I wonder where Mr. & Mrs. Alisa live and if they have a Strip-Mall in their backyard.....OR better still, would they like one..... My final plea is for you, Mr. Ancona, and the rest of the Planning Commission: Close eyes and picture your home existing on Nathan West.....

Thank

you,  
Scarcelli  
S.H.

Mrs. Barbara  
4247 Nathan West -  
June 10th, 2015 @3:11 p.m.

## Donald Mende

---

**From:** Wendy Sammut [wasammut@sbcglobal.net]  
**Sent:** June 11, 2015 9:56 AM  
**To:** Donald Mende  
**Subject:** Zoning residential to commercial

To within it may concern:

I am a resident of Nathan W and also a business owner in Sterling Heights, regarding the rezoning of property on Ryan north of 17 Mile Rd. I do not feel it should be changed, it will greatly affect my property value and will also bring unwanted traffic on my street. Please consider my opinion in your decision making.

Wendy Sammut  
4742 Nathan W  
Sterling Heights, MI 48310

Sent from my iPad

## Donald Mende

---

**From:** William Sammut [wsammut@circleeng.com]  
**Sent:** June 11, 2015 1:46 PM  
**To:** Donald Mende  
**Subject:** Rayn & Nathan West

*I understand at Ryan and Nathan West they are wanting to re-zone it. I live at 4742 Nathan West and own/work at 5495 Gatewood Dr. Sterling Heights. I do not feel we need to put up any more buildings that'll be empty, there are enough empty ones in Sterling Heights now that need to be filled before we allow the building of more, as in the one they have been building for the last 4 or 5 years at Mound and Gatewood.....*

*Thank you....*

**William (Billy) Sammut**  
5495 Gatewood Dr.  
Sterling Heights, MI. 48310  
586-978-8120 ext. 104  
[wsammut@circleeng.com](mailto:wsammut@circleeng.com)



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

## Donald Mende

---

**From:** Oleh Lawrin [olawrin@yahoo.com]  
**Sent:** June 11, 2015 5:11 PM  
**To:** Donald Mende  
**Subject:** Proposed land rezoning: Nathan West/Ryan Road

Good Afternoon, Mr. Mende,

We are writing this email in regards to our concerns dealing with the proposed rezoning of the property on the corner of Nathan West and Ryan Road. We are opposed to reclassifying the land from residential to commercial zoning. The corner of 17 Mile and Ryan already has five existing strip malls with approximately 45 businesses making travel extremely busy and hazardous on 17 Mile and Ryan, which is directly related to the surge of accidents at this intersection. Now a sixth strip mall is proposed with it's exit leading directly into Nathan West posing an increased hazard for all of our children, pedestrians, runners, and bicyclists riding our streets. We have no sidewalks on Nathan West thereby forcing all of us to walk the street. With the proposed new strip mall traffic will definitely exponentially increase auto traffic on our street posing a great hazard to all the residents here. We purchased the land on Nathan West and built a home with the expectations that this street will remain residential. My wife and I **STRONGLY** object to the rezoning and hope that the land will be used for other residential uses.

Unfortunately, due to prior commitments, we are unable to attend this evening's meeting. We are hoping you consider our concerns in this matter.

Sincerely,

Dr. Oleh Lawrin and  
Mrs. Barbara Lawrin

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

I am asking for the support of the neighbors for my project. In order to build the project I need to re-zone the property from residential to a commercial use. I want to make the best use for the vacant property and I want that use to make sense to the community. I plan on working in the community for the rest of my life at this location and therefore the community's support is important to me.

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Sincerely,

Sam Alisa

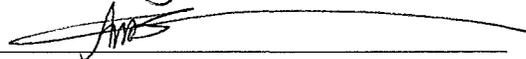
**Name:**

Ammar Louis

**Address:**

3923 17 mile Rd  
Sterling Hts MI, 48310

**Signature:**



**Date:**

11/7/2013

586-879-5245

**To: Neighbor**

**From: Sam Alisa/Property Owner**

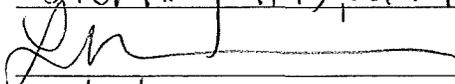
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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** Lauren Basso  
**Address:** 3927 17 Mile Rd  
Sterling Hts, IL 148310  
**Signature:**   
**Date:** 11/7/2013  
(580) 977-3333

**To: Neighbor**

**From: Sam Alisa/Property Owner**

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Sincerely,

Sam Alisa

**Name:**

HARRY BARASH

**Address:**

3959 17 Mile Rd.

Sterling Height, MI 48310

**Signature:**

[Handwritten Signature]

**Date:**

11-7-2013

586 722-7891

Daddy's pizza

**To: Neighbor**

**From: Sam Alisa/Property Owner**

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** Thamir Kada  
**Address:** 4675 N. 17 Mile Rd  
Sterling Hts MI 48310  
**Signature:**   
**Date:** 11-7-2013  
(886) 914-0779

**To: Neighbor**

**From: Sam Alisa/Property Owner**

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** Iklas Yousif  
**Address:** 4484 Lance lot  
Sterling hts  
**Signature:** Iklas Yousif  
**Date:** 11-07-13

(586) 268-7774

**To: Neighbor**

**From: Sam Alisa/Property Owner**

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Sincerely,

Sam Alisa

**Name:** Daljit Kaur Gill  
**Address:** 4099 Nathan west  
Sterling Heights, MI 48310  
**Signature:** Daljit Kaur Gill  
**Date:** 11-7-13  
586-264-4465

**To: Neighbor**

**From: Sam Alisa/Property Owner**

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Sincerely,

Sam Alisa

Name: Saldan Israel  
Address: 3963 17 Mile  
Sterling Heights  
Signature: Saldan Israel  
Date: 11-7-2013

586-838-4434

**To: Neighbor**

**From: Sam Alisa/Property Owner**

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Sincerely,

Sam Alisa

**Name:** Amir Khusni  
**Address:** 4063 17 mile Rd  
Sterling Heights  
**Signature:** Amir Khusni  
**Date:** 11-6-2013

386-264 7772

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

Name: SuHa Nassr  
Address: 4916 LaFayette Lot DR  
Sterling Heights  
Signature: [Handwritten Signature]  
Date: 11-7-13

248-227-8346

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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Sincerely,

Sam Alisa

**Name:** Raad TOURIA  
**Address:** 4425 CARLE LOT D  
STERLING HEIGHTS MICH 48316  
**Signature:** Raad TOURIA  
**Date:** 11/7/2013

(866) 703.4369

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**To: Neighbor**

**From: Sam Alisa/Property Owner**

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

Name: Ryan McKee

Address: 43418 Lancelot

Stirling Heights, MI, 48310

Signature: B

Date: 11-7-13

(586) 978-3882

**To: Neighbor**

**From: Sam Alisa/Property Owner**

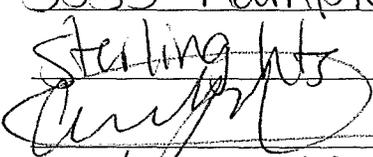
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Sincerely,

Sam Alisa

**Name:** Amy Yousif  
**Address:** 3855 hampton rd  
Sterling Hts Mi 48310  
**Signature:**   
**Date:** 11-7-13

(586) 840-7465

**To: Neighbor**

**From: Sam Alisa/Property Owner**

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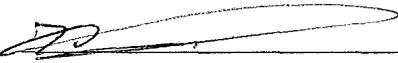
Sincerely,

Sam Alisa

Name: Zarina Bactouken

Address: 39321 Ryan Rd

sterling Hts mi 48316

Signature: 

Date: 11-7-2013

586-698-2329

**To: Neighbor**

**From: Sam Alisa/Property Owner**

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Sincerely,

Sam Alisa

**Name:** Boshra Gorieal  
**Address:** 3821 17 mile  
Sterling Heights  
**Signature:** Boshra  
**Date:** 11-7-2013

586-883-7704

**To: Neighbor**

**From: Sam Alisa/Property Owner**

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Sincerely,

Sam Alisa

**Name:**

Ruby Garcia

**Address:**

39249 Ryan Rd, Sterling Heights

Sterling Heights

**Signature:**



**Date:**

11/7/13

586-443-8484

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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Sincerely,

Sam Alisa

**Name:** RAAD ANKAWI  
**Address:** 3955 17 MILE  
STERLING HTS, 48310  
**Signature:** Raad Ankawi  
**Date:** 11/7/2013

586 795-4480

**To: Neighbor**

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Sincerely,

Sam Alisa

**Name:** CHAD REISS  
**Address:** 3967 17 MILE ROAD  
Stedley Heights  
**Signature:** Chad Reiss  
**Date:** 11-6-13

586 977-5771

**To: Neighbor**

**From: Sam Alisa/Property Owner**

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Sincerely,

Sam Alisa

**Name:** Bashar Hanna  
**Address:** 3999 17 main rd.  
Sterling Heights  
**Signature:** Bashar Hanna  
**Date:** 11/7/13

586 825 6400

**To: Neighbor**

**From: Sam Alisa/Property Owner**

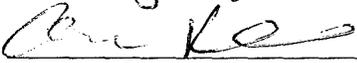
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Sincerely,

Sam Alisa

Name: Image Sun  
Address: 3983 17 mile Rd  
Stirling Heights MI 48310  
Signature:   
Date: 11 17  
586-826-9515

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** The Medicine Shoppe 51  
**Address:** 3979 17 Mile Rd.  
Sterling Heights  
**Signature:** [Handwritten Signature]  
**Date:** 11-7-13

586-268-6266

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** Susanne Kaur  
**Address:** 4409 Laurel St  
Spokane Valley WA 99037  
**Signature:** Susanne  
**Date:** 11/7/13

586 446-4688

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** Senan Butris  
**Address:** 3975 17 mile rd  
sterling heights, Mi 48310  
**Signature:**   
**Date:** 11/7/13

586,219 = 1641

**To:** Neighbor

**From:** Sam Alisa/Property Owner

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** Hekmat Mansour  
**Address:** 4436 Lancelot  
Sterling Heights 84310  
**Signature:** Hekmat Mansour  
**Date:** 11-7-2013  
586-819 6964

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** Ramzy Al Saegh  
**Address:** 4393 LANCELOT  
STRIKCHILL M017  
**Signature:** Ramzy Al Saegh  
**Date:** 11-7-13  
586-604-7917

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** HASSAN Abbouid

**Address:** 4553 LENCELOT

**Signature:** 

**Date:** 11-7-2013

586-344-8484

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** Samira Hernandez

**Address:** 4537 Laurel Dr  
Sterling Heights MI 48310

**Signature:** [Handwritten Signature]

**Date:** 11/7/2013

586 792 8945

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** Mohamad Fawaz

**Address:** 4521 Lancelot Dr.  
Sterling Hts, 48310

**Signature:** 

**Date:** 11-7-13  
586-264-2440

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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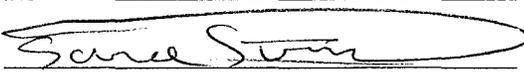
If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** Sam Alisa

**Address:** 4505

**Signature:** 

**Date:** 11-07-13

586-795-2182

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** Alban Gjokaj  
**Address:** 4457 Lancelot Dr  
Sterling Heights, MI 48310  
**Signature:** Alban Gjokaj  
**Date:** 11/7/13  
1(586) 873-6463

**To: Neighbor**

**From: Sam Alisa/Property Owner**

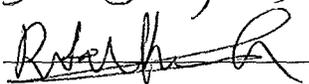
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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** Rita Kasmi'Kha  
**Address:** 4441 Lancelot Dr  
Sterling Heights MI 48310  
**Signature:**   
**Date:** 11-7-13  
248 838-8633

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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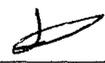
If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** Janet kasmi kha

**Address:** 4473 Laneclot

**Signature:** 

**Date:** 11-7-13

586-264-2090

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

Name: MOUNDIK KADY

Address: 3698  
Stenting Heights

Signature: 

Date: 11-14-13

586-983 8308

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** BEHAR LUMANI  
**Address:** 4568 LANCELOT RD Sterling Heights  
MI 48310  
**Signature:** Behar Lumani  
**Date:** 11-07-2013

cel 586 883 1274.

**To: Neighbor**

**From: Sam Alisa/Property Owner**

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

**Name:** DINO S. MARTINELLI  
*Dino S. Martinelli*

**Address:** 3938 RYAN  
STERLING HEIGHT, MI. 48310

**Signature:** Dino S. Martinelli  
*Dino S. Martinelli*

**Date:** 11-7-13

586-747-3737

To: Neighbor

From: Sam Alisa/Property Owner

By way of introduction, I am the owner of the vacant property located at 39272 Ryan Road (Ryan Road & Nathan Drive). Therefore, I am your neighbor. The reason for this memo is I want to put my neighbors on notice of my proposed plans with the vacant property. I am planning on building a shopping center plaza. I currently am a barber and my wife is a florist, therefore we want to relocate our operations in the new plaza.

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If you support my re-zoning please acknowledge your support by signing this petition below.

Sincerely,

Sam Alisa

Name: Vian Kona  
Address: 39487 Ryan AD  
Sterling Heights MI 48310  
Signature: Vian Kona  
Date: 11-14-2013

586-883-6013 house phone

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

In a city saturated with strip malls, the best use of this property is residential development, which will enhance our quality of life and home values.

We fear the opposite will happen if this rezoning is approved. With a look to the future, once the first such change is allowed, Sterling Heights will be hard pressed to deny other such requests.

Name: JAYNE DABOZ

Address: 4550 NATHAN WEST

Signature: 

Date: 5/4/16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: MELVIN HANDICAN

Address: 4769 NATHAN WEST

Signature: Melvin Handican

Date: 5/4/16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: Bryan Dent

Address: 4733 Nathan W.

Signature: 

Date: 5/4/16

To: Sterling Heights Planning Commission

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Name: WILLIAM R. GRICE

Address: 4745 NATAN W.

Signature: William R. Grice

Date: 5-4-16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name:

OLEK & BARRARA LAURIN

Address:

4505 WARRAN WEST  
STERLING HTS. MI 48310

Signature:



Date:

5-2-16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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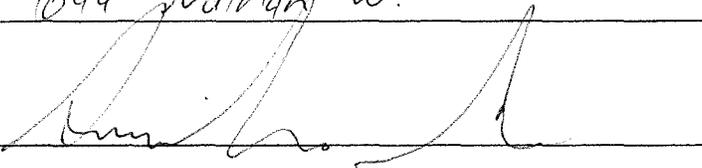
Name:

Sukhwinder Singh

Address:

4099 Nathan W.

Signature:



Date:

5-4-16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: ARTHUR GORNEY

Address: 4223 NATHAN W. STERLING Hg7S

Signature: Arthur P. Gorney

Date: 5-4-2016

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: Theresa Frank

Address: 4425 Nathan West

Signature: Theresa Frank

Date: 5-4-16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: George Kurzym

Address: 4510 Nathan, Sterling Hts. 48310

Signature: George Kurzym

Date: 05-04-16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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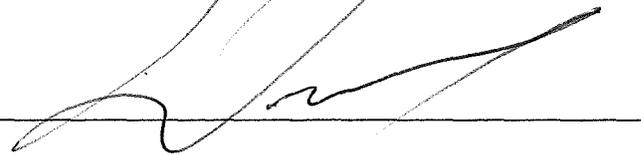
Name:

TIM O'NEILL

Address:

4489 NATHAN W

Signature:



Date:

5-9-16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: TERESA BOROWSKI

Address: 4655 NATHAN W

Signature: STERLING HTS MI 48310

Date: 5/4/16.

To: Sterling Heights Planning Commission

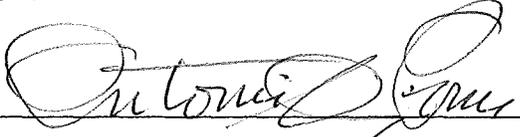
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Name: ANTONIO DITONIA

Address: 4422 Nathan W.

Signature: 

Date: 5-4-2016

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: Gerarda Maiuri

Address: 4668 Nathan W.

Signature: Gerarda Maiuri

Date: May 5, 16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

In a city saturated with strip malls, the best use of this property is residential development, which will enhance our quality of life and home values.

We fear the opposite will happen if this rezoning is approved. With a look to the future, once the first such change is allowed, Sterling Heights will be hard pressed to deny other such requests.

Name:

Ann Nordstrom

Address:

4135 Nathan W

Signature:

Ann M. Nordstrom

Date:

5-5-16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: Michael A. DiVito

Address: 4224 Nathan W.

Signature: Michael A. DiVito

Date: 5-5-2016

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: Lynn Potts

Address: 4134 Nathan West, Sterling Hgts, Mi  
48310

Signature: Lynn M. Potts

Date: May 5, 2016

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

In a city saturated with strip malls, the best use of this property is residential development, which will enhance our quality of life and home values.

We fear the opposite will happen if this rezoning is approved. With a look to the future, once the first such change is allowed, Sterling Heights will be hard pressed to deny other such requests.

Name: Wendy Williams

Address: 4242 Nathan W.

Signature: Wendy Williams

Date: 5/5/16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: DAVE WHEELER

Address: 4351 NATHAN W

Signature: [Handwritten Signature]

Date: 5-6-2016

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name:

IRENE MACIBORSKI

Address:

4515 NATHAN W

Signature:

Irene Maciborski

Date:

5/6/2016

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: HENRY PALUS

Address: 4206 NATHAN WEST STERLING HTS MI 48310

Signature: Henry M Palus

Date: 5-6-16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: John Kujawa

Address: 4315 Nathan W.

Signature: John S. Kujawa

Date: 5/5/16.

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

In a city saturated with strip malls, the best use of this property is residential development, which will enhance our quality of life and home values.

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Name:

RON MACIOCKE

Address:

4350 NATITAN WEST

Signature:

Ron Maciocke

Date:

5/5/16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name:

JOSEPH SEARCELLI

Address:

4247 - NATHAN

Signature:

Joseph Searcelli

Date:

5-5-16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: JOANNE SORIE

Address: 4362 Nathan West

Signature: Joanne Sorie

Date: 5/5/16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: JEFFREY A. BERG

Address: 4314 NATHAN W.

Signature: Jeffrey A. Berg

Date: 5/5/16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: PAUL FONTANA

Address: 4152 NATHAN WEST

Signature: Paul Fontana

Date: 5-7-16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: JOHN CRACCHIOLO

Address: 4646 NATHAN W.

Signature: John Cracchiolo

Date: MAY 7/16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

In a city saturated with strip malls, the best use of this property is residential development, which will enhance our quality of life and home values.

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Name: Kathryne A. Winkler

Address: 4690 Nathan West

Signature: Kathryne A. Winkler

Date: May 7, 2018

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

In a city saturated with strip malls, the best use of this property is residential development, which will enhance our quality of life and home values.

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Name: LAURIE KLEINHANS (VICAN)

Address: 4702 NATHAN W ST. HGTS, MI 48310

Signature: Laurie Kleinhans

Date: 5/7/2016  
RK

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

In a city saturated with strip malls, the best use of this property is residential development, which will enhance our quality of life and home values.

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Name: Wendy Troutt

Address: 4726 Nathan West

Signature: Wendy Troutt

Date: 5-7-16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: HD Sumling

Address: 1721 Nathan W

Signature: HD Sumling

Date: 05/07/16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name:

BARBARA MEZZAPELLE

Address:

4116 NATHAN WEST, ST. HTS. MI 48310

Signature:

Barbara Mezzapelle

Date:

5.7.16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

In a city saturated with strip malls, the best use of this property is residential development, which will enhance our quality of life and home values.

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Name: JAMES A PROUTACOSTA

Address: 4470 NATHAN WEST, STERLING HEIGHTS, MI 48310

Signature: James A. Proutacosta

Date: 5/9/16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

In a city saturated with strip malls, the best use of this property is residential development, which will enhance our quality of life and home values.

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Name: Debbie Mitchell  
Debbie Mitchell

Address: 4757 Nathan West

Signature: Debbie Mitchell

Date: 5/9/2016

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: CRAIG A. HODGES

Address: 4811 NATHAN W. DRIVE

Signature: 

Date: 5/9/16

To: Sterling Heights Planning Commission

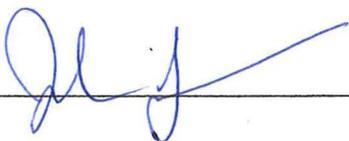
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Name: John Lyons

Address: 4823 NATHAN W

Signature: 

Date: 5-9-14

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: Vesna Dimitrievski

Address: 4816 Nathan West,

Signature: Vesna Dimitrievski

Date: 5-9-16

To: Sterling Heights Planning Commission

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Name: Kelly Kremer

Address: 4714 Nathan W Sterling Hts MI 48310

Signature: 

Date: 5/9/16

To: Sterling Heights Planning Commission

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Name: Beth Slocum

Address: 4685 Nathan W. Dr

Signature: Beth Slocum

Date: 5/9/16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: Colleen Hydson

Address: 4555 Nathan West

Signature: Colleen Hydson

Date: 5-10-16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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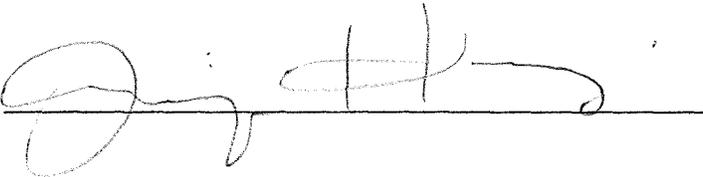
Name:

Jennifer Herms

Address:

4859 Nathan West

Signature:



Date:

5-10-2016

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: KEVIN HANSON

Address: 4445 NATHAN WEST

Signature: Kevin Hanson

Date: 5-10-16

To: Sterling Heights Planning Commission

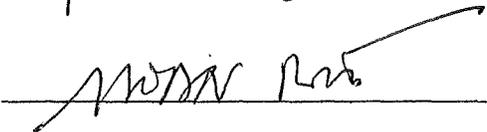
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Name: HOAN C. BUI

Address: 39235 Ryan Rd. Sterling Heights MI, 48310

Signature: 

Date: 5/12/2016.

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: Zavita Bochowka

Address: 

Signature: 39321 RYAN RD

Date: 5-12-16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

In a city saturated with strip malls, the best use of this property is residential development, which will enhance our quality of life and home values.

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Name: Jim ROHLING

Address: 39460 RYAN RD

Signature: Jim A Rohling

Date: 5-12-16

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: CLARA LIGOTTI

Address: 39161 RYAN

Signature: Clara Ligotti

Date: 5/12/2016

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

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Name: DINO MARTINELLI

Address: 39380 RYAN RD.

Signature: Dino Martinelli

Date: 5-12-16

To: Sterling Heights Planning Commission

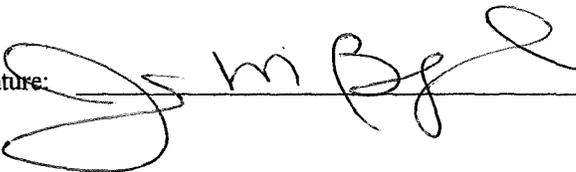
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Name: JUDITH Boyle

Address: 39394 Ryan Rd.

Signature: 

Date: 5.12.06

To: Sterling Heights Planning Commission

I am signing this petition in opposition to PZ15-1136, the proposed rezoning of 39272 Ryan Rd. from R-60 (One Family Residential) to C-1 (Local Convenience Business) district.

In a city saturated with strip malls, the best use of this property is residential development, which will enhance our quality of life and home values.

We fear the opposite will happen if this rezoning is approved. With a look to the future, once the first such change is allowed, Sterling Heights will be hard pressed to deny other such requests.

Name: George R Leo

Address: 4446 Nathan

Signature: George R Leo

Date: 5/12/2016

Office of Planning  
40555 Utica Road  
Sterling Heights, MI 48313

Reference Subject:

STERLING HEIGHTS PLANNING COMMISSION

JUNE 11, 2015

PZ15-1136 – Sam Alisa and May Alisa

Request for Conditional Rezoning from R-60 (One-Family Residential) to C-1 (Local Convenience Business) district - East side of Ryan Road between Seventeen Mile Road and Nathan West in Section 17

Property address: 39272 Ryan Road

To: Don Mende (City Planner),

In Reference to PZ15-1136. I reside at 4362 Nathan West and I do not support this request for commercial zoning in our neighborhood. Please keep Nathan West a residential area. Thank You.

Sincerely,



Chao-Chih Sorice

4362 Nathan West

Sterling Heights, 48310

**RECEIVED**

JUL 02 2015

STERLING HEIGHTS  
BUILDING SERVICES

## Donald Mende

---

**From:** kgrice [kgrice@wowway.com]  
**Sent:** June 15, 2015 10:06 AM  
**To:** Donald Mende  
**Subject:** Rezoning of property at 17 Mile & Ryan

Sent from my iPad

This is in regard to the rezoning proposed for the property located just north of 17 Mile Road and Ryan Road.

As a resident of Nathan West, I would like this property to remain zoned for residential. Any building or strip stores would just add more traffic to our street. All around the area, there are many empty stores and we would prefer that these fill up before more are planned. Keeping this property residential would also aid in adding students to our schools where the enrollment has been declining.

Thank you,  
Bill & Kathy Grice

City of Sterling Heights

City Council

40555 Utica Road

Sterling Heights, Michigan 48311

Cc: Sterling Heights Planning Commission

Sterling Heights Re-Zoning Board

Mayor Michael C. Taylor

To Whom It May Concern:

There was a rezoning meeting, Thursday, June 11, 2015, in front of the planning commission. A couple known as Sam and May Alisa were requesting a conditional rezoning from R-60, (One-Family Residential), to C-1, (Local Convenience Business), district – East side of Ryan Road Between Seventeen Mile Road and Nathan West in Section 17. Property Address: 39272 Ryan Road. There were approximately 20 residents that objected for various reasons.

What is being questioned is as follows:

Why do we need more strip malls in the area?

Currently, there are three strip malls at this intersection containing 39 businesses. Our city is already over developed with strip malls, the majority of which have excessive vacancies.

Do we want more congestion at this intersection? Is added traffic going to be safe for the residents on Nathan West?

The incidences of accidents at the Seventeen Mile and Ryan Road intersection have been on the rise. We are concerned about the expected rise in traffic conflicting with the school bus stop at Nathan West and Ryan Road.

Mr. Alisa failed to do his homework in surveying the area neighbors before making plans for a strip mall. He had claimed 40 or so neighbors and friends were on board with his plan, yet none

attended the meeting. He destroyed a newly remodeled single family brick house This property last sold for \$380,000. He has shown no commitment to our community.

People living adjacent to this property contend with garbage truck pickup as early as 5 a.m. There are noisy air roof conditioners running from a number of businesses operating in the strip malls at this location. We are finding constant trash spewing around residential properties. The smell of rotting and cooked food, in the trash bins, (especially in the summer months), are nauseating. Strip mall's security lights shine into residential homes all night long.

There is property available for sale at Fourteen Mile Road and Ryan that is better suited for such a strip mall. You will find vacancies at Sixteen Mile Road and Van-Dyke, Seventeen Mile Road and Van-Dyke, and Eighteen Mile Road and Van-Dyke. There is commercially zoned land available for sale at Eighteen Mile and Mound and Nineteen Mile Road and Mound.

The area on The North East side of Ryan Road and Seventeen Mile Road needs to stay residential. There are nine newer homes on Seventeen Mile Road and Ryan, there are four new homes on Ryan Road North of Foxhill Drive, there are dozens of homes on Ryan Road Northward of Seventeen Mile Road. There are dozens of homes running North bound from this intersection. Residents on this main road are having no problems buying and selling properties along this corridor.

Surprisingly, Mr. Militello has put forth a motion to approve this rezoning request despite the objections raised at the meeting. The rest of the commission sought instead to table the motion for further discussion. The residents in this area want to keep this area residential.

Thank you

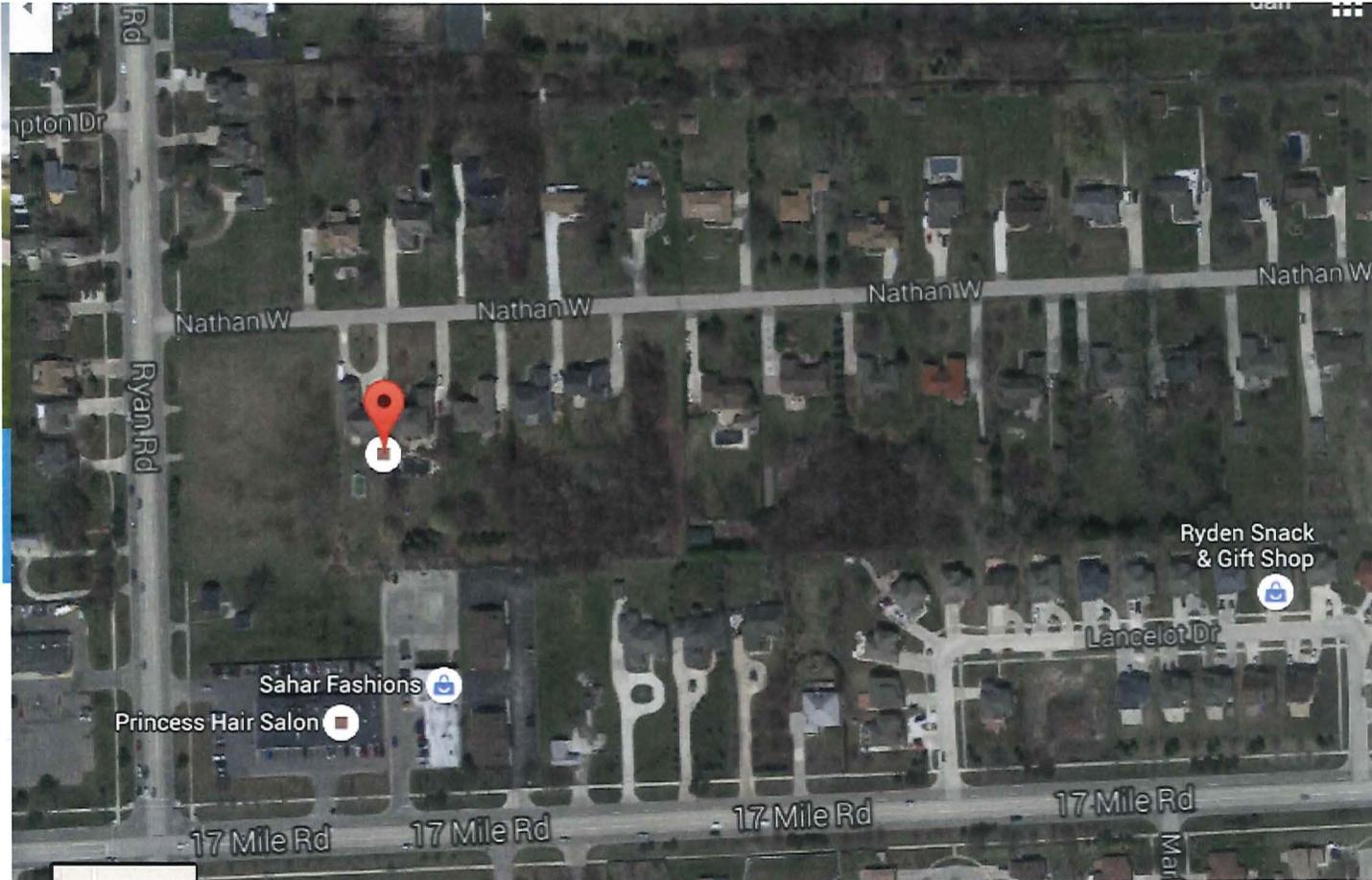
# Comments from Residents Dan & Barb Mezzapelle

Case # PZ15-1136

39272 Ryan Road

May 12, 2016

Our property -4116 Nathan W., Sterling Hgts



# Analysis Conducted

- By Joseph Hummer, PhD, PE, Professor and Chair, Department of Civil and Environmental Engineering, Wayne State University
  - Internationally Recognized Expert in Traffic Operations and Safety
- Impact on Traffic Operations
  - Peak hour traffic in year 2018 based on SEMCOG data
  - Using *Trip Generation Manual* and *Highway Capacity Software*
- Impact on Safety
  - Peak hour traffic in year 2018 based on SEMCOG data
  - Using *Trip Generation Manual* and *Highway Safety Manual*
  - Calibrated for Michigan Conditions

# Traffic Operations Results

- Left Exiting Nathan West with **no shopping center**, 2018, delay calculated 330 seconds per vehicle, level of service F ( A through F Scale)
- Left Exiting **shopping center** only, 2018, delay calculated 370 seconds per vehicle, level of service F
- Left Exiting **Nathan West or shopping center**, 2018, delay calculated 760 seconds per vehicle, level of service F
  
- Since a level of service F is assigned to 50 second delay per vehicle, a 760 delay would be catastrophic to property values on Nathan West and beyond

# Safety Results

- Shopping center calculated to cause an average of 2.2 crashes per year as of 2018
- Of 2.2 crashes per year, an average of 0.9 will involve injuries
- Since Ryan Road traffic is increasing every year, expect crashes to increase as well
- With shopping center driveway so close to Nathan West intersection, crashes at intersection will likely increase as well
- Will cause added risk for pedestrians and school bus stop
- Approving this shopping center with the knowledge of increase crashes and injuries will increase liability risk to the city

# Conclusion & Recommendation

- Approving this shopping center will cause great harm to my property value as well as my neighbors
  - Delay time turning left onto Ryan Road more than doubles
  - Extra two crashes per year
  - Puts our families in harm's way
- Recommendation is to decline this request

**OBJECTION TO: PZ15-1136 – Sam Alisa and May Alisa**

Requesting Conditional Rezoning from R-60 (One-Family Residential) to C-1 (Local Convenience Business) district  
East side of Ryan Road between Seventeen Mile Road and Nathan West in Section 17.  
Property Address: 39272 Ryan Road

**Commission Meeting Date: May 12, 2016**

Dear Members of the Sterling Heights Planning Commission,

We live at 4152 Nathan West, a few houses from the proposed rezoning site, and are writing to ask that you refuse this request.

Herein are our comments and objections relating to this rezoning request:

- Ryan Road is already a busy and congested road; this additional concentration of traffic and roadside parking will cause traffic problems and create a safety hazard for other motorists.
- The businesses will be very close to our property; this will lead to a loss of privacy and will certainly have an impact on the peaceful enjoyment of our home and neighbor's home.
- Parking will be adjacent to our home causing noise, pollution and dust at all times of the day and night.
- There are already 3 strip malls at the intersection of 17 Mile Rd and Ryan Rd; another strip mall is not needed.

Therefore, we ask that the Planning Commission reject this rezoning request.

Yours Sincerely,



Paul & Donna Fontana

**RECEIVED**

**MAY 11 2016**

**STERLING HEIGHTS  
BUILDING SERVICES**



**Business of the City Council  
Sterling Heights, Michigan**

*Delivered SEPT 15, 2016*

City Clerk's Use  
Item No: 3 A-H  
Meeting: 09/20/16

**AGENDA STATEMENT**

OMB AS03 Rev. 11/04

**Item Title:** Consent Agenda

**Submitted By:** Office of the City Clerk

**Contact Person/Telephone:** Mark Carufel, 446-2421

**Administration (initial as applicable)**

**Attachments**

- |   |                                     |                                   |
|---|-------------------------------------|-----------------------------------|
| <input type="checkbox"/> City Clerk                       | <input type="checkbox"/> Resolution | <input type="checkbox"/> Minutes  |
| <input type="checkbox"/> Finance & Budget Director        | <input type="checkbox"/> Ordinance  | <input type="checkbox"/> Plan/Map |
| <input type="checkbox"/> City Attorney (as to legal form) | <input type="checkbox"/> Contract   | <input type="checkbox"/> Other    |
| <input type="checkbox"/> City Manager                     |                                     |                                   |

**Check box if this agenda item requires billing/revenue collection (fees, etc.) by Treasury Office**

**Suggested Action:**

**MOVED BY:**

**SECONDED BY:**

- 3. A. Approval of Minutes  
Regular Meeting of September 6, 2016**
- B. Approval of Bills**
- C. To purchase two investigative vehicles for the Sterling Heights Police Department (Total expenditure of \$45,942).**
- D. To purchase DSX Access System Upgrades at City facilities (Total expenditure of \$56,391.45).**
- E. To set a public hearing to consider the request by DM Tool & Fab Inc. for an Industrial Facilities Tax Exemption Certificate at 6101 Eighteen 1/2 Mile Road.**
- F. To approve a change order in connection with repairs to the 48" storm sewer pipe at 42724 Pond View Drive (Increase in project cost of \$81,800.00).**
- G. To approve a change order in connection with repairs to the 72" storm sewer culvert at Red Run Street, north of 14 Mile Road (Increase in project cost of \$24,500.00).**

- H. To approve a contract between the Michigan Department of Transportation and the City of Sterling Heights for the Dodge Park Shared Use Trail Bridge Over Clinton River, City Project #15-277 (Estimated City share of project cost is \$491,797).**

*Delivered September 15, 2016  
Agenda Item 3-A  
Meeting: 09/20/16*

## UNOFFICIAL MINUTES

CITY OF STERLING HEIGHTS

MINUTES OF REGULAR MEETING OF CITY COUNCIL

TUESDAY, SEPTEMBER 6, 2016

IN CITY HALL

Mayor Michael C. Taylor called the meeting to order at 7:30 p.m.

Mayor Taylor led the Pledge of Allegiance to the Flag and Mark Carufel, City Clerk, gave the Invocation.

Council Members present at roll call: Deanna Koski, Joseph V. Romano, Maria G. Schmidt, Nate Shannon, Doug Skrzyniarz, Michael C. Taylor, Barbara A. Ziarko.

Also Present: Mark D. Vanderpool, City Manager; Marc D. Kaszubski, City Attorney; Mark Carufel, City Clerk; Carol Sobosky, Recording Secretary.

### APPROVAL OF AGENDA

Moved by Koski, seconded by Romano, to approve the Agenda as presented.

Yes: All. The motion carried.

### REPORT FROM CITY MANAGER

Mr. Vanderpool reminded that the refuse collection is delayed one day this week due to the Labor Day holiday. He reported that the City will be hosting a

rededication ceremony of Van Dyke on September 21<sup>st</sup> at 4:30 p.m. near the Metropolitan Parkway intersection. Coinciding with the rededication, the Sterling Heights Regional Chamber of Commerce and Industry's Annual Fall Grub Crawl will begin at 5:30 p.m. and will involve restaurants all along Van Dyke. This is to get customers re-acclimated to the businesses along Van Dyke and there will be shuttles available to take customers from one restaurant to another, so he urged those interested to register through the Regional Chamber of Commerce website.

Mr. Vanderpool provided a road update, stating that 15 Mile Road will be resurfaced from Morningdale, located just east of Moravian, all the way to Schoenherr. It started today and they anticipate it will be completed by November 1<sup>st</sup>, and although there will be a lot of disruption and intermittent closures, the residents and local businesses will still have access to their property throughout the project. He informed that those wanting more information on that project can call City Hall or visit "Cone Zone" link on the city's website.

Mr. Vanderpool reported that the City applied for and was recently awarded a Stormwater, Asset Management and Wastewater (SAW) grant for \$2.4 million and the funds will be used to complete several projects through the Department of Public Works, including digitization of the storm water and sanitary assets citywide, upgrades and enhancements to the geographical information system, purchase of the Cityworks Asset Management software, and cleaning and video inspection of the sewer and sanitary system. He thanked the DPW Director, the

Engineer and all other staff members who worked hard to obtain this grant for the City.

Mr. Vanderpool introduced Police Captain Dale Dwojakowski, highlighted a very important program that their department has been working on.

Police Captain Dwojakowski provided a presentation involving Narcan, the drug that stops opiate overdose. The Sterling Heights Police Department now has this drug and it is carried in about 45 of the police cars. He reviewed national statistics for drug overdose rates, average age of heroin users and opiate users, and added that double the amount of people will die from prescription pain pills than from heroin. He reviewed some of the drugs and their strengths, stating that Fentanyl is one hundred times more powerful than Oxycodone and is being added to heroin. Carfentanil is an elephant tranquilizer so powerful that one small "dot" is enough to take a life, and they are now seeing evidence of that drug in Michigan and Ohio. He stressed the importance of improving prescription practices and reviewed statistics for prescriptions in this country. Captain Dwojakowski explained how Narcan works and its statistics for saving lives. They then need to get these people off of the drugs, and that takes money and treatment centers. He reviewed the number of calls the Fire Department had last year where they used Narcan, and added that the Police have been carrying this for two weeks in their cars and they have already had to use it on an 18-year-old. He informed that the Police Department has a drop box for old prescription medications in an effort to remove all old medications no longer needed before

they get in the wrong hands. They had a campaign last April at St. Michael's Church where they collected 260 pounds of unused medications. He summarized that Narcan saves lives but they have to follow up with long-term treatment and care. There are national trends to figure out what to do with these individuals, and they are looking into decriminalization, where these individuals will not go to jail as long as they receive the treatment and help they need. A letter went out to all elected officials in Macomb County asking them to help with this problem, and Judge Linda Davis, of Clinton Township's District Court, has been spearheading this and is one of the leaders of FAN (Families Against Narcotics). Captain Dwojakowski informed that Sterling Heights will be hosting a Call To Action Day at 8:30 a.m. at the Velocity Center in Sterling Heights. He thanked the Mayor and City Council for stepping up to help with this.

Mr. Vanderpool thanked Captain Dwojakowski and other team members of the Police Department for all of their hard work on this, and he also thanked the Mayor and City Council for taking a lead role in this troubling situation. He is proud that the City of Sterling Heights is being proactive. Mr. Vanderpool introduced Mr. Mike Moore, DPW Director, to give a presentation on the upcoming DPW Open House.

Mr. Mike Moore, DPW Director, announced that their 1<sup>st</sup> annual open house will be taking place on Saturday, September 17, 2016 from 10 a.m. to 2 p.m. at their DPW site at 7200 18 Mile Road, located on the south side of 18 Mile Road, west of Van Dyke, and just west of Fuddrucker's. He urged residents to come early,

noting there are a limited amount of small gifts for children. It will provide a fun interactive environment where those attending will be able to learn more about what the DPW does. He explained their departments' responsibilities, including providing safe drinking water, removal of wastewater and floodwater, keeping streets clear of ice and snow to provide safe travel, maintaining city parks and municipal sites, removal of refuse and recyclables, providing a reliable city fleet of vehicles to respond to emergencies and responding to any natural disaster in the community. He added they will be hosting a food drive at the open house, and residents who make a donation will receive a raffle ticket to receive one of the donated prizes, with the collected goods donated to Sterling Heights area food banks. He outlined the various vehicles that will be on display, and added there will be a tractor-drawn hayride where they can go to the back of the 25-acre site to see more activities. There will be a light lunch and refreshments provided by the Public Works staff. It will be a family event, and he encouraged all to attend. He thanked the sponsors who have donated so far, and urged anyone who wants more information to contact their department at (586) 446-2440 or visit the City's website.

#### PUBLIC HEARING

1. Mr. Luke Bonner, Senior Economic Development Advisor, introduced the guests present from FCA. He explained they are committed to investing nearly \$1.5 billion at the Sterling Heights Assembly Plant (SHAP) to produce the next generation RAM 1500 pick-up truck. He stated this was a long process, as FCA

was looking at a number of their other assembly plants across North America to find the best fit. He outlined some of the incentives that they are receiving, and noted the Plant Rehabilitation package is a city incentive. This falls under the Industrial Facilities Exemption Act but it differs because it freezes the property values in place for up to twelve years. Because of the State's elimination of the personal property tax, they do not have that incentive to offer, so this is an incentive that can be offered. He added that FCA's commitment to Sterling Heights is huge, with their commitment of nearly \$3 billion over the last five years, and \$8 billion over all of the U.S., so he noted that Sterling Heights has been the biggest benefactor.

Mayor Taylor opened the discussion to the audience.

There was no audience participation.

Mayor Taylor closed the public hearing.

Moved by Romano, seconded by Skrzyniarz, **RESOLVED**, to adopt the resolution approving the application by FCA US LLC to establish a Plant Rehabilitation District at 38111 Van Dyke Avenue.

Mayor Pro-Tem Romano commented that former Mayor Notte worked diligently with members of the administration to make sure Chrysler stayed open, and that saved 1,500 jobs, and now Fiat-Chrysler is willing to invest more. He stressed the City appreciates this investment, and just the economic overflow from the employees living here, buying groceries, gas, and patronizing the local businesses

is all part of Sterling Heights. He thanked Mr. Bonner and those responsible for putting this together.

Councilman Skrzyniarz also expressed his appreciation for the partnership that goes back a few decades, and he assured they will do everything they can to make sure this is the best possible community possible for them to locate their business in the future.

Councilwoman Ziarko stated she has a long family history with Chrysler and highly praised the company. She stated that because Chrysler stayed in this area, and people that once worked there tend to stay in the area, continuing to pump money into the economy. She recalled that at one time the largest number of Chrysler retirees lived in Macomb County, and that has continued to make their communities prosperous. She thanked them for helping Sterling Heights move into the future with this new investment.

Mayor Taylor echoed the sentiments of his colleagues. They have gone from seeing the building shuttered to now seeing it open with a vibrant new product come in that is one of the best-selling vehicles in Fiat-Chrysler's portfolio. He felt it is a tremendous success story when public and private sectors work together. He stated they are proud to have this success story here in Sterling Heights, and he wished them all the best.

Yes: All. The motion carried.

**~ Resolution ~**

A resolution of the Sterling Heights City Council establishing a Plant Rehabilitation District.

Minutes of the regular meeting of the City Council of Sterling Heights, Michigan, held on the 6<sup>th</sup> day of September, 2016, at the City Hall, 40555 Utica Road, in Sterling Heights, Michigan, at 7:30 p.m.:

PRESENT: Koski, Romano, Schmidt, Shannon, Skrzyniarz, Taylor, Ziarko

ABSENT: None

The following preamble and resolution were offered by Romano and supported by Skrzyniarz.

**Resolution Establishing a Plant Rehabilitation District for FCA US LLC (Applicant)**

WHEREAS, pursuant to PA 198 of 1974, as amended, this City Council has the authority to establish "Plant Rehabilitation Districts" within Sterling Heights; and

WHEREAS, Applicant has petitioned this City Council to establish a Plant Rehabilitation District on its property located in Sterling Heights hereinafter described; and

WHEREAS, construction, acquisition, alteration, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the Sterling Heights Sentry newspaper and/or public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on September 6<sup>th</sup>, 2016 a public hearing was held at which all owners of real property within the proposed Plant Rehabilitation District and all residents and taxpayers of Sterling Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of Sterling Heights to establish the Plant Rehabilitation as proposed; and

NOW, THEREFORE,

BE IT RESOLVED by the City Council of Sterling Heights that the following described parcel of land situated in Sterling Heights, Macomb County, and State of Michigan, to with:

PARCEL A (Part of Parcel No. 10-21-400-012)

A parcel of land located in the Southeast 1/4 of Section 21, Town 2 North, Range 12 East, City of Sterling Heights, Macomb County, Michigan, being part of Parcel No. 10-21-400-012 and more particularly described as:

Commencing at the Southeast corner of said Section 21; thence along the south line of said Section 21, also being the centerline of 16 Mile Road (60 foot half width), S89°20'50"W, 666.00 feet; thence

N00°06'00"E, 60.01 feet to the north line of 16 Mile Road and the Point of Beginning; thence along said north line, S89°20'50"W, 1461.55 feet to the east line of Parcel No. 10-21-400-009; thence along said east parcel line, N00°08'30"E, 600.00 feet; thence along the north line of said parcel, S89°20'50"W, 490.00 feet to the east line of Michigan Central Railroad; thence along said east line, N00°08'30"E, 1937.33 feet; thence N89°55'11"E, 2500.51 feet to the west line of Van Dyke Avenue (variable width); thence along said west line the following three (3) courses: 1) S00°00'40"E, 422.13 feet; 2) N89°59'20"E, 6.00 feet and 3) S00°00'40"E, 1820.06 feet to the north line of Parcel No. 10-21-400-010; thence along said north line, and the north lines of Parcel No. 10-21-400-006 and 10-21-400-002, S89°20'50"W, 561.24 feet to the west line of Parcel 400-002; thence along said west line, S00°07'24"W, 270.01 feet to the aforementioned north line of 16 Mile Road and the Point of Beginning. Containing 135.186 acres of land, more or less is established as a Plant Rehabilitation District pursuant to the provisions of PA 198 of 1974, as amended.

AYES: Romano, Skrzyaniarz, Koski, Schmidt, Shannon, Taylor, Ziarko

NAYS: None

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of Sterling Heights, County of Macomb, Michigan, at a regular meeting held the 6<sup>th</sup> day of September, 2016.

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Mark Carufel, City Clerk

2. Mr. Luke Bonner, Senior Economic Development Advisor, introduced Mr. Dennis Hayes from Mitchell Plastics, who will be doing business as Ultra Manufacturing. He also introduced Mr. Clay Thomas from J.D. Donaldson, a representative of the developer for the property. This will be located in an industrial park on the former Sunnybrook Golf Course, and Mitchell Plastics will be the first tenant and has footings in the ground. This is a by-product of having FCA investment in the City. They will initially employ 122 people, and looked at their other facilities in Waterloo, Ontario, Canada and also Charlestown, Indiana,

so the City of Sterling Heights was in a competitive situation. Mr. Bonner explained this is the first step in the process to establish this Industrial Development District.

Mayor Taylor opened the discussion to the audience.

There was no audience participation.

Mayor Taylor closed the public hearing.

Moved by Romano, seconded by Ziarko, **RESOLVED**, to adopt the resolution approving the application by Chalk Spade Investments (USA), Inc. to establish an Industrial Development District at 7191 Seventeen Mile Road.

Mayor Pro-Tem Romano inquired as to whether there will be a lot of hiring done at this manufacturing facility when it is completed.

Mr. Dennis Hayes replied the employees at the Troy facility, which is the sales and engineering office, will be consolidated with this facility. He stated that the plant will have over 100 employees, including staff managers, engineers, technical employees and general labor.

Mayor Pro-Tem Romano advised residents that there will be hiring taking place.

Mayor Taylor thanked the applicants for investing in Sterling Heights, and he felt this will be one of the premier industrial districts in the area. He added it will be good to see them breaking ground and the new jobs that will result from this new development.

Yes: All. The motion carried.

**~ Resolution ~**

A resolution of the Sterling Heights City Council establishing an Industrial Development District.

Minutes of the regular meeting of the City Council of Sterling Heights, Michigan, held on the 6<sup>th</sup> day of September, 2016, at the City Hall, 40555 Utica Road, in Sterling Heights, Michigan, at 7:30 p.m.:

PRESENT: Koski, Romano, Schmidt, Shannon, Skryzniarz, Taylor, Ziarko

ABSENT: None

The following preamble and resolution were offered by Romano and supported by Ziarko.

**Resolution Establishing an Industrial Development District for Chalk Spade Investments (USA), Inc. (Applicant)**

WHEREAS, pursuant to PA 198 of 1974, as amended, this City Council has the authority to establish "Industrial Development Districts" within Sterling Heights; and

WHEREAS, Applicant has petitioned this City Council to establish an Industrial Development District on its property located in Sterling Heights hereinafter described; and

WHEREAS, construction, acquisition, alteration, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the Sterling Heights Sentry newspaper and/or public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on September 6<sup>th</sup>, 2016 a public hearing was held at which all owners of real property within the proposed Industrial Development District and all residents and taxpayers of Sterling Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of Sterling Heights to establish the Industrial Development District as proposed; and

NOW, THEREFORE,

BE IT RESOLVED by the City Council of Sterling Heights that the following described parcel of land situated in Sterling Heights, Macomb County, and State of Michigan, to with:

T2N, R12E SEC 16 COMM AT SE COR SEC 16; TH N89\*23'00"W 1325.88 FT TO POB; TH N89\*23'00"W 1309.05 FT; TH N00\*06'37"E 2598.68 FT; TH N00\*00'57"E 1317.08 FT; TH S89\*36'02"E 1329.40 FT; TH S00\*29'29"W 1314.36 FT; TH S00\*21'08"W 33.63FT; TH S89\*24'55"E 241.86 FT; TH S38\*57'44"E

168.59 FT;TH N89\*24'55"W 348.67 FT; TH S00\*21'08"W 660.99 FT;TH S89\*28'16"E 596.50 FT; TH S00\*10'24"W 99.30 FT; TH S89\*11'13"E 411.84 FT; TH S00\*10'00"W 65.0 FT; TH S89\*30'28"E 222.86 FT; TH S00\*40'23"W 327.65 FT;TH N88\*52'45"W 554.92 FT; TH S00\*41'01"W 905.65 FT; TH N89\*23'00"W 167.27 FT; TH N00\*33'33"E 260.00 FT; TH S89\*23'00"W 335.17 FT; TH N00\*21'24"E 42.98 FT;TH S59\*19'00"W 195.74 FT; TH S00\*14'00" W 590.24 FTTO POB. 142.36 AC. 02-21-05: Split/Comb 10-16-476-008 & 10-16-401-004 into 10-16-476-029 & 10-16-401-005; is established as an Industrial Development District pursuant to the provisions of PA 198 of 1974, as amended.

AYES: Romano, Ziarko, Koski, Schmidt, Shannon, Skrzyniarz, Taylor

NAYS: None

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of Sterling Heights, County of Macomb, Michigan, at a regular meeting held the 6<sup>th</sup> day of September, 2016.

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Mark Carufel, City Clerk

CONSENT AGENDA

3. Mr. Joe Judnick inquired as to Item "H" and whether there will be any vehicles retired. He also inquired as to whether the purchase listed under Item "I" is replacing a current piece of equipment. He recalled abatements being granted to Chrysler in the past and inquired as to whether those are going to be paid back.

Ms. Jazmine Early questioned how many places of worship have been denied by the City.

Mr. Vanderpool replied that the police vehicles being purchased are replacements of retired Crown Victoria vehicles and one Dodge Charger, all ranging from 80,000 to 100,000 miles. The ladder truck for the Fire Department is replacing

their 1990 ladder truck. Mr. Vanderpool informed that Chrysler is the City's largest taxpayer, so even with some of the considerations the Council is taking under review, they will continue to be their largest taxpayer. He addressed the comment about the City offering Chrysler a 12-year tax abatement, and he clarified that was a 6-year abatement and it will be coming off the books, so they will start getting that revenue next year. He stated the other question involved litigation so he will not address it.

Moved by Koski, seconded by Romano, **RESOLVED**, to approve the Consent Agenda:

- A. To approve the minutes of the Regular Meeting of August 16, 2016, as presented.
- B. To approve payment of the bills as presented: General Fund - \$602,230.33, Water & Sewer Fund - \$3,279,421.95, Other Funds - \$1,558,509.74, Total Checks - \$5,440,162.02.
- C. **RESOLVED**, to approve the agreement for reclassification services between the City of Sterling Heights and Rahmberg, Stover and Associates and authorize the Mayor and City Clerk to sign the agreement on behalf of the City.
- D. **RESOLVED**, to accept a proposal by Empco, Inc. for promotional testing services for the position of police sergeant and authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

- E. **RESOLVED**, approve the contractual services agreement between the City of Sterling Heights and Alpha Psychological Services, P.C. for police officer and firefighter pre-employment psychological evaluations and authorize the Mayor and City Clerk to sign the agreement on behalf of the City.
- F. **RESOLVED**, to accept a proposal by Geographic Information Services, Inc., 2100 Riverchase Center, Suite 105, Birmingham, AL 35244 to upgrade the geographical information system (GIS) at a cost of \$68,600 and authorize the City Manager to sign all required documents on behalf of the City.
- G. **RESOLVED**, to award the bid for washing, cleaning, and reconditioning of City-owned vehicles to Backus Incorporated, d/b/a Backus Auto Wash, 7755 17 Mile Road, Sterling Heights, MI48313, for a two-year period at unit prices bid.
- H. **RESOLVED**, to
- a) Purchase nine 2017 Ford Interceptor police pursuit vehicles from Gorno Ford, 22025 Allen Road, Woodhaven, MI 48183, through the State of Michigan cooperative bid, MiDeal contract #071B13000051 in the cumulative amount of \$244,224; and
  - b) Purchase a 2017 Chevrolet Tahoe SUV from Berger Chevrolet, Inc., 2525 28<sup>th</sup> Street S., Grand Rapids, MI 49512, through the Oakland County cooperative bid, contract #4556, in the amount of \$33,637; and

- c) Authorize an amendment to the Capital Project Fund budget in the amount of \$14,161 from Capital Project Fund reserves.
- I. **RESOLVED**, to purchase a Pierce Ascendant PUC 107' aerial ladder fire truck and accessories from Pierce Manufacturing, Inc., 2600 American Drive, P.O. Box 2017, Appleton, WI 54912, at pricing available through a Houston-Galveston Area Council cooperative bid in the amount of \$825,000, and authorize the City Manager to sign all documents required in conjunction with this purchase.
- J. **RESOLVED**, to adopt the resolution directing the City Engineer to fulfill the requirements of City Code §47-6 in preparation for the public hearing on the Gardner Street East Asphalt Paving Special Assessment District.

RESOLUTION

Gardner Street East Special Assessment District

Resolution made and adopted at a regular meeting of the Council of the City of Sterling Heights, Macomb County, Michigan, held at the City Offices on the 6<sup>th</sup> day of September, 2016 at 7:30 p.m., Eastern Daylight Savings Time.

Members Present: Koski, Romano, Schmidt, Shannon, Skrzyniarz, Taylor, Ziarko

Members Absent: None

The following preamble and resolution was offered by Member Koski and supported by Member Romano:

WHEREAS, this City Council has been presented with information concerning the undertaking of certain local public improvements consisting of street paving together with all

necessary appurtenances and attachments, the cost of which improvements are to be paid in whole or in part by the levy of a special assessment; and

WHEREAS, Chapter 47 of the City Code of Ordinances requires the preparation and presentation of certain information before the Council determines to make any such local public improvement to be defrayed by special assessment;

NOW, THEREFORE, BE IT RESOLVED THAT :

1. The City Engineer be and is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvement, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels which are vacant and further to prepare or cause to be prepared plans and specifications therefore and an estimate of the cost thereof and to file the same with the City Clerk together with the City Engineer's recommendation as to what proportion of the cost of the improvement should be paid by special assessment and what part, if any, should be a general obligation of the City, the number of annual installments in which assessments may be paid and the lands to be included in the special assessment district.
2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and they hereby are rescinded.

AYES: Koski, Romano, Schmidt, Shannon, Skrzyniarz, Taylor, Ziarko

NAYS: None

ABSTAINED: None

ABSENT: None

Resolution declared and adopted.

CERTIFICATION

I hereby certify that the above Resolution is a true and correct copy of a Resolution entered in the Minutes of the Sterling Heights City Council, held at a meeting of said Council on the 6<sup>th</sup> day of September, 2016.

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Mark Carufel, City Clerk

- K. **RESOLVED**, to set a public hearing on Tuesday, October 4, 2016 at 7:30 p.m. regarding the application by FCA US LLC, for an Industrial Facilities Tax Exemption Certificate at 38111 Van Dyke.
- L. **RESOLVED**, to set a public hearing on Tuesday, October 4, 2016 at 7:30 p.m. regarding the application by Ultra Manufacturing USA, Inc. for an Industrial Facilities Tax Exemption Certificate at 7191 17 Mile Road.
- M. **RESOLVED**, to set a public hearing on Tuesday, October 4, 2016 at 7:30 p.m. regarding the application by Ring Screw, LLC. for an Industrial Facilities Tax Exemption Certificate at 6125 18 Mile Road.
- N. **RESOLVED**, to approve the application by Cora & Toma Management, Inc., d/b/a AI Shoroq Restaurant, for a Type B Amusement Device License located at 33120 Ryan Road, Sterling Heights, MI48310.
- O. **RESOLVED**, to authorize the City Attorney to pursue all available remedies to abate the nuisance conditions and code violations existing at 35235 Mound Road.
- P. **RESOLVED**, to receive the lawsuit, *American Islamic Community Center, Inc. v City of Sterling Heights*, United States District Court for the Eastern District of Michigan Case No. 2:16-cv-12920-GAD-EAS.

Yes: All. The motion carried.

CONSIDERATION

4. Moved by Romano, seconded by Ziarko, **RESOLVED**, to nominate Ms. Junina Jean for consideration as an appointee to the Zoning Board of Appeals at the September 20, 2016 regular City Council Meeting.

Mayor Pro-Tem Romano stated Ms. Jean is a long-time Sterling Heights resident, a substitute teacher or teacher's aide, and she has voted in all elections. He added this is the first time she is being appointed to a commission.

Yes: All. The motion carried.

Moved by Ziarko, seconded by Romano, **RESOLVED**, to postpone a nomination to the Board of Ordinance Appeals II to the October 4, 2016 regular City Council Meeting.

Yes: All. The motion carried.

5. Moved by Schmidt, seconded by Romano, **RESOLVED**, to appoint Mr. Steven Pomaville to the Historical Commission to a term ending June 30, 2019, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to postpone the appointment to the Elected Officials' Compensation Commission to the October 4, 2016 regular City Council Meeting.

Yes: All. The motion carried.

COMMUNICATIONS FROM CITIZENS

Dr. Steve Naumovski – Capt. Dwojakowski’s presentation this evening, credit to former Mayor Notte for Chrysler development in the city, *ReCreating Recreation Initiative*, Regional Transit Authority Millage.

Mr. Bob Moffa – *ReCreating Recreation Initiative* ballot language, public forums being held for discussion.

Mr. Dustin Lehman – water bill, condition of Mulberry Street and the catch basin in front of his house.

Ms. Jazmine Early – forums for *ReCreating Recreation Initiative*, water bills, City’s celebration of Patriot Week from September 11<sup>th</sup> through 17<sup>th</sup>, 2016.

Ms. Dolores Hatton – Michigan State Lottery sponsoring/renaming Freedom Hill County Park, breakdown of lottery proceeds.

Mr. Charles Jefferson – boards and commissions, social media.

Mr. Giulio Russo – water bills and taxes, condition of Merrill, establishment of a “downtown” area for Sterling Heights.

Mr. Joe Judnick – concerns about high water bills, deterioration of the local roads and the cost for repair, Sterlingfest, condition of Waldo Street, pedestrian crossing signs at Riverland bridge, tax abatements for Chrysler.

REPORTS FROM CITY ADMINISTRATION AND CITY COUNCIL

Mr. Vanderpool responded about water bills, noting that the September bills include the months of May, June and July. He explained that this summer was one of the worst drought seasons in history, and for an accurate comparison of

bills, residents would have to go back to the same months in 2012. He stated a comparison of this summer's bill to last summer's bill will only create more frustration, and he suggested anyone wishing to compare their current bill to the same period in 2012 can call the City or get the information on line. Mr. Vanderpool sympathized with the residents and could understand their frustration, but he stated it is a direct correlation to the drought.

Mayor Taylor inquired as to how the drought affects the bills of those residents who claim they do not water their grass.

Mr. Vanderpool explained the peak water usage indirectly affects the rates they are required to pay, and there is a more direct correlation to that in the summer months. He added that even moderate watering results in an increase. He suggested requesting Mr. Brian Baker, Finance Director and Macomb County's representative to the Great Lakes Water Authority, to be present at the next meeting to discuss it.

Mayor Taylor felt having Mr. Baker present at the next meeting scheduled for September 20, 2016 will be helpful, and he will request his presence at the beginning of the meeting.

Mr. Vanderpool addressed the comment about the condition of Mulberry, agreeing that the road needs attention. He explained they are evaluating the roads but there is only a certain amount they can get through each year. He stated he will see where it is on the list and try to provide a more exact timeframe. Mr. Vanderpool stated that they have a contractor who repairs the catch basins on an

annual basis, and he will be coming in late summer or early fall to complete the repair of a couple hundred catch basins yet this year.

Mr. Kaszubski stated he has nothing to report.

Councilman Shannon inquired as to what happens when a resident cannot pay their water bill, and whether their water is shut off. He felt there needs to be some type of program to allow these residents make payments on their staggering water bills.

Mr. Vanderpool stated Mr. Baker will be able to address that at the next meeting, and he encouraged residents to contact the City to switch to the budget plan. He added that there are no easy solutions, and the residents will have to go back to another drought period to compare their usage.

Councilman Shannon inquired as to how the budget plan works, and whether it is based on the residents' incomes. He is aware of budget plans through DTE and Consumer's Energy, and he felt they are helpful.

Mr. Vanderpool replied it is a similar program done on a quarterly basis and it creates a smoothing effect so there are not large variations. He will request that Mr. Baker provide more information on it at the next meeting.

Councilman Shannon stated that, with regards to the comments made about Freedom Hill County Park, County Executive Mark Hackel and the County Board hold public meetings and residents are welcome to attend and speak. He said the time spent on public comments relating to social media and other issues are not city business. He stated that people are aware when they stand up to make their

comments that they are being recorded by SHTV, but he did not feel they appreciate their comments being recorded by other residents and put out on social media.

Mayor Pro-Tem Romano agreed with Councilman Shannon and felt that if someone is upset with what is showing up on social media, they do not have to look at it. He addressed the concern of the water bills, and questioned the possibility of having two meters, one that would assess the water and sewer rate based on usage, and the other meter would be strictly for watering lawns and there would be no sewer rate assessed on that amount. He would like Mr. Baker to discuss it at the next meeting, as well as provide a breakdown of what the water bill covers and whether the residents of Sterling Heights are paying for other municipalities, which he felt would not be fair. He did not feel the high bills are strictly related to the fact it is a dry summer because people who are not watering their lawns at all are still getting high bills. He expressed concern about residents, especially those on fixed incomes, not being able to pay these high bills.

Councilwoman Ziarko agreed with her colleagues and felt it may be beneficial to look at the possibility of going to two meters if that would help the residents in paying their bills.

Councilman Skrzyaniarz stated the City Council listens to what the residents have to say, but he expressed concern that some of the residents are not participating in city business but only speak to get on television and promote their own personal agendas. He felt the Council needs to look at other options with regard to public

comments, possibly by having another avenue for receiving them or listening to public comments at 6:30 p.m. before they start their official business. He stated he has no problem with those who want to express their opinions about actual city business, but could not see how they can continue with the current system where some of these speakers do not follow protocol or show respect to the City and its residents.

Councilwoman Koski agreed with her colleagues. She liked the idea of separate water meters to help with future water bills, and some type of relief program to allow residents to make partial payments until their current high bills are paid off. She stated that as far as the segment of the meeting that allows for communications from residents, possibly the communications could be off camera and the residents could speak as much as they want. They may need to look at rules and procedures to prohibit individuals from filming the speakers at the podium and posting them on the internet without permission from the City.

Councilwoman Schmidt stated she would be curious to see how double meters would work. She claimed her husband is frugal and they do not water their lawn, yet her bill went from \$80 to \$250. She recalled asking Mr. Baker about the water bills during the budget process about the water bills and the amount they would be paying through the Water Authority, and was told a lot of it was due to funding Highland Park and Detroit. She felt that may have had a large impact on their bills rather than the drought.

Mayor Taylor has received calls from residents about their water bills and he agreed some of these amounts are shocking and difficult to budget. He hoped Mr. Baker will explain some of the options. He indicated the city does not shut the water off but puts the unpaid amount as a lien on the property. He would like to see if they can find a way for the residents to have the time to pay these bills, and then start figuring out how to attack the root problem. He recalled the double-metering being discussed within the last six to twelve months, and it was mentioned that it would be cost prohibitive to install a second meter, and the payback was several years; however, with these extremely large bills, the payback period may be quicker. He stated he would like to explore that option. He suggested the possibility of having a dedicated link on their website to answer questions about the water bills and provide as much information as possible to the residents. Mayor Taylor addressed comments about the Parks and Recreation initiative and why language is not included to limit the use to residents only, and he explained that is not the way they currently operate. Non-residents are permitted to use their Parks and Recreation services, although they have a higher fee. He imagined that will be the same program in the new building. He clarified it will be a dedicated millage and \$45 million is the infrastructure investment. There is also a dedicated amount to operational cost. He advised there will be four forums for the Parks and Recreation Initiative. The first one is tomorrow at 11 a.m. at the Senior Center, with another on September 19<sup>th</sup> at 6:30 p.m. at the Senior Center. Mayor Taylor stated that, with regard to the “Communications

from Citizens” portion of the meeting, he does not know that anything can change. He stated he does not let these comments bother him personally, but he urged people to be respectful to each other and avoid the name-calling so they can be productive.

UNFINISHED BUSINESS

There was no Unfinished Business discussed.

NEW BUSINESS

There was no New Business.

ADJOURN

Moved by Ziarko, seconded by Romano, to adjourn the meeting.

Yes: All. The motion carried.

The meeting was adjourned at 9:36 p.m.

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MARK CARUFEL, City Clerk

EXPENDITURES FOR THE MEETING OF  
September 20, 2016

	TOTAL PREPAYMENT LISTING	INTERFUND TRANSFERS	PROPERTY TAXES TO OTHER ENTITIES	EXPENSES & EXPENDITURES
GENERAL FUND	\$634,971.80			\$634,971.80
WATER & SEWER FUND	\$3,268,621.71			\$3,268,621.71
OTHER FUNDS	\$2,973,104.44		\$58,381.84	\$2,914,722.60
<b>TOTAL CHECKS</b>	<b>\$6,876,697.95</b>	<b>\$0.00</b>	<b>\$58,381.84</b>	<b>\$6,818,316.11</b>

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Business of the City Council
Sterling Heights, Michigan

DELIVERED SEP 15 2016

City Clerk's Use
Item No: 3-C
Meeting: 09/20/16

AGENDA STATEMENT

OMB AS03 Rev. 11/04

Item Title: To purchase two investigative vehicles for the Sterling Heights Police Department (Total expenditure of \$46,482).

Submitted By: Office of Purchasing

Contact Person/Telephone: James Buhlinger, Purchasing Manager, (586) 446-2741

Administration (initial as applicable)

Handwritten initials 'JB'

Attachments

Table with 4 columns: Signature, Title, Attachment Type, and Description. Rows include City Clerk (Resolution/Minutes), Finance & Budget Director (Ordinance/Plan/Map), City Attorney (Contract/Other), and City Manager.

Check box if this agenda item requires billing/revenue collection (fees, etc.) by Treasury Office

Executive Summary:

- The Sterling Heights Police Department (SHPD) is requesting approval for the purchase of two vehicles for use by the Crime Suppression Unit.
Pricing on these vehicles is available through the State of Michigan's MiDeal cooperative purchasing program, contract no. 071B1300010.
The purchase of the two investigative vehicles is funded through the Capital Projects Fund in the 2016/17 fiscal year budget.

Suggested Action:

MOVED BY:

SECONDED BY:

RESOLVED, to approve the purchase of two police investigative vehicles at pricing available through the State of Michigan's MiDeal cooperative purchasing program, contract no. 071B1300010, at a total cost of \$46,482.

**CITY OF STERLING HEIGHTS**

**STAFF REPORT**

September 20, 2016

Prepared By: James Buhlinger, Purchasing Manager

Ext. No. 2741

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**GENERAL INFORMATION:**

The Sterling Heights Police Department is requesting approval to purchase two investigative vehicles for use by its Crime Suppression Unit. Since the proposed vehicles will be used in police investigative work, the make, model and dealer information will not be disclosed publicly for officer safety reasons.

Funding for this purchase in the amount of \$48,000 has been budgeted in 43790901 (Capital Project Fund – Motor Vehicles) 984310 (Vehicles – Police Investigations).

**STAFF ANALYSIS AND FINDINGS:**

Personnel from the Office of Purchasing and Sterling Heights Police Department have reviewed the vehicles and related pricing available through the State of Michigan MiDeal cooperative purchasing program. The recommendation is to purchase the two budgeted vehicles at pricing available through a MiDeal contract. The proposed new vehicles will replace vehicles that are no longer fit for their intended purpose and will be repurposed within the Police Department.

**STAFF RECOMMENDATION:**

Please see Suggested Action on the accompanying Agenda Statement.

**AGENDA STATEMENT**

OMB AS03 Rev. 11/04

**Item Title:** To purchase DSX Access System Upgrades at City facilities (Total expenditure of \$56,391.45).

**Submitted By:** Office of Purchasing

**Contact Person/Telephone:** James Buhlinger, Purchasing Manager, (586) 446-2741

**Administration (initial as applicable)**



**Attachments**

	City Clerk	—	Resolution	—	Minutes
	Finance & Budget Director	—	Ordinance	—	Plan/Map
	City Attorney (as to legal form)	—	Contract	—	Other
	City Manager				

**Check box if this agenda item requires billing/revenue collection (fees, etc.) by Treasury Office**

**Executive Summary:**

- The City's Emergency Services Operations Group (ESOG) monitors City-owned facilities in order to assess the level of safety for employees and residents. When safety deficiencies are identified, the ESOG recommends capital improvements to mitigate the threat. In Phase I, the ESOG recommended that the City install locking systems on doors at City Hall (upper and lower levels), Parks & Recreation Center, Senior Center, and Nature Center as a means of controlling unauthorized access to restricted areas. Phase II, as recently formulated, recommends installation of locking systems on doors at Fire Stations Nos. 1 and 5, Department of Public Works, and additional City Hall areas.
- The City has standardized all facility access hardware and software by purchasing DSX Access System equipment. This electronic door locking system limits access to restricted areas within City facilities to those authorized employees carrying a key fob.
- At the February 16, 2016 regular meeting, the City Council awarded a bid for DSX Access Systems Upgrades, Phase I, to Weber Security Group, Inc. at unit prices bid. This bid award included unit pricing for proximity card readers, electric strikes, interfaces, controllers, door closures, communication modules and DSX power supplies, access panels, board, packages and distribution modules, as well as compatible operating software.
- The products and installation services rendered by Weber Security under Phase I have been excellent. Weber Security has agreed to extend its unit pricing from the bid award in February, 2016 to the City for acquisition of DSX Access System upgrades planned for Phase II. Recommendation is to waive competitive bidding and purchase the Phase II upgrades from Weber Security at existing unit pricing since the cost associated with procuring new bids exceeds any potential savings.

- The cumulative cost of the Phase II purchase is \$56,391.45. Funding for the purchase of DSX Access System Upgrades is not included in the Fiscal Year 2016/17 budget and will require the approval of a budget amendment from Self-Insurance Fund reserves.
- Please see the attached departmental recommendations from the Risk Manager, Information Technology Director and Facilities Maintenance Manager for additional information.

**Suggested Action:**

MOVED BY:

SECONDED BY:

**RESOLVED**, to waive the competitive bidding requirement in accordance with City Code §2-217(A)(9)(b) and purchase DSX Access System Upgrades from Weber Security Group, Inc., 95 South Rose Street, Suite A, Mount Clemens, MI 48043-2187, at a cost of \$56,391.45 and authorize a budget amendment to 43700700 (Capital Projects Fund) 975000 (Buildings & Improvements) from Self-Insurance Fund reserves for the purchase price.

## CITY OF STERLING HEIGHTS

### STAFF REPORT

September 20, 2016

Prepared By: James Buhlinger, Purchasing Manager

Ext. No. 2741

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#### **GENERAL INFORMATION:**

The Offices of Information Technology, Facilities Maintenance and Risk Management are recommending the purchase of DSX Access System Upgrades for installation at Fire Station Nos. 1 and 5, City Hall, and the Department of Public Works.

Because funding for this purchase is not budgeted in the fiscal year 2016/17 budget, a budget amendment in the amount of \$56,391.45 from Self-Insurance Fund reserves is necessary. This expenditure will be charged against 43700700 (Capital Project Fund) 975000 (Buildings & Improvements).

#### **STAFF ANALYSIS AND FINDINGS:**

Prompted by the increased occurrences of workplace violence around the country, the City's Emergency Services Operations Group (ESOG) initiated an inspection of City facilities. ESOG identified DSX Access System Upgrades at City Hall, Parks & Recreation Center, Senior Center and Nature Center as Phase I of an effort to identify improvements that have the potential of mitigating the risk of harm to employees and residents. The Phase I upgrades were completed under a bid awarded to Weber Security Group on February 16, 2016.

ESOG has formulated Phase II for DSX Access System Upgrades, which entails installation of locking door systems at 25 additional points of entry at Fire Station Nos. 1 and 5, City Hall, and the Department of Public Works. Weber Security Group has agreed to extend unit pricing from its February, 2016 bid. Weber Security Group has performed exceptionally well since the initial award in February, 2016. The Offices of Facilities Maintenance and Information Technology have been very satisfied with the installation and services of the initial DSX Access System upgrades and are recommending purchase of these additional upgrades from Weber Security Group at unit prices bid.

City Code §2-217(A)(9)(b) provides in relevant part:

(A) Competitive bids shall not be required with respect to the following purchases unless otherwise required by law:

(9) Purchases where a 5/7 majority of the City Council has determined that one of the following situation exists and that competitive bids should be waived and is in the best interest of the city, applying the standards of Section 2-216(B)(1) - (8):

(b) Past experience indicates that, for the subject of the acquisition or sale, cost variances are negligible, and, therefore, the bid procedure is not economically merited; or

Because the City may avail itself of unit pricing derived from a February, 2016 competitive bid for the desired DSX Access System upgrades and the cost of procuring and awarding a new bid likely exceeds any potential savings, recommendation is being made to waive competitive bidding in accordance with City Code §2-217(A)(9)(b).

#### **STAFF RECOMMENDATION:**

Please refer to the Suggested Action on the accompanying Agenda Statement.

**Notification list:**

Weber Security Group, Inc.  
95 South Rose Street, Suite A  
Mount Clemens, MI 48043-2187  
William Weber, President & CEO  
[william.weber@webersecurity.com](mailto:william.weber@webersecurity.com)

## Interoffice Memorandum

**Date:** August 22, 2016

**To:** Jim Buhlinger, Purchasing Manger

**From:**   
Mark Carufel, City Clerk / Risk Manager

**Subject:** DSX Access System Upgrades – Fire Station 1 & 5, DPW and City Hall

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The initial purchase of the DSX Access System Upgrades (ITB-SH16-004) been completed for City Hall, Parks & Recreation, Senior Center and Nature Center. Upon further review it has been decided that upgrades are also recommended for Fire Station #1, Fire Station #5, Fire Administration and Public Works (18 Mile).

This upgrade is part of a larger security improvement and loss control recommendation supported by the Emergency Services Operations Group (ESOG), of which the Risk Manager is a member, along with representative of all major city departments, including Police and Fire.

These security improvements are intended to provide employees and the public with safe and secure facilities to conduct business and engage in planned activities. Improvements will or have occurred at virtually every building with public access.

Still to be completed are roll-down/ roll-up security screening at public counters and finalizing the purchase and installation of video security system upgrades for the Police Department parking areas, Parks & Recreation , Senior Center and Nature Center buildings..

IT and Facilities Maintenance staff have been very satisfied with Weber Security Group and their installation of the initial DSX Access System Upgrades and we are recommending purchase of these additional upgrades per the awarded bid pricing when applicable from Weber Security Group.

Funding for this upgrade is via the Self-Insurance Fund, account # 67700700-956005 – Safety.

Please do not hesitate to contact me if there are any additional questions.



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## Interoffice Memorandum

Date: August 1, 2016

To: Jim Buhlinger, Purchasing Manager

From:

  
\_\_\_\_\_  
Steven Deon, Information Technology Director

**Subject: WinDSX Access System Upgrade**

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The City of Sterling Heights has been using WinDSX access software since 2006. ITB-SH16-004 was issued for upgrades to the current WinDSX access system and was completed in June of 2016. These upgrades included the addition of access security to 27 existing doors in 5 different locations.

Additional security enhancements need to be completed at Fire Station 1, Fire Administration, and the Department of Public Works. The Office of Information Technology supports these security enhancements to the existing WinDSX system.

Please feel free to contact me should you have any addition questions.



CITY OF  
**Sterling  
Heights**

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**Interoffice Memorandum**

Date: August 22, 2016

To: Jim Buhlinger, Purchasing Manager

From: Michael Viazanko  
Michael Viazanko, Building Official

**Subject: DSX Access System Installation**

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As part of an additional phase of security enhancements in city owned buildings I have reviewed the quote submitted by Weber Security. The additional work proposed to be done is located at Fire Station #1, Fire Administration Station #5, City Hall and DPW. Weber Security is proposing to install the DSX Access System at these new locations which is currently used in our other city facilities.

Our past experiences working with Weber Security on the earlier work have been positive and very responsive. I do not have any objection with allowing Weber Security to move forward with this next phase.



William D. Weber, Jr.  
President & CEO  
95 South Rose Street, Suite A  
Mt. Clemens, MI 48043-2187

MI Licensed Security Alarm Contractor #3601205180  
MI Licensed Fire Alarm Contractor #5103348  
MI Licensed Professional Investigator #3701206948

Telephone: (586) 582-0000  
Toll-Free: (888) 582-5820  
Facsimile: (586) 582-5745  
Direct: (586) 569-3540  
E-mail: [william.weber@webersecurity.com](mailto:william.weber@webersecurity.com)

Mr. James Buhlinger  
Purchasing Manager  
City of Sterling Heights  
40555 Utica Road  
Sterling Heights, MI 48313

Jim,

On Tuesday, February 5, 2016, City Council awarded a bid to Weber Security Group, Inc. to upgrade the DSX Access System. Weber Security was the low-bidder meeting specifications. The City facilities included within that award included City Hall, Parks & Recreation, Senior Center, Nature Center and Fire Administration Building. That work has since been successfully completed.

It has been brought to my attention that additional perimeter security work is needed on other City facilities to include Fire Station #1 & #5, City Hall as well as the Department of Public Works. The degree of work to be completed at these facilities is consistent with the DSX System work previously completed as it relates to the hardware and installation costs. As such, Weber Security Group is agreeable to hold all unit prices previously submitted to complete the supplemental DSX Access System work at the sites mentioned above.

Weber Security prides itself on supplying our customers with solutions and service that will save money while improving productivity and security. Weber Security values the working relationship with the City of Sterling Heights as a customer and looks forward to the continued partnership as it relates to your security needs.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "William D. Weber, Jr." in a cursive style.

William D. Weber, Jr.  
President & CEO

WDW/nmg

**CITY OF STERLING HEIGHTS  
 BID TABULATION - JANUARY 5, 2016  
 ITB-SH16-004: DSX ACCESS SYSTEM UPGRADE**

	Interstate Security	Weber Security Group
<b>City Hall - Upper Level:</b>		
City Management - back door stairway	\$1,555.00	\$1,128.04
Treasury vault	1,555.00	1,128.04
City Clerk vault	1,555.00	1,128.04
Conference Room 202 w/hold open door closer	1,990.00	1,242.44
Mayor's Office w/hold open door closer	1,990.00	1,242.44
North Stairwell to Basement	1,870.00	1,678.14
<b>City Hall - Lower Level:</b>		
Hallway Door into Employee Lounge	1,555.00	1,128.04
Facilities Maintenance Office	1,505.00	1,128.04
Community Relations Conference room	1,505.00	1,024.70
Hallway door to Community Relations (w/two remote wireless door release buttons)	1,805.00	1,485.60
North Hallway - Glass Door near exercise room	1,960.00	1,116.65
North Hallway - double door w/electrified mortis hardware and hinges	1,195.00	362.40
Facilities Maintenance Shop	1,740.00	1,128.04
Boiler Room	1,740.00	1,128.04
Kitchen	1,740.00	1,128.04
Purchasing Office (w/remote wireless door release button)	1,930.00	1,006.10
Copy Room w/hold open door closer	1,855.00	1,242.44
DSX Control Panel cost for this location	12,955.00	9,955.00
	42,000.00	29,380.23
<b>Parks &amp; Recreation</b>		
Exterior main entrance	\$1,505.00	\$870.30
Exterior kitchen entrance	1,260.00	659.20
Front Clerical Office w/hold open door closer	1,725.00	823.10
DSX Control Panel cost for this location	3,535.00	2,530.00
	8,025.00	4,882.60
<b>Senior Center</b>		
Exterior (near alarm panel)	1,580.00	1,016.65
Main Office	1,270.00	608.70
Exterior - Gym (non-handicap door w/REX toggle switch)	1,800.00	670.30
Gym Reception Office	1,575.00	928.04
DSX Control Panel cost for this location	3,535.00	2,530.00
	9,760.00	5,753.69
<b>Nature Center</b>		
Media Room	1,570.00	928.04
DSX Control Panel cost for this location	0.00	0.00
	1,570.00	928.04
<b>Fire Administration</b>		
Exterior (Administration) with two wireless remotes	2,045.00	751.70
Apparatus Room	1,555.00	928.04
DSX Control Panel cost for this location	1,140.00	785.00
	4,740.00	2,464.74
<b>GRAND TOTAL:</b>	<b>\$66,095.00*</b>	<b>\$43,409.30</b>

**DSX Control Panel Description and Unit Prices**

DSX Control Panel Description and Unit Prices	Unit Price	Unit Price
1 DSX 1042PKG Intelligent 2 door package, with 1 1040E enclosure, 1 1042 controllers, 1 1040 CDM communication distribution module, and 1 1040 PDP power distributor panel 1 DSX-SWS 150/28 Lock Power Supply <i>TOTAL INSTALLED COST:</i>	\$1,995.00	\$1,445.00
1 1042 2-Door Board added to above <i>TOTAL INSTALLED COST:</i>	\$1,140.00	\$785.00
1 DSX 1048 PKG Intelligent 8 door package, with 1 1040E enclosure, 4 1042 controllers, 1 1040 CDM communication distribution module, and 1 1040 PDP power distributor panel 1 DSX-SWS150/28 Lock Power Supply <i>TOTAL INSTALLED COST:</i>	4,910.00	3,470.00
1 Card reader	605.00	86.90
1 Interface to electrified hardware from DSX - complete	400.00	300.00
1 Standard electric strike	560.00	96.80

\* Adjusted by Purchasing

**City of Sterling Heights**

- **Fire Station #1 & #5**
- **City Manager Office Security Enhancements**
- **Department of Public Works**

**Fire Station #1**
***Apparatus Garage Exterior Man Door #1(South Side Facing West By Ladder Truck)***

1	HES Electric Strike		\$462.00
1	HID Proximity Reader		\$86.90
1	Labor To Run Wiring, Wire Devices At Door, Cut In Strike, Install Reader		\$300.00

***Apparatus Garage Exterior Man Door #2(North Side)***

1	HES Electric Strike		\$462.00
1	HID Proximity Reader		\$86.90
1	Labor To Run Wiring, Wire Devices At Door, Cut In Strike, Install Reader		\$300.00

***Apparatus Garage Door #3 (Near Hose Tower)***

1	Von Duprin 99 Rim Exit Device 3' 626 Finish	\$755.95	\$755.95
1	Von Duprin Rim Nightlatch Pull Trim	\$147.55	\$147.55
1	Rim Cylinder Keyed To Existing System For Fire Stations	\$47.86	\$47.86
1	LCN 4041XP Door Closer Parallel Arm Mount	\$317.10	\$317.10
1	Labor To Install Exit Device, Trim, Electric Strike, Reader, Wire Devices	\$225.00	\$225.00

***Apparatus Garage To Living Quarters (2 Doors)***

2	HES Electric Strike	\$462.00	\$924.00
2	HID Proximity Reader	\$86.90	\$173.80
2	Corbin Russwin Storeroom Function Mortise Lockset	\$593.10	\$1,186.20
2	Labor To Run Wiring, Wire Devices At Door, Cut In Strike, Install Reader	\$300.00	\$600.00

***Apparatus Garage IT/Server/Electrical Room***

1	HES Electric Strike		\$462.00
1	HID Proximity Reader		\$86.90
1	LCN 4041XP Door Closer Parallel Arm Mount		\$317.10
1	Corbin Russwin Storeroom Function Mortise Lockset		\$593.10
1	Labor To Run Wiring, Wire Devices At Door, Cut In Strike, Install Reader		\$300.00

***Head End DSX Equipment***

1	DSX 1042 Package	\$1,445.00	\$1,445.00
3	DSX 1042 Board	\$785.00	\$2,355.00
1	DSX Lock Power Supply	\$130.00	\$130.00
	Labor To Install DSX Hardware, Wire, Program		\$600.00

**Station #1 Total:                   \$12,364.36**

## Fire Station #5

### *Public Southwest Main Entrance From Parking Lot Intercom*

Algo SIP Entry Point Door Phone Intercom	\$427.00
Labor To Run Wiring, Wire Devices At Door & Server Room,	\$200.00

### *Staff/Inspector Entrance Door*

HES Electric Strike	\$462.00
HID Proximity Reader	\$86.90
Labor To Run Wiring, Wire Devices At Door, Cut In Strike, Install Reader	\$300.00

### *Upstairs Mezzanine Gate To UPS Power*

Securitron M62FG Gate Mag Lock	\$412.00
HID Proximity Reader	\$86.90
Request To Exit Push Button (Installed Inside of Gated Area)	\$104.11
Conduit/Misc Wire Management	\$150.00
Labor To Run Wiring, Wire Mag Lock, Button, Install Mag,, Install Reader	\$400.00

### *Apparatus Garage Interior To Living Quarters Doors 1, 2, 3, 4*

4	HES Electric Strike	\$496.00	\$1,984.00
4	HID Proximity Reader	\$86.90	\$347.60
4	Von Duprin 99 Rim Exit Device 3' 626 Finish	\$755.95	\$3,023.80
4	Von Duprin Rim Nightlatch Pull Trim	\$147.55	\$590.20
4	Rim Cylinder Keyed To Existing System For Fire Stations	\$47.86	\$191.44
4	Labor To Install Exit Device, Trim, Electric Strike, Reader, Wire Devices	\$525.00	\$2,100.00

### *Head End DSX Equipment*

1	DSX 1042 Package	\$1,445.00	\$1,445.00
2	DSX 1042 Board	\$785.00	\$1,570.00
1	DSX Lock Power Supply	\$130.00	\$130.00
	Labor To Install DSX Hardware, Wire, Program		\$600.00

### *Southwest Apparatus Man Door Entrance Door & Frame Replacement*

#### **Utilize Existing Hardware: Closer, Exit Device/Trim, Electric Strike**

1	3'0" x 8'0" RHR Commercial Hollow Metal Door Frame, 16 Gauge, Closer Reinf.	\$337.50
1	3'0" x 8'0" Galvanized Commercial Hollow Metal Door, 18GA reinforced for exit device W/Lite	\$486.17
1	Threshold	\$25.11
1	Weatherstrip and sweep	\$34.41
1	HES Electric Strike	\$496.00
1	Von Duprin 99 Rim Exit Device 3' 626 Finish	\$755.95
1	Von Duprin Rim Nightlatch Pull Trim	\$147.55
1	LCN 4041XP Door Closer Parallel Arm Mount	\$317.10
1	Rim Cylinder Keyed To Existing System For Fire Stations	\$47.86
1	Labor to tear out existing door and frame, dispose, install new frame, door	\$425.00

**Station #5 Total: \$17,683.60**

**City Hall**

*City Manager's Department Lobby Renovation Security Enhancement*

1	Cylindrical Double Cylinder Grade 1 Lever	\$586.00
1	HID Proximity Reader	\$86.90
1	Electrified Transfer Hinge	\$94.13
1	Request To Exit Passive Infrared Motion Detector	\$102.66
1	Manual Request To Exit Push Button	\$77.00
1	(2) Wireless Remote Control Transmitter	\$58.00
1	Wireless Receiver	\$52.80
1	Labor To Install Lock, Hinge, Proximity Reader, RTE, Receiver, Wire All	\$350.00

**City Hall Total: \$1,407.49**

**Department of Public Works**

*Main Entrance Exterior Door*

Adams Rite Field Retrofit Kit For Rim Exit Device	\$469.49
Door Power Transfer Cord	\$24.75
HID Proximity Reader	\$86.90
Labor To Run Wiring, Wire Devices At Door Retrofit Exit Device Install Reader	\$300.00

*Main Entrance Interior Door*

Adams Rite Field Retrofit Kit For Rim Exit Device	\$469.49
Door Power Transfer Cord	\$24.75
HID Proximity Reader	\$86.90
Labor To Run Wiring, Wire Devices At Door Retrofit Exit Device Install Reader	\$300.00

*Conference Room Door*

HES Electric Strike	\$496.00
HID Proximity Reader	\$86.90
Labor To Run Wiring, Wire Devices At Door, Cut In Strike, Install Reader	\$300.00

*Lobby To Office Area Door*

HES Electric Strike	\$496.00
HID Proximity Reader	\$86.90
Labor To Run Wiring, Wire Devices At Door, Cut In Strike, Install Reader	\$300.00

*Office To Shop Door*

HES Electric Strike	\$496.00
HID Proximity Reader	\$86.90
Corbin Russwin Storeroom Function Mortise Lockset	\$593.10
Labor To Run Wiring, Wire Devices At Door, Cut In Strike, Install Reader	\$350.00

*West Garage Exterior Door & Frame Replacement (With Access Control Hardware)*

1	3'0" x 8'0" RHR Commercial Hollow Metal Door Frame, 16 Gauge, Closer Reinf.	\$337.50
1	3'0" x 8'0" Galvanized Commercial Hollow Metal Door, 18GA reinforced for exit device	\$428.54
1	Threshold	\$25.11
1	Weatherstrip and sweep	\$34.41
1	HES Electric Strike	\$496.00
1	Von Duprin 99 Rim Exit Device 3' 626 Finish	\$755.95
1	Von Duprin Rim Nightlatch Pull Trim	\$147.55
1	LCN 4041XP Door Closer Parallel Arm Mount	\$317.10
1	Rim Cylinder Keyed To Existing System For DPW	\$47.86
1	Labor to tear out existing door and frame, dispose, install new frame, door	\$425.00

*Parts Department Door*

HES Electric Strike	\$496.00
HID Proximity Reader	\$86.90
Corbin Russwin Storeroom Function Mortise Lockset	\$593.10
Labor To Run Wiring, Wire Devices At Door, Cut In Strike, Install Reader	\$350.00

*General Supervisory Door*

HES Electric Strike	\$496.00
HID Proximity Reader	\$86.90
Labor To Run Wiring, Wire Devices At Door, Cut In Strike, Install Reader	\$300.00

*Water Department Door*

HES Electric Strike	\$496.00
HID Proximity Reader	\$86.90
Corbin Russwin Storeroom Function Mortise Lockset	\$593.10
Labor To Run Wiring, Wire Devices At Door, Cut In Strike, Install Reader	\$350.00

*Sewer Office*

HES Electric Strike	\$496.00
HID Proximity Reader	\$86.90
Corbin Russwin Storeroom Function Mortise Lockset	\$593.10
Labor To Run Wiring, Wire Devices At Door, Cut In Strike, Install Reader	\$350.00

*Streets Office*

HES Electric Strike	\$496.00
HID Proximity Reader	\$86.90
Corbin Russwin Storeroom Function Mortise Lockset	\$593.10
Labor To Run Wiring, Wire Devices At Door, Cut In Strike, Install Reader	\$350.00

*Head End DSX Equipment*

DSX 1048 Package	\$3,470.00
DSX 1042 Package	\$1,445.00
DSX 1042 2-Door Board	\$785.00
(2) DSX Lock Power Supply	\$260.00
High Inrush Power Supply For Electrified Retrofit Kits	\$620.00
Labor To Install DSX Hardware, Wire, Program	\$3,300.00

**DPW Total: \$24,936.00**

**Project Grand Total: \$56,391.45**



**CITY OF Sterling Heights**

InnovatingLiving

Richard J. Notte Sterling Heights City Center  
City Hall  
40555 Utica Road | P.O. Box 8009  
Sterling Heights, MI | 48311-8009

City Council	
Mayor	Michael C. Taylor
Mayor Pro Tem	Joseph V. Romano
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City Manager Mark D. Vanderpool

**ADDENDUM #2**

**POSTED: December 21, 2015**

**BID: ITB-SH16-004: DSX ACCESS SYSTEM UPGRADE**  
**DUE DATE: TUESDAY, JANUARY 5, 2016 AT 2:30 P.M.**

**ADDENDUM #2**

Resulting from questions asked during the pre-bid meeting and tour of buildings, minor amendments/clarifications to **Section VI. SPECIFICATIONS** (pages 9-10 of 19) have been made (see attached pages).

Additionally, **Section VII. REVISED BID FORM (CONT'D)** (pages 12-13 of 19) have been slightly modified to reflect the changes above. Since one of these changes includes the addition of another door, revised bid forms have been included (see attached).

The changes above are highlighted in yellow on the attached pages; Revised bid specifications (pages 9-10) and revised bid forms (pages 12 & 13). The REVISED BID FORMS must be used and included along with your bid submission documents.

In order to enable an "apples-to-apples" comparison of bids submitted, please provide a bill-of-materials for all items included in your Bid Grand Total (page 11 of 19). This list should be broken down **by building** as follows on attached page 13a of 19:

<u>Part Description</u>	<u>Part Model #</u>	<u>Part Manufacturer</u>	<u>Quantity</u>
-------------------------	---------------------	--------------------------	-----------------

**Clarification #1**– The City of Sterling Heights is seeking sealed bids to supply and install DSX Access at locations/doors listed, including any additional control panels required. Use existing hardware when available, however new hardware, replacement locks, etc. may be required. Bids are to include necessary hardware, wiring, labor, supplies and material.

**Clarification #2** – There was discussion regarding the "Main Office" doors at the Senior Center, one of which is a handicap entry door. Install DSX Access to the non-handicap door and include a manual REX toggle switch to be mounted / installed on or near the handicap operator switch.

**Clarification #3** - With regard to the doors at the Fire Administration building on Ryan Road, Fire Administration wants the DSX Access solution affixed to the external doors (outside the glass vestibule).

If I may be of further assistance, I may be contacted at (586) 446-2741.

  
\_\_\_\_\_  
James Buhlinger  
Purchasing Manager

I have reviewed and understand the bidding implications of Addendum #2; attest to this understanding by signing below and will submit this page as well as the REVISED BID FORMS along with my bid documents.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Company

## **VI. REVISED - SPECIFICATIONS**

The City of Sterling Heights is seeking sealed bids to supply and install a DSX Access System upgrade at all locations / doors listed, including any additional control panels required, use existing when available, however may be required to supply replacement locks as necessary, wiring, labor, supplies and material. **No alternates accepted.**

### **City Hall** - 40555 Utica Rd.

#### **Upper Level:**

City Management (back door stairway)  
Treasury vault  
City Clerk vault  
Conference Room 202 – include hold open door closer  
Mayor's Office – include hold open door closer  
North Stairwell to Basement

#### **Lower Level:**

Hallway door into Employee Lounge  
Facilities Maintenance Office  
Community Relations Conference Room  
Hallway door to Community Relations - include two wireless door release buttons  
North Hallway – Glass Door near exercise room  
North Hallway

- New double-door to be installed with electrified mortis hardware & hinges

Facilities Maintenance Shop  
Boiler Room  
Kitchen  
Purchasing Office to include wireless remote door release button  
Copy room door – include hold open door closer

Include DSX control equipment to support four (4) future card readers (16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup> & 19<sup>th</sup> doors)

### **Parks & Recreation** - 40620 Utica Rd.

Exterior main entrance  
Exterior kitchen entrance  
Front Clerical Office – include hold open door closer

### **Senior Center** - 40200 Utica Rd.

Exterior (near alarm panel)  
Main Office

Exterior – Gym – non-handicap door, to include a manual REX toggle switch to be mounted / installed on or near the handicap operator switch  
Gym Reception Office

**Nature Center** - 42700 Utica Rd.

Media Room

**Fire Administration** - 41625 Ryan Rd.

Exterior (Administration) with two wireless remotes  
Apparatus Room

**VII. REVISED BID FORM (CONT'D)**

**Description**

**Turn-Key Solution (Excl.  
DSX control panels)**

**City Hall**

Upper Level:

City Management – back door stairway	\$ _____
Treasury vault	\$ _____
City Clerk vault	\$ _____
Conference Room 202 w/hold open door closer	\$ _____
Mayor's Office w/hold open door closer	\$ _____
North Stairwell to Basement	\$ _____

Lower Level:

Hallway Door into Employee Lounge	\$ _____
Facilities Maintenance Office	\$ _____
Community Relations Conference room	\$ _____
Hallway door to Community Relations (w/two remote wireless door release buttons)	\$ _____
North Hallway – Glass Door near exercise room	\$ _____
North Hallway – double door w/electrified mortis hardware and hinges	\$ _____
Facilities Maintenance Shop	\$ _____
Boiler Room	\$ _____
Kitchen	\$ _____
Purchasing Office (w/remote wireless door release button)	\$ _____
Copy Room w/hold open door closer	\$ _____

**Parks & Recreation**

Exterior main entrance	\$ _____
Exterior kitchen entrance	\$ _____
Front Clerical Office w/hold open door closer	\$ _____

**Senior Center**

**VII. REVISED BID FORM (CONT'D)**

<u>Description</u>	<u>Turn-Key Solution (Excl. DSX control panels)</u>
Exterior (near alarm panel)	\$ _____
Main Office	\$ _____
Exterior – Gym – non-handicap door, to include a manual REX toggle switch to be mounted/installed on or near the handicap operator switch	\$ _____
Gym Reception Office	\$ _____

**Nature Center**

Media Room	\$ _____
------------	----------

**Fire Administration**

Exterior (Administration) with two wireless remotes	\$ _____
Apparatus Room	\$ _____

**BID GRAND TOTAL:**  
 (Please carry forward this total to page 11) \$ \_\_\_\_\_

1 DSX 1042PKG Intelligent 2 door package, with 1 1040E enclosure, 1 1042 controllers, 1 1040 CDM communication distribution module, and 1 1040 PDP power distributor panel

1 DSX-SWS150/28 Lock Power Supply  
*TOTAL INSTALLED COST* \$ \_\_\_\_\_

1 1042 2-Door Board added to above  
*TOTAL INSTALLED COST* \$ \_\_\_\_\_

1 DSX 1048 PKG Intelligent 8 door package, with 1 1040E enclosure, 4 1042 controllers, 1 1040 CDM communication distribution module, and 1 1040 PDP power distributor panel

1 DSX-SWS150/28 Lock Power Supply  
*TOTAL INSTALLED COST* \$ \_\_\_\_\_

1 Card reader \$ \_\_\_\_\_

1 Interface to electrified hardware from DSX - complete \$ \_\_\_\_\_

1 Standard electric strike \$ \_\_\_\_\_

This form **must** be completed and returned with your bid.



CITY OF  
**Sterling  
Heights**  
InnovatingLiving

Richard J. Notte Sterling Heights City Center  
City Hall  
40555 Utica Road | P.O. Box 8009  
Sterling Heights, MI | 48311-8009

City Council	
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Mayor Pro Tem	Joseph V. Romano
Councilwoman	Deanna Koski
Councilwoman	Maria G. Schmidt
Councilman	Nate Shannon
Councilman	Doug Skrzylnarz
Councilwoman	Barbara A. Ziarko
City Manager	Mark D. Vanderpool

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**ADDENDUM #1**

**POSTED: December 15, 2015**

**BID: ITB-SH16-004: DSX ACCESS SYSTEM UPGRADE**  
**DUE DATE: TUESDAY, JANUARY 5, 2016 AT 2:30 P.M.**

**ADDENDUM #1**

An amendment to Section VI. SPECIFICATIONS (page 9 of 19) has been made. This specification modification is needed to accurately reflect the details of proposed DSX Access upgrades needed.

Additionally, Section VII. BID FORM (CONT'D) (pages 12-13 of 19) have been modified. These changes are two-fold; page 12 reflects the detail changes made above, and page 13 requests incremental unit pricing for DSX panels and related equipment. Changes to this section will require the use of revised bid forms (see attached).

The changes above are highlighted in yellow on the following pages. Revised bid form pages 12 & 13 are attached to this addendum and must be included in your bid submission documents.

If I may be of further assistance, I may be contacted at (586) 446-2741.

  
\_\_\_\_\_  
James Buhlinger  
Purchasing Manager

I have reviewed and understand the bidding implications of this addendum; attest to this understanding by signing below and will submit this page as well as the REVISED BID FORMS along with my bid documents.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Company

## **VI. SPECIFICATIONS**

The City of Sterling Heights is seeking sealed bids to supply and install a DSX Access System upgrade at all locations / doors listed, including any additional control panels required, use existing when available, however may be required to supply replacement locks as necessary, wiring, labor, supplies and material. **No alternates accepted.**

### **City Hall** - 40555 Utica Rd.

#### **Upper Level:**

City Management (back door stairway)  
Treasury vault  
City Clerk vault  
Conference Room 202  
Mayor's Office  
North Stairwell to Basement

#### **Lower Level:**

Hallway door into Employee Lounge  
Facilities Maintenance Office  
Community Relations Conference Room  
Hallway door to Community Relations to include door release button  
North Hallway – Glass Door near exercise room  
North Hallway

- New double-door to be installed with electrified mortis hardware & hinges

Facilities Maintenance Shop  
Boiler Room  
Kitchen  
Purchasing Office to include door release button

Include DSX control equipment to support four (4) future card readers (16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup> & 19<sup>th</sup> doors)

### **Parks & Recreation** - 40620 Utica Rd.

Exterior main entrance  
Exterior kitchen entrance  
Front Clerical Office

### **Senior Center** - 40200 Utica Rd.

Exterior (near alarm panel)  
Main Office  
Exterior - Gym  
Gym Reception Office

**VII. REVISED BID FORM (CONT'D)**

<b><u>Description</u></b>	<b>Turn-Key Solution (Excl. DSX control panels)</b>
---------------------------	---

**City Hall**

**Upper Level:**

City Management – back door stairway	\$ _____
Treasury vault	\$ _____
City Clerk vault	\$ _____
Conference Room 202	\$ _____
Mayor's Office	\$ _____
North Stairwell to Basement	\$ _____

**Lower Level:**

Hallway Door into Employee Lounge	\$ _____
Facilities Maintenance Office	\$ _____
Community Relations Conference room	\$ _____
Hallway door to Community Relations (w/door release button)	\$ _____
North Hallway – Glass Door near exercise room	\$ _____
North Hallway – double door w/electrified mortis hardware and hinges	\$ _____
Facilities Maintenance Shop	\$ _____
Boiler Room	\$ _____
Kitchen	\$ _____
Purchasing Office (w/door release button)	\$ _____

**Parks & Recreation**

Exterior main entrance	\$ _____
Exterior kitchen entrance	\$ _____
Front Clerical Office	\$ _____

**Senior Center**

Exterior (near alarm panel)	\$ _____
-----------------------------	----------

**VII. REVISED BID FORM (CONT'D)**

<u>Description</u>	<u>Turn-Key Solution (Excl. DSX control panels)</u>
Main Office	\$ _____
Exterior – Gym	\$ _____
Gym Reception Office	\$ _____
 <b><u>Nature Center</u></b>	
Media Room	\$ _____
 <b><u>Fire Administration</u></b>	
Exterior (Administration) with two remotes	\$ _____
Apparatus Room	\$ _____
<b>BID GRAND TOTAL:</b>	<b>\$ _____</b>
(Please carry forward this total to page 11)	

1 DSX 1042PKG Intelligent 2 door package, with 1 1040E enclosure, 1 1042 controllers, 1 1040 CDM communication distribution module, and 1 1040 PDP power distributor panel

1 DSX-SWS150/28 Lock Power Supply  
*TOTAL INSTALLED COST*      \$ \_\_\_\_\_

1 1042 2-Door Board added to above  
*TOTAL INSTALLED COST*      \$ \_\_\_\_\_

1 DSX 1048 PKG Intelligent 8 door package, with 1 1040E enclosure, 4 1042 controllers, 1 1040 CDM communication distribution module, and 1 1040 PDP power distributor panel

1 DSX-SWS150/28 Lock Power Supply  
*TOTAL INSTALLED COST*      \$ \_\_\_\_\_

1 Card reader      \$ \_\_\_\_\_

1 Interface to electrified hardware from DSX - complete  
 \$ \_\_\_\_\_

1 Standard electric strike      \$ \_\_\_\_\_

This form **must** be completed and returned with your bid.



**CITY OF Sterling Heights**

InnovatingLiving

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facebook.com/cityofsterlingheights | twitter.com/sterling\_hts

City Manager Mark D. Vanderpool

\*\*\*\*\*

**INVITATION TO BID**

**ITB-SH16-004**

The City of Sterling Heights, Michigan is accepting sealed bids for DSX ACCESS SYSTEM UPGRADE until TUESDAY, JANUARY 5, 2016 AT 2:30 P.M. in the Office of the City Clerk, 40555 Utica Road, Sterling Heights, Michigan 48313. Specifications are attached.

There will be a pre-bid meeting on MONDAY, DECEMBER 21, 2015 at 10:00 A.M. at the City Hall Building, 40555 Utica Road, Sterling Heights, Michigan 48313.

  
 \_\_\_\_\_  
 James Buhlinger  
 Purchasing Manager

**Office of Purchasing  
586-446-2740**

\*\*\*\*\*

## **VI. SPECIFICATIONS**

The City of Sterling Heights is seeking sealed bids to supply and install a DSX Access System upgrade at all locations / doors listed, including any additional control panels required, use existing when available, however may be required to supply replacement locks as necessary, wiring, labor, supplies and material. **No alternates accepted.**

### **City Hall** - 40555 Utica Rd.

#### **Upper Level:**

City Management (back door stairway)  
Treasury vault  
City Clerk vault  
Conference Room 202  
Mayor's Office  
North Stairwell to Basement

#### **Lower Level:**

Hallway door into Employee Lounge  
Facilities Maintenance Office  
Community Relations Conference Room  
Hallway door to Community Relations to include door release button  
North Hallway – Glass Door near exercise room  
North Hallway

- New double-door to be installed with electrified mortis hardware & hinges

Facilities Maintenance Shop  
Boiler Room  
Kitchen  
Purchasing Office to include door release button

Include DSX control equipment to support four (4) future card readers (16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup> & 19<sup>th</sup> doors)

### **Parks & Recreation** - 40620 Utica Rd.

Exterior main entrance  
Exterior kitchen entrance  
Front Clerical Office

### **Senior Center** - 40200 Utica Rd.

Exterior (near alarm panel)  
Main Office  
Exterior - Gym  
Gym Reception Office

**Nature Center** - 42700 Utica Rd.

Media Room .

**Fire Administration** - 41625 Ryan Rd.

Exterior (Administration) with two remotes  
Apparatus Room

**VII. BID FORM**

The undersigned, as bidder, hereby declares that the instructions and specifications of the proposed work have been carefully examined and understands and agrees to contract with the City of Sterling Heights to furnish labor and equipment necessary to provide a **DSX ACCESS SYSTEM UPGRADE** specified for the price set forth in this bid. **No alternates accepted.** Bids not conforming to these specifications will be rejected and it will be the responsibility of the bidder to conform to these requirements unless deviations have been cited in the bid and our acceptance made on that basis.

It is understood and agreed that all bids shall remain in effect for at least ninety (90) days from the date of the bid opening to allow for the award of the bid. The undersigned bidder further agrees and understands that the City of Sterling Heights is reserving the right to reject any and all bids, the right to waive irregularities in bidding if it determines such action to be in the best interest of the City to do so and may activate this contract on an as needed basis. Award of the contract will be based on the unit prices submitted.

Bid Grand Total: \$ \_\_\_\_\_

Installation time after receipt of PO: \_\_\_\_\_

Warranty on labor: \_\_\_\_\_ materials: \_\_\_\_\_

How did you receive notification of this bid? \_\_\_\_\_

How did you obtain the bid specifications? If bid documents were downloaded from a website, please list: \_\_\_\_\_

The undersigned certifies that all documents/addendums associated with this bid have been downloaded from the MITN website.

Company \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Representative/Title \_\_\_\_\_

Telephone/Fax \_\_\_\_\_

E-Mail Address/Website \_\_\_\_\_

Payment Terms \_\_\_\_\_

Signature/Date \_\_\_\_\_

This form **must** be completed and returned with your bid.

**VII. BID FORM (CONT'D)**

**Description**

**Turn-Key Solution (Excl. DSX control panels)**

**City Hall**

Upper Level:

City Management – back door stairway	\$ _____
Treasury vault	\$ _____
City Clerk vault	\$ _____
Conference Room 202	\$ _____
Mayor's Office	\$ _____
North Stairwell to Basement	\$ _____

Lower Level:

Hallway Door into Employee Lounge	\$ _____
Facilities Maintenance Office	\$ _____
Community Relations Conference room	\$ _____
Hallway door to Community Relations (w/door release button)	\$ _____
North Hallway – Glass Door near exercise room	\$ _____
North Hallway – double door w/electrified mortis hardware and hinges	\$ _____
Facilities Maintenance Shop	\$ _____
Boiler Room	\$ _____
Kitchen	\$ _____
Purchasing Office (w/door release button)	\$ _____

**Parks & Recreation**

Exterior main entrance	\$ _____
Exterior kitchen entrance	\$ _____
Front Clerical Office	\$ _____

**Senior Center**

Exterior (near alarm panel)	\$ _____
-----------------------------	----------

**VII. BID FORM (CONT'D)**

<b><u>Description</u></b>	<b><u>Turn-Key Solution (Excl. DSX control panels)</u></b>
Main Office	\$ _____
Exterior – Gym	\$ _____
Gym Reception Office	\$ _____
 <b><u>Nature Center</u></b>	
Media Room	\$ _____
 <b><u>Fire Administration</u></b>	
Exterior (Administration) with two remotes	\$ _____
Apparatus Room	\$ _____
<b>BID GRAND TOTAL:</b>	<b>\$ _____</b>
(Please carry forward this total to page 11)	

1 DSX 1042PKG Intelligent 2 door package, with 1 1040E enclosure, 1 1042 controllers, 1 1040 CDM communication distribution module, and 1 1040 PDP power distributor panel

1 DSX-SWS150/28 Lock Power Supply  
*TOTAL INSTALLED COST* \$ \_\_\_\_\_

1 1042 2-Door Board added to above  
*TOTAL INSTALLED COST* \$ \_\_\_\_\_

1 DSX 1048 PKG Intelligent 8 door package, with 1 1040E enclosure, 4 1042 controllers, 1 1040 CDM communication distribution module, and 1 1040 PDP power distributor panel

1 DSX-SWS150/28 Lock Power Supply  
*TOTAL INSTALLED COST* \$ \_\_\_\_\_

1 Card reader \$ \_\_\_\_\_

1 Interface to electrified hardware from DSX - complete \$ \_\_\_\_\_

1 Standard electric strike \$ \_\_\_\_\_

This form **must** be completed and returned with your bid.



Business of the City Council
Sterling Heights, Michigan

DELIVERED SEP 15 2016

City Clerk's Use

Item No: 3-E

Meeting: 09/20/16

OMB AS03 Rev. 11/04

AGENDA STATEMENT

Item Title: To set a public hearing to consider the request by DM Tool & Fab Inc. for an Industrial Facilities Tax Exemption Certificate at 6101 Eighteen 1/2 Mile Road.

Submitted By: Office of Assessing

Contact Person/Telephone: Dwayne McLachlan, City Assessor / Luke Bonner Senior Economic Development Advisor; 586-446-2341

Administration (initial as applicable)

Attachments

Table with 4 columns: Initials, Title, Attachment 1, Attachment 2. Rows include City Clerk, Finance & Budget Director, City Attorney, and City Manager.

Check box if this agenda item requires billing/revenue collection (fees, etc.) by Treasury Office

Executive Summary

On September 13, 2016, DM Tool & Fab Inc. (Applicant) filed an application for and Industrial Facilities Tax Exemption Certificate (IFEC) for a proposed real property investment of \$1,800,000 at 6101 Eighteen 1/2 Mile Road.

Under state law, MCL 207.555, the owner or lessee of a facility may file an application for an IFEC with the clerk of the local governmental unit that established the IDD. Upon receipt of an IFEC Application, the clerk of the local governmental unit shall notify in writing the assessor and the legislative body of each taxing unit which levies ad valorem property taxes in the local governmental unit in which the facility is located or is to be located.

In preparation for the October 18, 2016 public hearing required under MCL 207.555, the City Assessor and Senior Economic Development Manager will provide the City Council with a detailed staff report, including a specific recommendation regarding the tax abatement term according to the City's existing Industrial Facilities Tax Abatement Program Guidelines.

**Suggested Action:**

**MOVED BY:**

**SECONDED BY:**

RESOLVED, to set a public hearing on Tuesday, October 18, 2016 at 7:30 p.m. regarding the application by DM Tool & Fab Inc. for an Industrial Facilities Tax Exemption Certificate at 6101 Eighteen ½ Mile Road.

# Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

RECEIVED  
CITY CLERK

**INSTRUCTIONS:** File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form, call (517) 373-3302.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	▶ Date Received by Local Unit
STC Use Only	
▶ Application Number	▶ Date Received by STC

## APPLICANT INFORMATION

All boxes must be completed.

▶ 1a. Company Name (Applicant must be the occupant/operator of the facility) <b>DM TOOL &amp; FAB, INC.</b>	▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code)	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) <b>6101 18 1/2 MILE RD., STERLING HEIGHTS, MI 48314</b>	▶ 1d. City/Township/Village (indicate which) <b>CITY</b>	▶ 1e. County <b>MACOMB</b>
▶ 2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(5)) <input type="checkbox"/> Transfer <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(6)) <input type="checkbox"/> Research and Development (Sec. 2(10)) <input type="checkbox"/> Increase/Amendment	▶ 3a. School District where facility is located <b>UTICA</b>	▶ 3b. School Code <b>50210</b>
		4. Amount of years requested for exemption (1-12 Years) <b>12 YEARS</b>

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

PLEASE SEE THE ATTACHED TAX ABATEMENT APPLICATION FORM.

6a. Cost of land and building improvements (excluding cost of land) .....	▶ <u>\$1,800,000.00</u>
* Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	
6b. Cost of machinery, equipment, furniture and fixtures .....	▶ _____
* Attach itemized listing with month, day and year of beginning of installation, plus total	
6c. Total Project Costs .....	▶ <u>\$1,800,000.00</u>
* Round Costs to Nearest Dollar	
Total of Real & Personal Costs	

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	<u>Begin Date (M/D/Y)</u>	<u>End Date (M/D/Y)</u>	
Real Property Improvements ▶	9/21/2016	1/30/2017	▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements ▶	_____	_____	▶ <input type="checkbox"/> Owned <input type="checkbox"/> Leased

▶ 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption.     Yes     No

▶ 9. No. of existing jobs at this facility that will be retained as a result of this project. <b>100%</b>	▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. <b>30 NEW JOBS</b>
--	---

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land) .....	_____
b. TV of Personal Property (excluding inventory) .....	_____
c. Total TV .....	_____

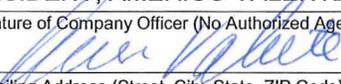
▶ 12a. Check the type of District the facility is located in:  
 Industrial Development District     Plant Rehabilitation District

▶ 12b. Date district was established by local government unit (contact local unit) <b>OCTOBER 21, 2008</b>	▶ 12c. Is this application for a speculative building (Sec. 3(8))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	---

**APPLICANT CERTIFICATION - complete all boxes.**

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name <b>AMERICO VALENTE</b>	13b. Telephone Number <b>586-726-8390</b>	13c. Fax Number <b>586-726-0616</b>	13d. E-mail Address <b>RV@DMTOOLFAB.COM</b>
14a. Name of Contact Person <b>AMERICO VALENTE</b>	14b. Telephone Number <b>586-726-8390</b>	14c. Fax Number <b>586-726-0616</b>	14d. E-mail Address <b>RV@DMTOOLFAB.COM</b>
▶ 15a. Name of Company Officer (No Authorized Agents) <b>PRESIDENT, AMERICO VALENTE</b>			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number <b>586-726-0616</b>	15d. Date <b>9/13/2016</b>
▶ 15e. Mailing Address (Street, City, State, ZIP Code) <b>6101 18 1/2 MILE RD., STERLING HEIGHTS, MI 48314</b>		15f. Telephone Number <b>586-726-8390</b>	15g. E-mail Address <b>RV@DMTOOLFAB.COM</b>

**LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.**

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: <b>Check or Indicate N/A if Not Applicable</b> <input type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input type="checkbox"/> 2. Resolution establishing district <input type="checkbox"/> 3. Resolution approving/denying application. <input type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input type="checkbox"/> 7. Equipment List with dates of beginning of installation <input type="checkbox"/> 8. Form 3222 (if applicable) <input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit <b>Check or Indicate N/A if Not Applicable</b> <input type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input type="checkbox"/> 4. Lease Agreement showing applicants tax liability.	
16c. LUCI Code	16d. School Code
17. Name of Local Government Body	▶ 18. Date of Resolution Approving/Denying this Application

Attached hereto is an original application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time, and that any leases show sufficient tax liability.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
19e. Telephone Number	19f. Fax Number	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

**Michigan Department of Treasury  
State Tax Commission  
PO Box 30471  
Lansing, MI 48909**

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

**AGENDA STATEMENT**

OMB AS03 Rev. 11/04

**Item Title:** To approve a change order in connection with repairs to the 48" storm sewer pipe at 42724 Pond View Drive (Increase in project cost of \$81,800.00).

**Submitted By:** Department of Public Works

**Contact Person/Telephone:** Michael Moore, Public Works Director/586-446-2440 *MM*

**Administration (initial as applicable)**

**Attachments**

<i>MC</i> City Clerk	___	Resolution	___	Minutes
<i>AB</i> Finance & Budget Director	___	Ordinance	___	Plan/Map
<i>AK</i> City Attorney (as to legal form)	___	Contract	<u>x</u>	Other
<i>MV</i> City Manager				Staff Report, Change Order, Revised Proposal

Check box if this agenda item requires billing/revenue collection (fees, etc.) by Treasury Office

**Executive Summary:**

At the October 6, 2015 regular meeting, the City Council approved repairs to a failing 48" storm sewer pipe servicing the retention pond at 42724 Pond View Drive. Prequalified contractor FDM Contracting, Inc. was selected to effectuate the required repairs at an estimated cost of \$46,750. Under the scope of this repair, FDM Contracting would excavate and repair a collapsed section of 48" storm sewer pipe.

Upon excavation, Department of Public Works (DPW) staff identified additional work that increased the scope of the work needed to properly repair the collapsed storm sewer pipe. All work was halted until the proper approvals could be obtained for the expanded repairs.

**Change Order**

On June 29, 2016, during excavation by FDM Contracting, DPW staff identified an additional 100 L.F. of 48" storm sewer pipe requiring immediate replacement to effectively repair the collapsed condition of the storm sewer pipe. FDM Contracting, Inc. provided a revised cost estimate that increased the project cost by \$89,300.00. This project will be completed by mid-November. A \$7,500 credit has been provided from FDM Contracting, Inc., for the original pipe repair that was not completed. The net change order amount, \$81,800.00, is not funded through the budget and will necessitate a budget amendment to charge Capital Projects Fund Reserves.

Recommendation is being made to approve the change order due to the material change in the scope of repairs to the 48" storm sewer pipe servicing the retention pond at 42724 Pond View Drive.

**Suggested Action:**

MOVED BY:

SECONDED BY:

RESOLVED, to:

- (A) Approve the change order in connection with repairs to the 48" storm sewer pipe at 42724 Pond View to effectuate the removal and replacement of an additional 100 L.F. of 48" storm sewer pipe in the amount of \$81,800; and,
- (B) Authorize a budget amendment to the Capital Project Fund using fund reserves in the same amount.

CITY OF STERLING HEIGHTS  
STAFF REPORT  
September 6, 2016

Prepared By: Jared Beaudoin, Operations Manager

(586) 446-2440

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**GENERAL INFORMATION:**

A 48" storm sewer pipe collapse was discovered at the retention pond located at 42724 Pond View Drive. A 20-foot section of storm sewer pipe was partially collapsed and was limiting the amount of storm water flow from the surrounding area. For a repair to be made, over a ¼ square mile of storm sewer needed to be pumped down. The excavation, repair, and restoration were too large of a project for Department of Public Works staff to accomplish and it would require a qualified contractor to complete the project.

The DPW staff worked with the Office of Purchasing to establish a prequalified contractor list for the emergency underground utility repairs in an effort to develop a faster response to repairing any underground utility failure. Four prequalified vendors were selected and approved by City Council on June 16, 2015. DPW staff contacted these prequalified contractors and received proposals from them.

FDM Contracting, Inc. provided the lowest cost proposal at \$46,750.00, which included site restoration. Mobilization and excavation occurred on June 29, 2016. Upon excavation of the 48" storm main, it was discovered that multiple sections of 48" corrugated metal pipe were compromised and the project scope needed to expand beyond the original estimate.

With this new information, the DPW requested a supplemental proposal from FDM Contracting, which was provided on July 6, 2016, in the amount of \$89,300.00. The scope of work to be performed includes the removal of another 100 feet of 48" corrugated metal pipe (CMP), asphalt spillway, and the end section with bar grate. FDM Contracting will install 100 feet of 48" concrete pipe, a 48" concrete end section with bar grate, and two steel 8" I beams to secure the end section in place.

| The original proposal was fulfilled with the exception of the repair of the 48" CMP pipe and structural I-beams. As a result, FDM Contracting, Inc. is crediting \$7,500.00 from the original proposal towards the new proposal for the replacement of these items.

**TECHNICAL INFORMATION:**

The net increase in cost associated with this change order is \$81,800.00. The cost of this unbudgeted expenditure reflects the unforeseen complications with this repair and will be charged to the Capital Projects Fund. A budget amendment utilizing Capital Project Fund Reserves is requested.

**STAFF RECOMMENDATION:**

Please see Suggested Action on accompanying Agenda Statement.

## **NOTIFICATION LIST**

FDM Contracting, Inc.  
49156 Van Dyke  
Shelby Township, MI 48314  
Attn: Don Meram  
don@fdmcontracting.net

**CITY OF STERLING HEIGHTS - Department of Public Works**  
**7200 18 Mile Road**  
**Sterling Heights, Michigan 48314**  
**(586) 446-2440**

**AUTHORIZATION FOR CHANGE IN WORK**

Name of Project: **Pondview 48" Storm Main Repair**

Contractor:  
**FDM Contracting, Inc.**  
**49156 Van Dyke**  
**Shelby Township, MI 48317**

Change Order No. **1**

Date: **09/06/16**

This Change Order, when approved, will constitute authorization for the following changes:

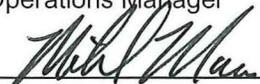
<u>Description of Work and Reason</u>	<u>Increase</u>	<u>Decrease</u>
Mobilize		
Remove asphalt spillway and existing 48" CMP		
Re-tap existing structure to fit 48" RCP		
Install 100 L.F. 48" RCP CIII on stone bedding	\$89,300.00	
Install 48" RCP end section with bar grate		
Install (2) 8" I-beams at end of end section		
Backfill and rough grade area		
De-mobilize		
Credit from pipe repair not completed from previous quote		
<b>TOTALS</b>	\$81,800.00	
<b>NET INCREASE</b>	\$81,800.00	

**Notes:**

Work includes the removal and replacement of an additional 100 L.F. of 48" Storm main.

Recommended by:  \_\_\_\_\_ Date: 9-6-16  
 Jonathan Orzel, Sewer Division Supervisor

Recommended by:  \_\_\_\_\_ Date: 9-6-16  
 Jared Beaudoin, Operations Manager

Approved by: Department of Public Works By:  \_\_\_\_\_ Date: 9/6/16  
 Michael Moore, Public Works Director



**AGENDA STATEMENT**

OMB AS03 Rev. 11/04

**Item Title:** To approve a change order in connection with repairs to the 72" storm sewer culvert at Red Run Street, north of 14 Mile Road (Increase in project cost of \$24,500.00).

**Submitted By:** Department of Public Works

**Contact Person/Telephone:** Michael Moore, Public Works Director/586-446-2440 

**Administration (initial as applicable)**

**Attachments**

 City Clerk	___	Resolution	___	Minutes
 Finance & Budget Director	___	Ordinance	___	Plan/Map
 City Attorney (as to legal form)	___	Contract	<u>x</u>	Other
 City Manager				Staff Report, Change Order, Revised Proposal

Check box if this agenda item requires billing/revenue collection (fees, etc.) by Treasury Office

**Executive Summary:**

At the October 20, 2015 regular meeting, the City Council approved repairs to a failing 72" storm sewer culvert installed under Red Run Street, north of 14 Mile Road. Prequalified contractor V.I.L Construction, Inc. was selected to effectuate repairs at an estimated cost of \$80,700. Under the scope of this repair, V.I.L. Construction has excavated, removed and replaced the entire storm sewer culvert and restored the roadway.

Upon completion of the repair, an inspector from Macomb County informed Department of Public Works staff that an end section and rip-rap erosion control was required to be installed in order to pass inspection. Because this supplemental work was not included in the initial estimated cost, the City secured a change order cost from V.I.L. Construction in the amount of \$24,500. The end section and erosion control have been installed and the project received a passing inspection.

**Change Order**

On April 26, 2016, excavation and replacement of a storm sewer culvert under Red Run Street was completed. Before the project could be approved by the Macomb County Inspector, one corrugated metal end section and rip-rap erosion control was required to be installed on the west side of the roadway. While the old culvert installation did not have an end section on the west side of the roadway, new standards required an end section to be installed. This end section was not originally quoted for replacement and was an added cost to the original proposal. V.I.L Construction, Inc. provided a revised proposal of \$105,200 (\$80,700 + \$24,500), to complete the expanded scope of work. This \$24,500 change order reflects the cost increase above the original proposal for additional work incurred in finalizing this repair to Macomb County's standards. The cost of this unbudgeted expenditure will be charged to the Capital Projects Fund Reserves.

**Suggested Action:**

MOVED BY:

SECONDED BY:

RESOLVED, to:

- (A) Approve the change order in connection with repairs to the 72" storm sewer culvert under Red Run Street, north of 14 Mile Road, to effectuate the installation of an end section and rip-rap erosion control in the amount of \$24,500; and,
- (B) Authorize a budget amendment to the Capital Project Fund using fund reserves in the same amount.

**CITY OF STERLING HEIGHTS  
STAFF REPORT  
September 20, 2016**

Prepared by: Jared Beaudoin, Operations Manager

(586) 446-2440

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**GENERAL INFORMATION:**

The Department of Public Works (DPW) discovered a collapsed storm sewer culvert under Red Run Street, north of 14 Mile Road. The culvert allows storm water runoff to flow from residential properties under the roadway to the Puls Drain. The excavation, repair, and restoration exceeded the capabilities of the DPW staff, and required a qualified contractor to complete the project.

The DPW staff worked with the Office of Purchasing to establish a prequalified contractor list for the emergency underground utility repairs in an effort to develop a faster response to repairing any underground utility failure. Four prequalified vendors were selected and approved by City Council on June 16, 2015. DPW staff contacted these prequalified contractors and received proposals from them.

V.I.L. Construction, Inc. provided the lowest proposal at \$80,700, which included mobilization, removal and replacement of roadway, removal and replacement of the 72" storm sewer culvert, bypass pumping during the excavation, and site restoration. On October 20, 2015, City Council approved excavation, removal and replacement of the 72" culvert pipe under Red Run Street, north of 14 Mile Road, by V.I.L. Construction in the amount of \$80,700

Mobilization and excavation occurred on April 23, 2016. Upon completion of the repair, the Macomb County Inspector informed DPW staff that an end section and rip-rap erosion control was required to be installed before passing inspection.

With this new information, the DPW requested a revised proposal from V.I.L. Construction, which was provided in the amount of \$105,200 (original quote of \$80,700 + \$24,500 for additional work). The scope of work to be performed included the original proposal and the installation of the required metal end section and rip-rap concrete erosion control. The additional work was completed on June 29, 2016.

**TECHNICAL INFORMATION:**

The net increase in cost associated with this change order is \$24,500. The cost of this unbudgeted expenditure reflects the unforeseen complications with this repair and will be charged to the Capital Projects Fund. A budget amendment utilizing Capital Project Fund Reserves is requested.

**STAFF RECOMMENDATION:**

Please see Suggested Action on accompanying Agenda Statement.

## **NOTIFICATION LIST**

V.I.L Construction, Inc.  
6670 Sims Road  
Sterling Heights, MI 48313  
Attn: Dominic Vani  
d\_vani@comcast.net

**CITY OF STERLING HEIGHTS - Department of Public Works**  
**7200 18 Mile Road**  
**Sterling Heights, Michigan 48314**  
**(586) 446-2440**

**AUTHORIZATION FOR CHANGE IN WORK**

Name of Project: **Red Run Road Storm Culvert Repair**

Contractor:  
**V.I.L. Construction**  
**6670 Sims**  
**Sterling Heights, MI 48313**

Change Order No. **1**  
 Date: **09/06/16**

This Change Order, when approved, will constitute authorization for the following changes:

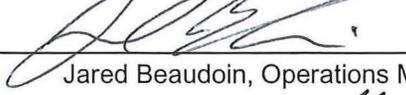
<u>Description of Work and Reason</u>	<u>Increase</u>	<u>Decrease</u>
Mobilize		
Install 72" end section		
Install Rip Rap corrosion control	\$24,500.00	
Backfill and rough grade area		
De-mobilize		
<b>TOTALS</b>	\$24,500.00	
<b>NET INCREASE</b>	\$24,500.00	

**Notes:**

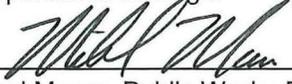
Work includes the installation of a 72" end section on west side of culvert  
 End section installation was required by county inspector.

Recommended by:   
 Jonathan Orzel, Sewer Division Supervisor

Date: 9-6-16

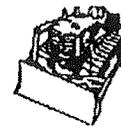
Recommended by:   
 Jared Beaudoin, Operations Manager

Date: 9-6-16

Approved by: Department of Public Works By:   
 Michael Moore, Public Works Director

Date: 9/6/16

# V.I.L. CONSTRUCTION, INC.



6670 SIMS • STERLING HEIGHTS, MICHIGAN 48313 • (586) 979-6020 • FAX (586) 979-7355

City of Sterling Heights  
Department of Public Works  
7200 Eighteen Mile Road  
Sterling Heights, MI 48314

Attn: Ken Swartz

REF: Remove and replace 72" CMP on Red Run Road, north of 14 Mile

Gentlemen,

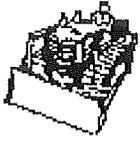
Our price to replace 65' of 72" CMP and 1 End Section on Red Run Road, north of 14 Mile Road is \$80,700.00.  
This price includes the following:

- Mobilization
- Soil Erosion
- Sawcut and removal of sidewalk and pavement
- Existing culvert removal
- Detour
- Bypass pumping
- New 72" CMP and 1 End Section
- Asphalt road replacement
- Sidewalk replacement
- Removal and replacement of existing fence
- Restoration

Should you have any questions, please call me.

Very truly yours,  
V.I.L. Construction, Inc.

Dominic Vani



V.I.L. Construction, Inc.  
6670 Sims Drive  
Sterling Heights, MI 48313  
PH (586) 979-6020  
FAX (586) 979-7355

# INVOICE

DATE	INVOICE NO.
7/14/2016	9014

CUSTOMER	SHIP TO
City Of Sterling Heights Department of Public Works 7200 Eighteen Mile Road Sterling Heights, MI 48314	

DUE DATE	P.O. NUMBER
8/13/2016	

DESCRIPTION	QTY	RATE	AMOUNT
72" Red Run Road Culvert per Letter			80,700.00
72" End Section, Rip Rap, Remobilization, Etc.			24,500.00

*\$ 80,700.00  
43700700-9880000  
2016 0818  
[Signature] 8/4/16*

Please remit to above address.	<b>Total</b>	105,200.00
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**AGENDA STATEMENT**

OMB A503 Rev. 11/04

**Item Title:** To approve a contract between the Michigan Department of Transportation and the City of Sterling Heights for the Dodge Park Shared Use Trail Bridge Over Clinton River, City Project #15-277 (Estimated City share of project cost is \$491,797).

**Submitted By:** Office of Engineering



**Contact Person/Telephone:** Brent Bashaw, P.E., City Engineer/(586) 446-2720

**Administration (initial as applicable)**

**Attachments**

 City Clerk	___	Resolution	___	Minutes
 Finance & Budget Director	___	Ordinance	<u>x</u>	Plan/Map
 City Attorney (as to legal form)	<u>x</u>	Contract	<u>x</u>	Other
 City Manager				Staff Report
<input type="checkbox"/>	Check box if this agenda item requires billing/revenue collection (fees, etc.) by Treasury Office			

**Executive Summary:**

The Michigan Department of Transportation (MDOT) has submitted contract #16-5401 for the Dodge Park Shared Use Trail Bridge Over Clinton River, City Project #15-277. This contract is an MDOT requirement for securing Transportation Alternative Planning (TAP) Funds in the amount of \$623,003 for construction associated costs for City Project #15-277. The City is financially responsible for the remaining balance of project cost equating to approximately \$491,797. The fiscal year 2016/2017 budget includes funding for the City's share of the total project cost.

The scope of the Dodge Shared Use Trail Bridge Over Clinton River project provides for the replacement of the existing, structurally deteriorating 4-foot wide foot bridge with a new 14-foot, clear width bridge with aesthetic improvements. The new bridge will greatly enhance the functionality and safety of the heavily utilized Dodge Park Trail for walkers and bicyclists. The new bridge design is consistent with the objectives outlined in the City's Vision and the Guiding Principles. The project will commence in the fall 2016 and be substantially complete by spring 2017.

**Suggested Action:**

**MOVED BY:**

**SECONDED BY:**

**RESOLVED,** to approve contract, #16-5401 between the Michigan Department of Transportation and the City of Sterling Heights for the Dodge Park Shared Use Trail Bridge Over Clinton River, City Project #15-277, and authorize the Mayor and City Clerk to sign the contract on behalf of the City.

Cc: Denice Gerstenberg, City Development Director  
Jason Castor, City Development Manager  
Mike MacDonald, Hubbell, Roth, & Clark  
Adam LaClair, Lead Inspector

CITY OF STERLING HEIGHTS  
STAFF REPORT  
September 20, 2016

RE: To approve a contract between the Michigan Department of Transportation and the City of Sterling Heights for the Dodge Park Shared Use Trail Bridge Over Clinton River, City Project #15-277

Prepared By: Brent Bashaw, City Engineer

(586) 446-2720

**GENERAL INFORMATION:**

The scope of the Dodge Park Shared Use Trail Bridge Over the Clinton River, City Project #15-277, includes replacement of the existing structurally deficient, 4 foot-wide footbridge with a new 14-foot wide shared use trail bridge. The City of Sterling Heights is the recipient of Federal funding to construct the new bridge that meets AASHTO guidelines for shared use trails. In addition, the new bridge design meets American Disability Act (ADA) standards. River bank restoration and a seating plaza are also included in the project scope.

The benefits of the new bridge to the Dodge Park trail system and Clinton River include:

- Eliminating a constriction point in the current 8-foot wide path system where it is reduced to 4-feet to cross the Clinton River;
- Creating a focal point within Dodge Park and the Clinton River corridor with plaza style trail head on the south side of the bridge;
- Preserving long-term multi-trail use and increasing maneuverability by maintaining the connection to the Freedom Trail, linkage to the Macomb Orchard Trail and Michigan's future 1,259 mile Iron Belle Trail all of which share this single river crossing point;
- Introducing a river access point for emergency first responders called to Dodge Park;
- Allowing greater trail access for persons with mobility restrictions meeting American Disability Act (ADA ) design standards; and
- Increasing the clear zone from the water surface to the bottom of the bridge and preventing the potential for large logs to get caught on the bridge.

The new bridge is proposed to be constructed in two phases. The first phase will include the construction of the foundations on the north and south sides of the Clinton River. Phase one work is scheduled to commence fall of 2016. The second phase of the project will commence in the spring of 2017 and will entail the completion of the bridge decking, removal of the existing bridge, plaza construction, and landscaping. The existing bridge will remain in place until the new bridge is open for use.

**TECHNICAL INFORMATION:** Federal funding in the amount of \$623,003 will cover a significant portion of the construction cost. The Michigan Department of Transportation (MDOT) has submitted contract #16-5401 to the City for review and approval. This contract is an MDOT requirement for securing Transportation Alternative Planning (TAP) Funding in the amount of \$623,003.

The City is financially responsible for funding the balance of the construction cost in the amount of approximately \$491,797. The estimated total cost for this project, including 20% for engineering, inspection, testing, and contract administration is \$590,156.40 ( $\$491,797 \times 1.20 = \$590,156.40$ ). Funding has been provided within the Fiscal Year 2016/2017 Capital Projects Fund Budget.

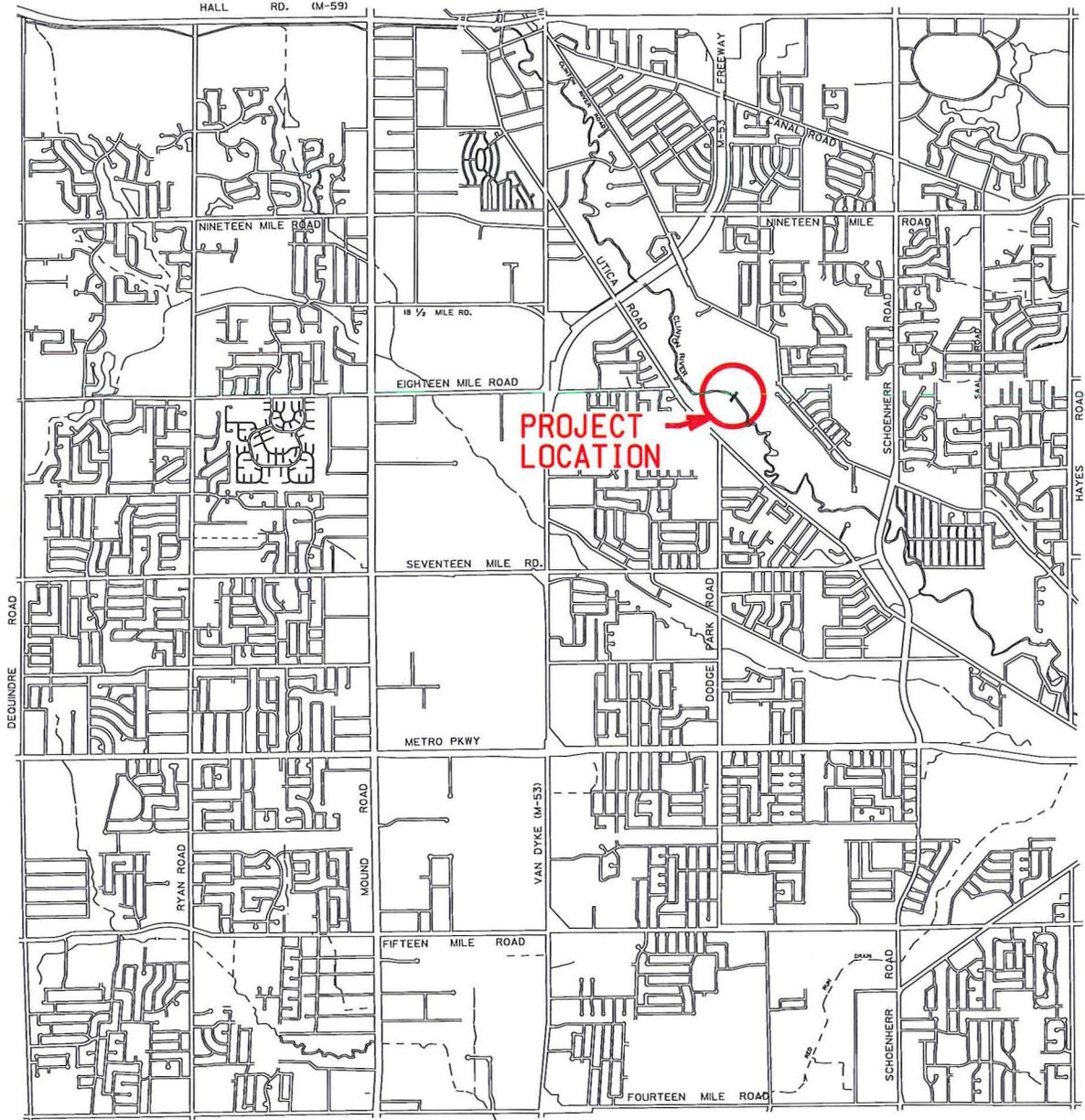
On September 2, 2016, MDOT opened bids for the Dodge Park Shared Use Trail Bridge Over the Clinton River, City Project #15-277. Six bids were received ranging from \$986,032.71 to \$1,997,922.16. The low bid was submitted by Davis Construction, Inc., a MDOT prequalified contractor with extensive experience in all areas of construction, including pedestrian bridges. The bid is lower than the Engineer's estimate of \$1,125,088.00 by 12.4%.

**STAFF ANALYSIS AND FINDINGS:** The Office of Engineering has reviewed the MDOT contract and is recommending approval as a requirement for securing TAP funding.

**STAFF RECOMMENDATION:** Please see the Suggested Action on the accompanying agenda statement.

Cc: Denice Gerstenberg, City Development Director  
Jason Castor, City Development Manager  
Mike MacDonald, Hubbell, Roth, & Clark  
Adam LaClair, Lead Inspector

# PROJECT LOCATION MAP



1" = 5000'

## PEDESTRIAN BRIDGE OVER THE CLINTON RIVER IN DODGE PARK

JOB NO. 20150139	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	P.O. BOX 824 48303-0824	SHEET NO. <b>1</b> OF 1
DATE MARCH 2015			

TIME • 23-MAR-2015 12:39

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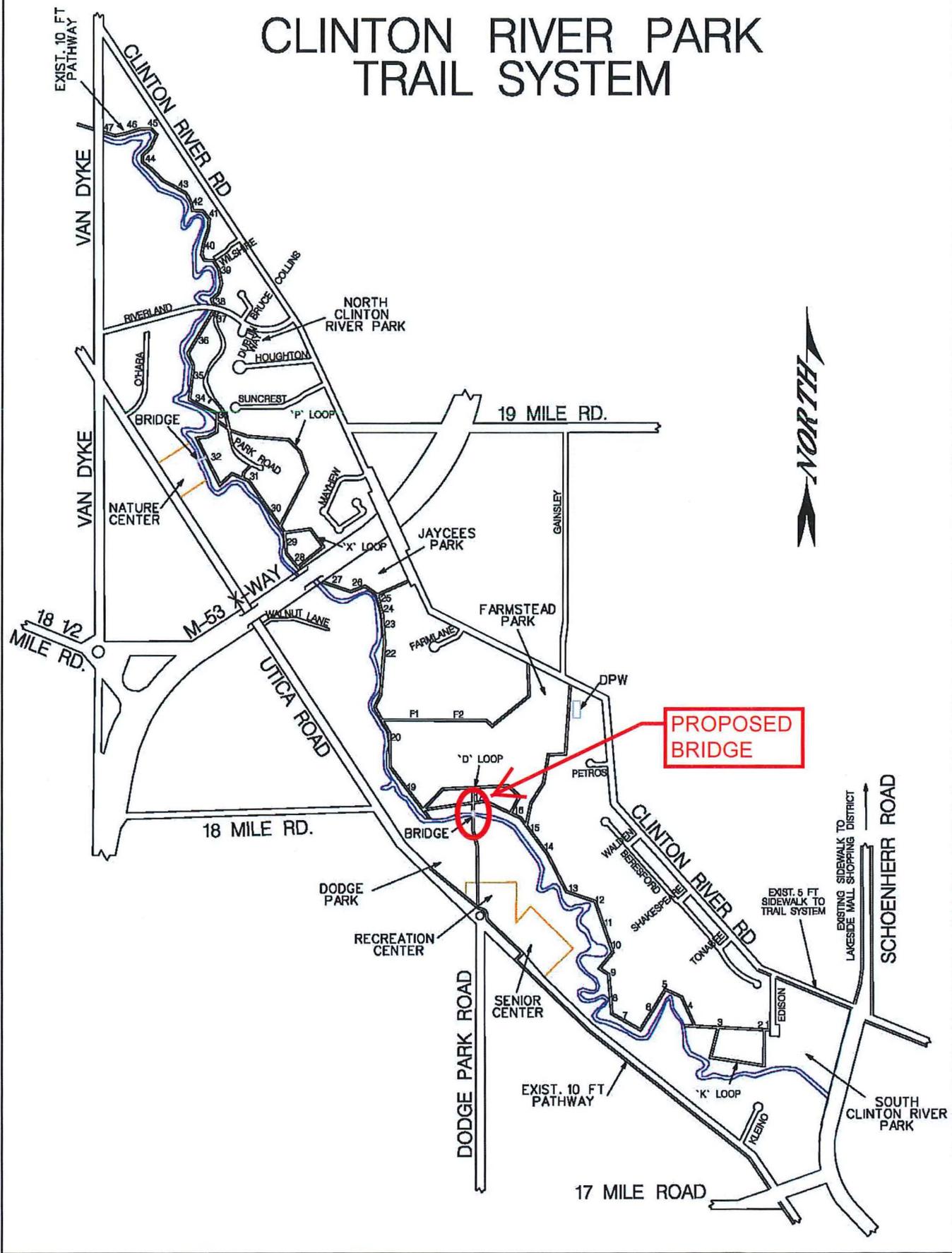
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USER NAME • bhurt

# CLINTON RIVER PARK TRAIL SYSTEM



TAP

DA

Control Section	TAU 50458
Job Number	128437A
Project	TAP 1650(018)
Federal Item No.	HK 1083
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	16-5401

### PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of \_\_\_\_\_, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF STERLING HEIGHTS, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Sterling Heights, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated July 5, 2016, attached hereto and made a part hereof:

#### PART A – FEDERAL PARTICIPATION

Dodge Park pedestrian bridge construction work over the Clinton River; and all together with necessary related work.

#### PART B – NO FEDERAL PARTICIPATION

Landscaping and audio-visual filming work; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of transportation enhancement activities; and

WHEREAS, it has been determined that the PROJECT qualifies for such funding by virtue of its direct relationship with the intermodal transportation system; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT, at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

TRANSPORTATION ALTERNATIVES PROGRAM

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT, including any other costs incurred by the DEPARTMENT as a result of this contract, except construction engineering and inspection.

No charges will be made by the DEPARTMENT to the PROJECT for any inspection work or construction engineering.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering, construction materials testing, inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, under the terms of this contract, shall:

A. At no cost to the PROJECT

(1) Design or cause to be designed the plans for the PROJECT.

(2) Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.

(3) Perform or cause to be performed the construction engineering, construction materials testing, and inspection services necessary for the completion of the PROJECT.

- B. At least 10 days prior to any ceremony to be held in connection with the PROJECT, notify the DEPARTMENT.
- C. When issuing any news release or promotional material regarding the PROJECT, give the DEPARTMENT and FHWA credit for participation in the PROJECT and provide a copy of such material to the DEPARTMENT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

- 5. The PROJECT COST shall be met in accordance with the following:

PART A

Federal Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST up to the lesser of: (1) \$623,003 or (2) an amount such that 81.85 percent, the normal Federal participation ratio for such funds, for the PART A portion of the PROJECT is not exceeded at the time of the award of the construction contract. The balance of the PART A portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

PART B

The PART B portion of the PROJECT COST is not eligible for Federal participation and shall be charged to and paid 100 percent by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

- 6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon an effective billing rate and the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds earned as the PROJECT progresses. The initial effective billing rate for the federal funding for the PART A portion of the PROJECT is calculated by using the federal funding for the PART A portion of the PROJECT set at the time of the award of the construction contract, as described in Section 5, and dividing by the total costs of the PART A portion of the PROJECT eligible for federal funding and authorized at the time of the award of the construction contract.

The effective billing rate for the federal funding of the PART A portion of the PROJECT is determined by the current funding authorization for the PART A portion of the PROJECT and may change as the PROJECT progresses and funding authorizations are increased or decreased.

7. It is understood that the REQUESTING PARTY is responsible for the facilities constructed as the PROJECT and that said facilities may require special or unusual operation and/or maintenance. The REQUESTING PARTY certifies, by execution of this contract, that upon completion of construction and at no cost to the PROJECT or the DEPARTMENT, it will properly maintain or provide for the maintenance and operation of the PROJECT, making ample provisions each year for the performance of such maintenance work as may be required.

On projects involving the mobility for bicyclists, the REQUESTING PARTY will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such facility constructed as the PROJECT except those for maintenance or emergency assistance purposes, or mobility for persons with disabilities.

On projects involving the restoration of historic facilities, the REQUESTING PARTY agrees that the project will not be awarded until the owner of such facilities has an Historic Preservation Covenant, which includes an Historic Preservation Easement, or an Historic Preservation Agreement, as appropriate, with the Michigan State Historic Preservation Office in accordance with 1995 PA 60 for the purpose of ensuring that the historic property will be preserved. The REQUESTING PARTY also agrees that such facilities shall be maintained and repaired by the REQUESTING PARTY or owner, as applicable, at no cost to the DEPARTMENT or the PROJECT, in such a manner as to preserve the historical integrity of features, materials, appearance, workmanship, and environment.

On projects which include landscaping, the DEPARTMENT, at PROJECT COST, agrees to perform or cause to be performed, the watering and cultivating necessary to properly establish the plantings for a period of two growing seasons, in general conformance with Section 815.03(L) of the DEPARTMENT'S Standard Specifications for Construction. The REQUESTING PARTY shall maintain all plantings following completion of said period of establishment.

Failure of the REQUESTING PARTY to fulfill its responsibilities as outlined herein may disqualify the REQUESTING PARTY from future Federal aid participation in Transportation Alternatives Program projects or in other projects on roads or streets for which it has maintenance responsibility. Federal aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

Buy America Requirements (23 CFR 635.410) shall apply to the PROJECT and will be adhered to, as applicable, by the parties hereto.

9. The REQUESTING PARTY certifies that a) it is a person under the Natural Resources and Environmental Protection Act, MCL 324.20101 et seq., as amended, (NREPA) and is not aware of and has no reason to believe that the property is a facility as defined in the NREPA; b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); c) it conducted a visual inspection of property within the existing right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

The REQUESTING PARTY also certifies that, in addition to reporting the presence of any hazardous substances to the Department of Environmental Quality, it has advised the DEPARTMENT of the presence of any and all hazardous substances which the REQUESTING PARTY found within the PROJECT limits, as a result of performing the investigation and visual inspection required herein. The REQUESTING PARTY also certifies that it has been unable to identify any entity who may be liable for the cost of remediation. As a result, the REQUESTING PARTY has included all estimated costs of remediation of such hazardous substances in its estimated cost of construction of the PROJECT.

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Department of Environmental Quality and the DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the

DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT or its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections, and recommendations by the DEPARTMENT shall not relieve the REQUESTING PARTY of its ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT is assuming any liability, control, or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT or its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of any of their highways and responsibility under MCL 691.1402 et seq., as amended.

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT or its agents is performing a governmental function, as that term is defined in MCL 691.1401 et seq., as amended, which is incidental to the completion of the PROJECT.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of any REQUESTING PARTY highway for purposes of MCL 691.1402 et seq., as amended. Exclusive jurisdiction of such highway for the purposes of MCL 691.1402 et seq., as amended, rests with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

15. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

16. Each party to this contract will remain responsive for any and all claims arising out of its own acts and/or omissions during the performance of the contract, as provided by this contract or by law. In addition, this is not intended to increase or decrease either party's liability for or immunity from tort claims. This contract is also not intended to nor will it be interpreted as giving either party a right of indemnification, either by contract or by law, for claims arising out of the performance of this contract.

The DEPARTMENT shall not be subject to any obligations or liabilities by contractors of the REQUESTING PARTY or their subcontractors or any other person not a party to this contract without its specific consent and notwithstanding its concurrence in or approval of the award of any contract or subcontract or the solicitation thereof.

It is expressly understood and agreed that the REQUESTING PARTY shall take no action or conduct which arises either directly or indirectly out of its obligations, responsibilities, and duties under this contract, which results in claims being asserted against or judgments being imposed against the State of Michigan, the DEPARTMENT, and/or the Michigan State Transportation Commission.

In the event that the same occurs, for the purpose of this contract it will be considered as a breach of this contract thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan State Transportation Commission a right to seek and obtain any necessary relief or remedy, including but not by way of limitation, a judgment for money damages.

17. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

18. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current Standard Specifications for Construction and to:

- A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.
- B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume either ownership of any portion of the PROJECT or jurisdiction of any REQUESTING PARTY highway as a result of being named as an insured on the owner's protective liability insurance policy.

- C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

19. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF STERLING HEIGHTS

MICHIGAN DEPARTMENT  
OF TRANSPORTATION

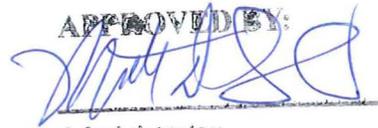
By \_\_\_\_\_  
Title:

By \_\_\_\_\_  
Department Director MDOT

By \_\_\_\_\_  
Title:



A.A.C.D.  
7/27/16

APPROVED BY:  
  
Administrator  
Real Estate

8/8/16  
Date

July 5, 2016

EXHIBIT I

CONTROL SECTION TAU 50458  
JOB NUMBER 128437A  
PROJECT TAP 1650(018)

ESTIMATED COST

CONTRACTED WORK

	<u>PART A</u>	<u>PART B</u>	<u>TOTAL</u>
Estimated Cost	\$1,082,300	\$32,500	\$1,114,800

COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$1,082,300	\$32,500	\$1,114,800
Less Federal Funds*	<u>\$ 623,003</u>	<u>\$ -0-</u>	<u>\$ 623,003</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$ 459,297	\$32,500	\$ 491,797

\*Federal Funds for the PART A portion of the PROJECT are limited to an amount as described in Section 5.

NO DEPOSIT

DOT

TYPE B  
BUREAU OF HIGHWAYS  
03-15-93

PART II

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV MAINTENANCE AND OPERATION

SECTION V SPECIAL PROGRAM AND PROJECT CONDITIONS

## SECTION I

### COMPLIANCE WITH REGULATIONS AND DIRECTIVES

- A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.
- B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.
  - 1. Engineering
    - a. FAPG (6012.1): Preliminary Engineering
    - b. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts
    - c. FAPG (23 CFR 635A): Contract Procedures
    - d. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments--Allowable Costs
  - 2. Construction
    - a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims
    - b. FAPG (23 CFR 140B): Construction Engineering Costs
    - c. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies
    - d. FAPG (23 CFR 635A): Contract Procedures
    - e. FAPG (23 CFR 635B): Force Account Construction
    - f. FAPG (23 CFR 645A): Utility Relocations, Adjustments and Reimbursement

- g. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)
      - h. FAPG (23 CFR 655F): Traffic Control Devices on Federal-Aid and other Streets and Highways
      - i. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—Allowable Costs
  - 3. Modification Or Construction Of Railroad Facilities
    - a. FAPG (23 CFR 140I): Reimbursement for Railroad Work
    - b. FAPG (23 CFR 646B): Railroad Highway Projects
- C. In conformance with FAPG (23 CFR 630C) Project Agreements, the political subdivisions party to this contract, on those Federally funded projects which exceed a total cost of \$100,000.00 stipulate the following with respect to their specific jurisdictions:
  - 1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
  - 2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
  - 3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.
- D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.
- E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

## SECTION II

### PROJECT ADMINISTRATION AND SUPERVISION

- A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.
- B. The DEPARTMENT will advertise and award all contracted portions of the PROJECT work. Prior to advertising of the PROJECT for receipt of bids, the REQUESTING PARTY may delete any portion or all of the PROJECT work. After receipt of bids for the PROJECT, the REQUESTING PARTY shall have the right to reject the amount bid for the PROJECT prior to the award of the contract for the PROJECT only if such amount exceeds by ten percent (10%) the final engineer's estimate therefor. If such rejection of the bids is not received in writing within two (2) weeks after letting, the DEPARTMENT will assume concurrence. The DEPARTMENT may, upon request, readvertise the PROJECT. Should the REQUESTING PARTY so request in writing within the aforesaid two (2) week period after letting, the PROJECT will be cancelled and the DEPARTMENT will refund the unused balance of the deposit less all costs incurred by the DEPARTMENT.
- C. The DEPARTMENT will perform such inspection services on PROJECT work performed by the REQUESTING PARTY with its own forces as is required to ensure compliance with the approved plans & specifications.
- D. On those projects funded with Federal monies, the DEPARTMENT shall as may be required secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.
- E. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, and the supplemental specifications, Special Provisions and plans pertaining to the PROJECT and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. No extra work shall be performed nor changes in plans and specifications made until said work or changes are approved by the project engineer and authorized by the DEPARTMENT.

- F. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than \$100,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

- G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements with railway companies, utilities, etc., as may be necessary for the performance of work required for the PROJECT but for which Federal or other reimbursement will not be requested.
- H. The REQUESTING PARTY, at no cost to the PROJECT, or the DEPARTMENT, shall secure, as necessary, all agreements and approvals of the PROJECT with railway companies, the Railroad Safety & Tariffs Division of the DEPARTMENT and other concerned governmental agencies other than the FHWA, and will forward same to the DEPARTMENT for such reviews and approvals as may be required.
- I. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

- J. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.
- K. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.
- L. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.
- M. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 2001, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.
- N. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.
- O. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.
- P. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.
- Q. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

## SECTION III

### ACCOUNTING AND BILLING

#### A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate

arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, as amended, including, but not limited to, the Single Audit Amendments of 1996 (31 USC 7501-7507).

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

- a. Agencies expending a total of \$500,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

- The Reporting Package
- The Data Collection Form
- The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than \$500,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant number(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Education  
Accounting Service Center  
Hannah Building  
608 Allegan Street  
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.
3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FHPM Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than \$1,000.00 shall be submitted unless it is a final

or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number \_\_\_\_\_", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.
5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.
6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. Payment of Contracted and DEPARTMENT Costs:

1. As work on the PROJECT commences, the initial payments for contracted work and/or costs incurred by the DEPARTMENT will be made from the working capital deposit. Receipt of progress payments of Federal funds, and where applicable, State Critical Bridge funds, will be used to replenish the working capital deposit. The REQUESTING PARTY shall make prompt payments of its share of the contracted and/or DEPARTMENT incurred portion of the PROJECT COST upon receipt of progress billings from the DEPARTMENT. Progress billings will be based upon the REQUESTING PARTY'S share of the actual costs incurred as work on the PROJECT progresses and will be submitted, as required, until it is determined by the DEPARTMENT that there is sufficient available working capital to meet the remaining anticipated PROJECT COSTS. All progress payments will be made within thirty (30) days of receipt of billings. No monthly billing of a lesser amount than \$1,000.00 will be made unless it is a final or end of fiscal year billing. Should the DEPARTMENT determine that the available working capital exceeds the remaining anticipated PROJECT COSTS, the DEPARTMENT may reimburse the REQUESTING PARTY such excess. Upon completion of the PROJECT, payment of all PROJECT COSTS, receipt of all applicable monies from the FHWA, and completion of necessary audits, the REQUESTING PARTY will be reimbursed the balance of its deposit.

2. In the event that the bid, plus contingencies, for the contracted, and/or the DEPARTMENT incurred portion of the PROJECT work exceeds the estimated cost therefor as established by this contract, the REQUESTING PARTY may be advised and billed for the additional amount of its share.

C. General Conditions:

1. The DEPARTMENT, in accordance with its procedures in existence and covering the time period involved, shall make payment for interest earned on the balance of working capital deposits for all projects on account with the DEPARTMENT. The REQUESTING PARTY in accordance with DEPARTMENT procedures in existence and covering the time period involved, shall make payment for interest owed on any deficit balance of working capital deposits for all projects on account with the DEPARTMENT. This payment or billing is processed on an annual basis corresponding to the State of Michigan fiscal year. Upon receipt of billing for interest incurred, the REQUESTING PARTY promises and shall promptly pay the DEPARTMENT said amount.
2. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.
3. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA, shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).
5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

## SECTION IV

### MAINTENANCE AND OPERATION

A. Upon completion of construction of each part of the PROJECT, at no cost to the DEPARTMENT or the PROJECT, each of the parties hereto, within their respective jurisdictions, will make the following provisions for the maintenance and operation of the completed PROJECT:

1. All Projects:

Properly maintain and operate each part of the project, making ample provisions each year for the performance of such maintenance work as may be required, except as qualified in paragraph 2b of this section.

2. Projects Financed in Part with Federal Monies:

a. Sign and mark each part of the PROJECT, in accordance with the current Michigan Manual of Uniform Traffic control Devices, and will not install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the FHWA, pursuant to 23 USC 109(d).

b. Remove, prior to completion of the PROJECT, all encroachments from the roadway right-of-way within the limits of each part of the PROJECT.

With respect to new or existing utility installations within the right-of-way of Federal Aid projects and pursuant to FAPG (23 CFR 645B); Occupancy of non-limited access right-of-way may be allowed based on consideration for traffic safety and necessary preservation of roadside space and aesthetic quality. Longitudinal occupancy of non-limited access right-of-way by private lines will require a finding of significant economic hardship, the unavailability of practicable alternatives or other extenuating circumstances.

c. Cause to be enacted, maintained and enforced, ordinances and regulations for proper traffic operations in accordance with the plans of the PROJECT.

d. Make no changes to ordinances or regulations enacted, or traffic controls installed in conjunction with the PROJECT work without prior review by the DEPARTMENT and approval of the FHWA, if required.

- B. On projects for the removal of roadside obstacles, the parties, upon completion of construction of each part of the PROJECT, at no cost to the PROJECT or the DEPARTMENT, will, within their respective jurisdictions, take such action as is necessary to assure that the roadway right-of-way, cleared as the PROJECT, will be maintained free of such obstacles.
- C. On projects for the construction of bikeways, the parties will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT, and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.
- D. Failure of the parties hereto to fulfill their respective responsibilities as outlined herein may disqualify that party from future Federal-aid participation in projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

## SECTION V

### SPECIAL PROGRAM AND PROJECT CONDITIONS

- A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way.
- B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.
- C. On those projects funded with Federal monies, the REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will provide such accident information as is available and such other information as may be required under the program in order to make the proper assessment of the safety benefits derived from the work performed as the PROJECT. The REQUESTING PARTY will cooperate with the DEPARTMENT in the development of reports and such analysis as may be required and will, when requested by the DEPARTMENT, forward to the DEPARTMENT, in such form as is necessary, the required information.
- D. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.
- E. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

**APPENDIX A**  
**PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS**

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.
6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.
9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

Revised June 2011

**APPENDIX B  
TITLE VI ASSURANCE**

During the performance of this contract, the contractor, for itself, its assignees, and its successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

1. **Compliance with Regulations:** For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:
  - a. Withholding payments to the contractor until the contractor complies; and/or
  - b. Canceling, terminating, or suspending the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Revised June 2011

## APPENDIX C

### TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

#### Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.



Business of the City Council
Sterling Heights, Michigan

DELIVERED SEP 15 2016
City Clerk's Use

Item No: 4
Meeting: 09/20/16

AGENDA STATEMENT

OMB AS03 Rev. 11/04

Item Title: To consider an appointment to the City of Sterling Heights Zoning Board of Appeals.

Submitted By: Office of the City Clerk

Contact Person/Telephone: Mark Carufel, City Clerk / Risk Manager, 586/446-2421

Administration (initial as applicable)

Attachments

Table with 4 columns: Initials, Title, Attachment 1, Attachment 2. Rows include City Clerk, Finance & Budget Director, City Attorney, and City Manager.

Check box if this agenda item requires billing\revenue collection (fees, etc.) by Treasury Office

Executive Summary:

For a select few boards and commissions, the Mayor or City Council have the power of appointment only after nominations are made and approved by City Council at a prior regular meeting.

Prior to an appointment to the Planning Commission, Zoning Board of Appeals, Board of Ordinance Appeals, Board of Review, Police and Fire Pension Board, and General Employees Retirement System Board, an appointee shall be nominated, as applicable, by the Mayor or City Council at a prior regular meeting.

There is a vacancy on the seven-member Zoning Board of Appeals (ZBA). The City Council has the power of appointment to the ZBA. In accordance with Governing Body Rule of Procedure 23, the City Council nominated Junina Jean for appointment to the ZBA at the September 20, 2016 regular meeting.

City Council has been provided with information on Ms. Jean's qualifications for appointment and afforded time to contact the nominee for additional information.

Suggested Action:

MOVED BY:

SECONDED BY:

RESOLVED, to appoint Junina Jean to the Zoning Board of Appeals to a term ending June 30, 2019, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

# Zoning Board of Appeals

( 7 Members )

( One Vacancy )

Name	Request Re-Appt. (Yes/No)	Expiration Date of New Term	Action
1.		06/30/19	
Unexpired Term			

**Applications on File:**

- Mohammed Alomari ( Ethnic Community Committee-exp. 06/30/17 )
- Brian Cole ( Economic Development Corporation/Brownfield Auth.-exp. 06/30/19 )
- Jazmine M. Early ( Arts Commission-exp. 06/30/18 )
- Kozeta Elzhenni ( Citizens Advisory Committee-Community Development BI Grant-exp. 06/30/17 )
- ( Ethnic Community Committee-exp. 06/30/18 )
- Robert Ervin ( Board of Ordinance Appeals-exp. 06/30/18 )
- Junina Jean
- Laurel Johnson ( Board of Code Appeals-exp. 06/30/17 )
- ( Local Development Finance Authority-exp. 06/30/19 )
- Robert Lulgjuraj ( Ethnic Community Committee-exp. 06/30/19 )
- Ryan Makowski
- Louis Marinelli
- Benjamin D. McMartin ( Board of Ordinance Appeals-exp. 06/30/19 )
- Jeffrey I. Norgrove ( Planning Commission-exp. 06/30/17 )
- Louis Ottolini ( Board of Ordinance Appeals II-exp. 06/30/19 )
- Joanne L. Paraventi ( Citizens Advisory Committee-Community Development BI Grant-exp. 06/30/17 )
- Steven Pomaville ( Historical Commission-exp. 06/30/19 )
- Leonard Reinowski ( Planning Commission-exp. 06/30/17 )
- Juli Sala ( Board of Ordinance Appeals-exp. 06/30/18 )
- Michael Sauger ( Board of Ordinance Appeals II-exp. 06/30/19 )
- ( Board of Ordinance Appeals-exp. 06/30/19 )
- Howard Sizemore II
- Thomas Szatkowski ( Board of Code Appeals-exp. 06/30/20 )
- ( Housing Commission-exp. 12/31/19 )
- Shawn Taylor ( Ethnic Community Committee-exp. 06/30/19 )
- Joyce Tye ( Beautification Commission-exp. 06/30/17 )

The Zoning Board of Appeals shall consist of seven regular members, each to be appointed for a term of three years, expiring on June 30 in the year of expiration. All vacancies for unexpired terms shall be filled for the remainder of the term. The Zoning Board of Appeals shall consist of seven regular members, each to be appointed by a majority of the City Council members serving. All members of the Zoning Board of Appeals shall be selected from the electors of the City and shall be representative of the population distribution and of the various interests in the City. One member of the Board may be a member of the Planning Commission, with the remaining members selected from the electors of the City. Appointments shall be for a three year term expiring on June 30 in the year of expiration, except for appointments to fill vacancies or appointments of the member of the Board who is also a member of the Planning Commission. The term of the member of the Board who is also a member of the Planning Commission shall be limited to the time he or she is a member of the Planning Commission.

		"A" means the individual is <b>already appointed</b> to Board or Commission denoted											"E" means the individual <b>has been elected</b> to Board or Commission denoted																
		shaded area means Board or Commission that is appointed by the Mayor with confirmation of City Council the number is the ranking given by the applicant to that Board or Commission they are interested in																							9/8/2016				
		Total Board and Comm. Assign	Arts Commission	Beautification Commission	Board of Code Appeals	Board of Ordinance Appeals	Board of Ordinance Appeals II	Board of Review	Building Authority	Citizens Advisory Committee	Civil Service Commission Act 78	Corridor Improvement Authority	Civil Service Comm - Charter	Econ Dev Corp/Brownfield Authority	Elected Officials Comp Comm	Election Commission	Ethnic Community Committee	Historical Commission	Housing Commission	Library Board of Trustees	Local Development Finance Authority	Pension Board Gen Emp	Pension Board Police & Fire	Planning Commission	Solid Waste Mgt Comm	Telecommunication Comm	Transportation Advisory Comm	Zoning Board of Appeals	
ALOMARI	MOHAMMED	1	17			1		5	7		8		9			A			10	13	11			4		14	15	2	1
COLE	BRIAN	1					1						A															3	16
EARLY	JAZMINE	1	A	20	25	2	2	12	21	5	19	18	24	23	17	16	3	15	4	14	13	22	11	6	1	10	9	7	1
ELZHENNI	KOZETA	2	17	4	15	10		12	18	A	11	18	16	14	20	21	A	22	23	25	19	18	17	16	17	19	18	8	1
ERVIN	ROBERT	1				A																		3				2	1
JEAN	JUNINA	0	7	2	25	24	23		1	5	21	6	20	22	19	18	3	8	9	16		14	13	12	11	10	11	9	2
JOHNSON	LAUREL	2			A				3			4	2						5		A		7			8	9	2	
LULGURAJ	ROBERT	2	6	A	24	2		10	20	5	9	12	3	4	7	22	A	6	7	18	4	23	19	8	11	14	13	15	1
MAKOWSKI	RYAN	0			1	2	3	4	5										8	9	10			6				7	1
MARINELLI	LOUIS	0	5	2	5	6	6	8	9	6	4	9	10	7	25	6	7	3	6	8	7	23	24	1	6	3		1	1
MCMARTIN	BENJAMIN	1				A				3			4						2	6								5	1
NORGROVE	JEFFREY	1								2								4						A			3	1	1
OTTOLINI	LOUIS	0					alt																					1	1
PARAVENTI	JOANNE	1				9			6	A		7	5		1				3	3				8			4	10	1
POMAVILLE	STEVEN	1								6								A		4	1			2				3	1
REINOWSKI	LEONARD	1				2																		A				3	1
SALA	JULI	1				A																		2				1	1
SAUGER	MICHAEL	1				Alt	A							5	4							3	2					1	1
SIZEMORE II	HOWARD	0	22	19	20	21	22	23	15	8	4	13		1	7	9	16	17	12	24	3	10	11	2	14	15	6	5	1
SZATKOWSKI	THOMAS	2			A														A					1				4	1