

**CITY OF BERKLEY PUBLIC NOTICE  
REGULAR CITY COUNCIL MEETING  
Monday, February 3, 2025  
7:00 P.M. – City Hall  
248-658-3300**

**CALL 40<sup>th</sup> COUNCIL TO ORDER  
APPROVAL OF AGENDA  
MAYOR-LED MOMENT OF REFLECTION  
PLEDGE OF ALLEGIANCE  
PUBLIC COMMENT  
ORDER OF BUSINESS**

***Consent Agenda***

1. **APPROVAL OF THE MINUTES**: Matter of [approving the minutes](#) of the 40th Regular City Council meeting on Monday, January 27, 2025 and Special Work Session on Monday, January 27, 2025.

***Regular Agenda***

1. **RECOGNITIONS/PRESENTATIONS**: Matter of receiving any recognitions or presentations from the Consent Agenda.
2. **MOTION NO. M-03-25**: Matter of [considering a special land use request](#) by applicant Christina DePizzo for the occupation of 1818 Mortenson to be used as a family day care home for seven-12 children in the R-1D Single-Family Residential District, on the east side of Mortenson, east of Princeton.

**COMMUNICATIONS**

**ADJOURN**

Note: The City of Berkley will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four working days' notice to the City. Individuals with disabilities requiring auxiliary aids or services should contact the City by writing or calling: Victoria Mitchell, ADA Contact, Berkley City Hall, 3338 Coolidge Highway, Berkley, MI 48072 (1-248-658-3310).

Note: Official minutes of City Council Meetings and supporting documents for Council packets are available for public review in the City Clerk's Office during normal working hours. Anyone wishing to submit correspondence for the meeting may send an email to [clerk@berkleymi.gov](mailto:clerk@berkleymi.gov) or call 248-658-3310 by 5 p.m. on the day of the meeting.

**THE REGULAR MEETING OF THE FORTIETH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, JANUARY 27, 2025 IN COUNCIL CHAMBERS BY MAYOR DEAN**

**PRESENT:** Councilmember Steve Baker                      Councilmember Gregory Patterson  
                 Councilmember Clarence Black                Councilmember Jessica Vilani  
                 Mayor Pro Tem Ross Gavin                      Mayor Bridget Dean  
                 Councilmember Dennis Hennen

**OTHER STAFF PRESENT:**

City Manager Crystal VanVleck  
City Attorney Jake Mertes  
City Clerk Victoria Mitchell  
Finance Director Carl Johnson  
Deputy City Manager of Public Services Shawn Young  
Human Resources Director Jessica Stover

**APPROVAL OF AGENDA**

Mayor Pro Tem Gavin moved to approve the agenda  
Seconded by Councilmember Baker  
Ayes: Black, Gavin, Hennen, Patterson, Vilani, Baker and Dean  
Nays: None  
Motion Approved.

Mayor Dean opted to use the Mayor's Moment of Reflection to receive a legislative update from Congresswoman Haley Stevens:

- Congresswoman Stevens expressed her appreciation for the opportunity to be in Berkley and acknowledged the Mayor, City Council and local leadership.
- She said it is nice to reflect on Berkley as a community, a destination with art festivals, pride and support for entrepreneurs and small businesses.
- She said she attended the meeting to speak about the beginning of a new legislative session; she described recent contentious votes and legislation.
- She said that she was reappointed to the House Science, Space and Technology committee focused on economic development; this is a committee where she played a lead role in passing the bipartisan CHIPS and Science Act into law.
- She said that the project is taking some government money but is matching it with private sector contributions to produce semiconductors at a rate here in the US as compared to having them go overseas; this is palpable for Michigan residents because of the auto sector and its reliance on those parts. She said that Michigan is leading the way in the automotive and manufacturing sector, but that private-public partnerships are required to succeed and win the future.
- She said that in taking votes to pass the federal budget, she is looking at the role of Chinese competition. She said that American labor is essential to the clean energy revolution that is underway and that she wants to make sure that our voice is heard and our leadership is at the table. She said that she wants to be sure everyone in attendance knows that she is here to make government work for them.
- She recognized her Deputy Director, Michael Tash and said that they make sure that if an individual has an issue before the federal government that needs to be resolved they can call her office and that her team will assist. She said that she knows many are concerned about government spending, and that her team makes sure that the taxpayers of Michigan's 11<sup>th</sup> District get their fair share of taxpayer dollars into their pocketbook; she said that nearly \$130 million in federal taxpayer funds have been returned by Michigan's 11th District.
- She reaffirmed her support for grant opportunities and infrastructure projects, including Berkley's lead removal project.

- She discussed the ongoing review of the USMCA trade agreement and potential tariffs on Canada and Mexico. She encouraged local businesses to share their experiences to help her advocate for their needs in Washington.

### ***PUBLIC COMMENT***

Joshua Hunter, Berkley, spoke regarding M-01-25.

Greg DuRoss, Berkley, spoke regarding the inclusion of items on the consent agenda and comments on social media regarding City employees.

Christine Dieck, Troy, spoke regarding recent changes to on-street parking.

### ***CONSENT AGENDA***

Councilmember Hennen moved to approve the following Consent Agenda  
Seconded by Councilmember Black

**APPROVAL OF THE MINUTES:** Matter of approving the minutes of the 40th Regular City Council meeting on Monday, January 6, 2025.

**WARRANT:** Matter of approving Warrant No.1406.

**MOTION NO. M-01-25:** Matter of approving a motion to clarify the October 7, 2024 actions relating to Community Field #1 authorizing the Community Field #1 Permit Fees and Terms as presented in the October 7, 2024 City Manager's Report.

Ayes: Gavin, Hennen, Patterson, Vilani, Baker, Black and Dean  
Nays: None  
Motion Approved.

### ***REGULAR AGENDA***

**RECOGNITIONS/PRESENTATIONS:** Matter of receiving any recognitions or presentations from the Consent Agenda.

None.

**PRESENTATION:** Matter of introducing Human Resources Director Jessica Stover.

City Manager VanVleck introduced Ms. Stover. Ms. VanVleck said that Ms. Stover stood out early on in the hiring process. Ms. Stover comes to the City with just under 10 years of experience in Human Resources. She spent the past five years with the City of Southfield and is a Berkley resident. Ms. VanVleck said that Ms. Stover seems excited to build a process from the ground up.

Ms. Stover said she is looking forward to working closely with Ms. VanVleck and City Council and the City employees to make the city a great place to work.

Mayor Dean thanked Ms. Stover and wished her much success.

**PRESENTATION:** Matter of receiving a presentation by Dr. Nat Pernick regarding the 2024 Voting Challenge.

Dr. Pernick presented an award of \$500 to Berkley-Huntington Woods Youth Assistance and said that this is the fourth year he has sponsored a voter turnout challenge. He said that Berkley came in third place and had

80.41% voter turnout. Kelley Smith accepted the award on behalf of Berkley-Huntington Woods Youth Assistance.

**PRESENTATION:** Matter of receiving a presentation of the fiscal year 2024 audit by the finance department.

Ms. VanVleck clarified that this presentation is covering the fiscal year ended June 2024. The audit report is for the fiscal year covering July 1, 2023 through June 30, 2024. She said the audit was submitted by its due date but that due to holidays, the council meeting packet schedule, and Council meeting schedule, this was the first chance to have it presented. She shared highlights of the presentation including a healthy unassigned fund balance of \$4.7 million which equates to 35% of our expenditures, fully within the target range of 25 to 35%. Ms. VanVleck said that it will also showcase several findings of our internal controls at that time which are essentially deficiencies in our internal controls during the 2024 fiscal year. She emphasized that these findings had been identified by management, primarily by Mr. Johnson, before the Auditors were on the scene. She stated this is a new team in the Finance department and that they have been making great strides with the new team.

Mr. Johnson presented regarding the fiscal year 2024 audit by the finance department:

- He said that the audit document is the responsibility of the city's Finance department; only three pages of the document are the responsibility of the auditing firm.
- He said that the General Fund ended the year with a \$1.033 million increase to fund balance.
  - \$575,000 of this increase was due to rollover budget amendments for trucks and an HVAC system contract.
  - The remaining \$475,000 came mostly from positive results in the self-insurance fund.
    - The city is self-insured for FICA and healthcare and had a good year, coming in \$400,000 under budget.
- He said that a \$1.5 million borrowing reported last year between the general fund and the water and sewer fund was due to an accounting error.
  - The Major Street Fund was reduced by about \$500,000
  - The Infrastructure Fund was reduced by \$900,000
  - The Water and Sewer Fund was increased by \$1 million
  - These error corrections are disclosed on page 58 of the audit document. A finding from the auditors is that these errors were caught.
- He said that the challenge with the Water and Sewer Fund is that we have an EPA mandate to replace the lead water lines in the city, which the City really cannot afford.
  - He said that the State has been asked for assistance with grants to help with this issue.
  - Mr. Johnson stated that last year the City literally had zero cash and a net \$1 million borrowing from the General Fund. In the current year, we have \$73,000 worth of cash in our Water and Sewer Fund; he said that in a Water and Sewer Fund of a City this size you should have \$2-5 million in cash reserves in case of a catastrophic event.
  - Mr. Johnson said that interfund borrowing from the general fund has been removed; he said that going forward however much of what the City collects will just pay operating costs and for the mandated lead line removal.
- The Solid Waste fund ended the year at \$800,000, allowing for the removal of the tag fee for the rubbish program.
- The 8 Mile Debt Service Project was closed out, and funds were transferred to the general fund for the HVAC project.
- The Court Capital Project Fund was transferred to cover HVAC costs.
- The sidewalk program finished with a net zero balance.
- The Public Safety pension is 67% funded, with a \$10 million unfunded liability.
- The Merch pension is 53% funded, with a \$10 million unfunded liability.
- The OPEB (Other Post-Employment Benefits) fund is 55% funded, which is considered good by the state.
- The general obligation debt is zero.
- Business debt, mainly for the water and sewer fund, decreased from \$588,000 to \$183,000.
- Three of six drain debts were paid off.

- The auditor's findings included issues with bank reconciliations, correction of errors, outstanding checks, record keeping, and missing policies.

Jason Benedict, Berkley, spoke regarding control deficiencies and the audit.

Mike Wiacek, Berkley, spoke regarding bank reconciliations.

Joshua Hunter, Berkley, spoke regarding the audit report.

**PRESENTATION:** Matter of receiving a presentation of the fiscal year 2024 audit by the auditors.

Greg Soule, partner at Andrews Hooper Pavlik PLC, presented:

- Mr. Sole said in these scenarios it is not uncommon that there would be this type of audit.
- He reiterated that financial statements are the responsibility of city management, while auditors report to the City Council.
- He said that the audit process required extensive questioning and examination of foundational financial processes due to the lack of historical documentation. The independent auditor's report issued a clean (unmodified) opinion, covering all financial areas, including governmental and business-type activities.
- Mr. Sole said that the audit followed standards set by the AICPA and Government Auditing Standards and will be submitted to the Government Finance Officers Association for consideration of a financial reporting achievement certificate.
- He stated that repeat findings in the next audit would be a red flag, indicating a lack of corrective action. Timeliness of audit completion and policy implementation will be key indicators of financial improvements.
- Mr. Sole said that the absence of documented corrective actions in City Council minutes would also signal potential issues.

Greg Duross, Berkley, spoke regarding audit deficiencies.

**MOTION NO. M-02-25:** Matter of adopting the City of Berkley two-year organizational strategic framework.

Councilmember Baker moved to approve Motion No. M-02-25

Seconded by Councilmember Black

Ayes: Hennen, Patterson, Vilani, Baker, Black, Gavin and Dean

Nays: None

Motion Approved.

## **COMMUNICATIONS**

### **COUNCILMEMBER PATTERSON**

- Received an email from Liz Petry, a Berkley resident: as you all know February is Heart Awareness Month and heart attacks are the leading cause of death in women. On February 8th, 2025 at 10 AM at the Unity of Royal Oak Church, the Women of Spirit group is hosting a talk about heart attacks in women, the warning signs and the importance of heart-smart diets. The event is open to the public and donations will be accepted.
- The Beautification Committee does not meet in January; meetings will resume in March.
- The Planning Commission will meet tomorrow; they have several items on their agenda, including façade changes to the Jewish community center on Woodward, the zoning ordinance rewrite for hopefully the last time, and a site plan revision to the BP gas station.
- Thanked the Department of Public Service, he said that those men and women are out in the frigid cold doing the duty to make sure our city is great and thanked them for all their hard work.

### **COUNCILMEMBER VILANI**

- No updates from Environmental Advisory Committee.
- The Berkley Area Chamber of Commerce strategic planning session was delayed. She said that prayers and hearts go out to the Chair, Darlene Rothman, whose mother recently passed at 100 years old.

#### **MAYOR PRO TEM GAVIN**

- The Parks and Recreation Advisory Committee will meet on February 13th at 7 PM in the Community Center.
- The Library Board will meet on February 12th at 7 PM at the Library.

#### **COUNCILMEMBER BAKER**

- The Downtown Development Advisory Board held a special meeting to review and approve a contract for an interim DDA Director, Jennifer Finney. Its next regular meeting is on Wednesday, February 12th. For more information visit [downtownberkeley.com](http://downtownberkeley.com).
- The Historical Committee met Tuesday, January 14th at 7 PM. Congratulated committee member Kyle Grimm on his election to the role of treasurer. Thanked residents for providing donations and contribution of items to the Museum to help preserve their history and so that we can tell stories, learn from them and grow. Most recently they received donations of yearbooks and a Pattengill sweater. Upcoming displays in the Museum are focusing our Berkley churches, the first three being scheduled for the coming months: February will feature LaSalette, March will feature Berkley First United Methodist and April will spotlight Cana Lutheran. Its next meeting is on February 11th at 7 PM in the second-floor conference room of the Public Safety building. For more information on the Museum or Berkley history, visit [Berkleyhistory.com](http://Berkleyhistory.com).
- Shared a quote by CS Lewis: *"Hardships often prepare ordinary people for extraordinary destiny."*
- He said that as Congresswoman Stevens noted earlier, our country's changed a lot recently and many of us now live in fear and uncertainty because of the country's changing positions on equity, diversity, inclusion and basic human decency and morality. Please pay attention to signs of emotional stress in yourself and in those you love and reach out for help when you or others need it. You matter, you should be able to be yourself, take care of yourself and one another.
- He said please hug someone you love. They need it more than you think they do.

#### **COUNCILMEMBER HENNEN**

- No update from the Tree Board.
- The Zoning Board of Appeals met and denied a variance requesting a commercial sign slightly larger than allowed by code and members have no cases to hear in February.

#### **COUNCILMEMBER BLACK**

- He said the Committee on Engagement and Transparency will meet on February 12th at 6 PM in the second-floor conference room of the Public Safety building. He said they are still looking for engaged citizens. He read the Committee's mission statement: the Committee For Engagement and Transparency helps connect City administration and Berkley residents. Members of the Committee support the City's communications and its departments by identifying ways to improve a resident's ability to gather accurate information and helping to clarify and amplify City initiatives. He stated that they are aiming for a committee with about 12 members and they plan to be at all upcoming City events. He said that they encourage people to get off of social media and join our community.
- America's graveyards are filled with brave men and women who suffered at the hands of poor leadership, bad processes and no plans. He said that today's theme to him was operations and it was a testament to the fact that we have some outstanding leaders. You get the right leaders, the right process and the right people and you can do amazing things. He said that we are going in outstanding direction as a city.

#### **CITY MANAGER VANVLECK**

- Winterfest is this Saturday from noon-2 PM at the Community Center. The event will have ice skating, food trucks, and a fire pit with s'mores; hopefully it won't be too cold out there and everyone can have fun.
- Regarding water main breaks: if you don't think its reported, please call our DPS. The City Facebook page reports breaks when we know that they've happened as well as suggestions of what to do, which

includes that if you are experiencing brown water to run cold water through the lowest faucet in your home.

**CITY ATTORNEY JAKE MERTES**

- No updates.

**MAYOR DEAN**

- The University of Michigan Dearborn's Office of Engagement and Impact has honored the City of Berkley for our commitment to local business; she said that as a former local business owner she can attest to the support and encouragement the Chamber of Commerce, DDA and the City give to small businesses. She said that we know how important it is to have thriving downtowns because when your downtown's thriving, your neighborhoods are flourishing.
- Aunt Mary, Berkley's oldest resident, passed at 108 years old. May she rest in peace.
- She wished everyone a Happy New Year and said that she wishes everyone peace worth protecting and boundaries worth respecting with just enough struggle for growth to occur.

***ADJOURNMENT:***

Councilmember Patterson moved to adjourn the Regular Meeting at 9:31 PM.

Seconded by Councilmember Vilani

Ayes: Vilani, Baker, Black, Gavin, Hennen, Patterson and Dean

Nays: None

Motion approved.

\_\_\_\_\_  
Bridget Dean, Mayor

***ATTEST:***

\_\_\_\_\_  
Victoria Mitchell, City Clerk

**THE SPECIAL WORK SESSION OF THE FORTIETH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 6:00 PM ON MONDAY, JANUARY 27, 2025 BY MAYOR DEAN**

**PRESENT:** Councilmember Steve Baker  
Councilmember Clarence Black (arrived at 6:02 PM)  
Mayor Pro Tem Ross Gavin  
Councilmember Dennis Hennen  
Councilmember Gregory Patterson  
Councilmember Jessica Vilani  
Mayor Bridget Dean

**OTHER STAFF PRESENT:**

City Manager Crystal VanVleck  
City Clerk Victoria Mitchell  
Director of Public Safety Matt Koehn  
Deputy City Manager of Public Services Shawn Young  
Community Development Director Kristen Kapelanski  
Public Safety Lt. Jordan Kobernick  
Director of Communications Caitlin Flora

**APPROVAL OF AGENDA**

Mayor Pro Tem Gavin moved to approve the Agenda  
Seconded by Councilmember Baker  
Ayes: Gavin, Hennen, Patterson, Vilani, Baker and Dean  
Nays: None  
Absent: Black  
Motion Approved.

**PUBLIC COMMENT**

Joel Ulferts, Berkley, stated he would have liked more information regarding the meeting topic on the agenda.

**REGULAR AGENDA**

**DISCUSSION:** Matter of discussing 2020 Sign Inventory and Recommendations Updates.

Management Transition Consultant Nate Geinzer introduced the agenda item.

Mr. Geinzer said this meeting wouldn't be a "coulda, woulda, shoulda" scenario but instead would focus on the Sign Project and what is next.

**What is the "Sign Project"**

**Scope:**

- Phase I: Inventory of all Regulatory Signs in the City
  - Locations
  - Reflectivity
  - Placement and Compliance
  - Basis for each sign as defined in the Michigan Manual on Uniform Traffic Control
- Phase II: Sign Recommendations
  - Identify Signs for replacement
  - Compare Signs with 100s of Old TCOs, address as necessary
  - Recommendations for No Parking locations adjacent to schools
  - Develop Standard for No Parking Locations for Fire Safety



Intent:

- Review 100s of TCOs that have accumulated to the 70s and compare them to modern standards
- Find appropriate standardization of parking regulations
- Ultimate Goal: Consistency and new baseline

How a TCO is originated was discussed.

Timeline:

Context – Two different councils

- Early 2020 – Staff begins talking with council
- May 20, 2020 – City Council approves Phase I: Sign inventory
- April 6, 2021 – City Council Approves Phase II: Sign Recommendations
- January 2023 – Staff Updates TCO recommendations
- Fall 2023 – Staff begins implementing recommendations around schools
- Late 2023/Early 2024 – Implementation of recommendations continue
- February/March 2024 – Progress stopped due in part to social media commotion

Fire Lanes\*

\*Note: Staff to reevaluate

- Clear roadway width less than 20 feet: No parking allowed on either side of the road except for boulevards
- Clear roadway width of 20 feet or wider: No parking allowed on the fire hydrant side

Deputy City Manager of Public Services Shawn Young discussed Act 51 Standards.

Status:

- Project 80-90 percent complete
- What is left?
  - Areas adjacent to Vinsetta Garage
  - Cumberland north of 12 mile
  - Signs needing replacement to meet state/federal guidelines
  - Other Misc.

Staff Preference: Move forward and Move On:

- Move beyond hodgepodge of the past
- Finish implementing the recommendations of the sign report
  - Verify recommendations against MDOT Act 51 Guidelines for Major Roads – to redefine major roads would cost the city monies
  - Major Roads require min 28' for parking on one side
  - Major Roads require min 33' for parking on both sides
  - Major Roads include: Bacon south of 12 Mile, Phillips north of 12 Mile to Webster, Tyler south of Catalpa, Griffith between 12 Mile and Catalpa, Harvard between Coolidge and Woodward.
  - Address Temporary Issues with Temporary Solutions
  - Reevaluate as Necessary following New Baseline
    - Avoid Reactions
    - Rely on subject matter experts, DPS, DPW
    - Decisions should be public safety driven not concerns of convenience
    - Avoid chain reactions: A change on one street usually results in the problem being pushed to the next street over, etc.
  - Mindful of limited staff resources

Mr. Geinzer discussed the impact of chain reactions. When you make a change on one street, it impacts the streets around it.

Director Koehn said hundreds of hours were spent on this study. He explained the importance of relying on the experts and having standards in place. He explained this is a dense city with public streets and we can't force people to park in public parking lots. He explained any time we fix something, we break something else.

Mr. Geinzer said ultimately the goal is to see if there is a consensus on a path forward. He asked what is needed from staff to move forward.

City Manager VanVleck explained this is a project Mr. Geinzer has been working on. She said we will never make everyone happy. And to Chief's point, we have a dense community. She said it is important to make standards so the process is objective and not subjective.

Mayor Dean said she would like to come from a place of safety. She said a robust education; communication plan is important. She said people want to know when something impacts them. People want the information and they want to understand.

Director Koehn said they used several traffic engineers to design a standard based on math. He said it took the Department's TCOs from hundreds to 23.

The evaluation/reevaluation process was discussed.

Councilmember Baker said he supports the idea of more proactive communication, rolling communication. He stated he would like to know more about the traffic committee Director Koehn spoke of earlier.

Councilmember Baker asked how the 696 closure process will impact Berkley and what should we be doing regarding signs to help our residents.

Councilmember Vilani thanked Mr. Geinzer for the helpful background. She said it was helpful to understand the timeline. She noted the big paradigm shifts in communication. She said in the past, people complained and signs were placed or removed. She supports breaking the cycle of the loudest wins in lieu of safety.

Councilmember Vilani said we also need to look at whether or not we are a walking district. She stated the mentality is that we brand ourselves as a walkable community, but she doesn't know if that is the vibe. She said people need more time, information, and consideration.

Mayor Dean said she was on council when this project began. She said she didn't feel she received this much information at that time.

Councilmember Patterson asked questions regarding street width. He asked questions comparing the HRC report to Mr. Geinzer's slides. A discussion ensued regarding street widths and emergency vehicle specifications. Safety concerns were discussed.

Lt. Kobernick said he's never experienced a firetruck that was not able to get through a street. He stated street widths are not the issue. He stated issues arise when there is an influx of vehicles due to special events.

Deputy Manager Young discussed the Department of Public Work's experience with various street widths. He said we have to adapt our standards. He said we need the on-street parking, but we also need to be safe.

Director Koehn pointed out it's not just a discussion regarding city/emergency vehicles, but all types of trucks, including delivery.

Councilmember Hennen made recommendations for communicating street sign changes. He said a yard sign with the information would be cost-effective. He discussed the utilization of no parking. He said safety is important, but quality of life is important too. He said he was going to bring up the streets near Green Lantern. He discussed keeping the standards and evaluating special zones that would be looked at when businesses are busy.

Mr. Geinzer said in closing, that administration hears Council, and the conversation isn't over.

Councilmember Hennen reaffirmed the points made. He stated they could look at site solutions if necessary. He said he would debrief with City Manager VanVleck.

Mr. Geinzer confirmed there is a consensus to keep talking.

**ADJOURNMENT:**

Councilmember Patterson moved to adjourn the Special Meeting at 6:48 PM

Seconded by Councilmember Vilani

Ayes: Gavin, Hennen, Patterson, Vilani, Baker, Black and Dean

Nays: None

Motion Approved.

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Bridget Dean, Mayor

**ATTEST:**

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Victoria Mitchell, City Clerk

February 3, 2025 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to consider a special land use request by applicant Christina DePizzo for the occupation of 1818 Mortenson to be used as a family day care home for seven-12 children in the R-1D Single-Family Residential District, on the east side of Mortenson, east of Princeton.

Ayes:

Nays:

Motion:

# MEMORANDUM

To: Mayor Dean and City Council  
From: Kristen Kapelanski, Community Development Director  
Date: *February 3, 2025*  
Subject: PSU-03-24: 1818 Mortenson Special Land Use Request

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## Background

- A group child care home, as defined in MCL 722.111(v)(iv), may be permitted as a special land use in the R1-D District.
- Standards for consideration for special land use approval are listed in Section 138-653 of the Zoning Ordinance, consistent with MCL 125.3502, and detailed in the staff review memo.
  - All special land use decisions need to be reviewed and the facts of the particular application, as reasonably determined by Council, evaluated and applied to the applicable standards for a special land use and should not be influenced by items or concerns outside of those listed standards in the above referenced section.
- The State of Michigan has enacted legislation stating that home day cares are considered a residential use of property. A family child care home shall be permitted as a principal permitted use in all single-family residential districts. A group child care home **may** be permitted as a special land use, in all single-family residential districts.
- A previous request was reviewed and denied by the City Council in 2024. As part of that decision, Council expressed concerns with traffic on Mortenson and drop-offs and pick-ups. While previous public comment is not included with this new submitted application, as the applicant has new conditions proposed to address the previously identified, it provides context as to the reasons the applicant has suggested these specific conditions.

## Summary

- The applicant applied for a new special land use request at 1818 Mortenson Blvd. for an in-home child care center for 7-12 children in the R1-D Single-Family District. An in-home child care center for 7-12 children is defined in MCL 722.111(v)(iv) as a “group child care home”. The applicant’s proposed specific conditions include:
  - Pick-ups and drop-offs would be limited to Princeton only; and
  - Six of the twelve children under the applicant’s care would be ‘walkers’ and would not be permitted to be dropped-off or picked-up via car.
- Staff reviewed the request and recommended approval for the reasons stated in the review memo.
- The Planning Commission held the required public hearing at their December 17, 2024 meeting and ultimately recommended denial. Meeting minutes and public comments received in response to the required notices are attached.

**Recommendation**

If the City Council chooses to approve the special land use request, staff recommends the motion include finding(s) of fact that the City Council determines are present that show the standards of Section 138-653 have been met. Should Council choose to deny the application, a motion setting forth findings of fact as to how the standards of the ordinance are not met should be made.



# CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

## APPLICATION FOR SPECIAL LAND USE REVIEW

**NOTICE TO APPLICANT:** Applications for Special Land Use review by the Planning Commission must be submitted to the City of Berkley Building Department in **substantially complete form** at least 30 days prior to the Planning Commission's meeting at which the application will be considered. The application must be accompanied by the data specified in the Zoning Ordinance, including fully dimensioned site plans, plus the required review fee.

The Planning Commission will hold the required *public hearing* and will make a recommendation to the City Council. Special Land Use approval shall be obtained from the City Council.

The Planning Commission meets the fourth Tuesday of the month at 7:00pm in the Council Chambers at the City of Berkley City Hall, 3338 Coolidge Hwy, Berkley, MI 48072. The City Council meets the first and third Mondays of the month at 7:00pm in the Council Chambers at the City of Berkley City Hall, 3338 Coolidge Hwy, Berkley, MI 48072.

### TO BE COMPLETED BY APPLICANT:

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

Project Name: Little Seedlings of Berkley

Applicant: Christina DelPizzo

Mailing Address: [REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

Property Owner(s), if different from Applicant: Marco & Christina Delpizzo

Mailing Address: [REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

Applicant's Legal Interest in Property: Owner

**LOCATION OF PROPERTY:**

Street Address: 1818 Mortenson Blvd. Berkeley, MI 49072

Nearest Cross Streets: Princeton & Mortenson Blvd

Sidwell Number(s): 25-17-381-005

**PROPERTY DESCRIPTION:**

Provide lot numbers and subdivision: Lot 11 Benjamin F Mortenson's  
Garden Homes Subdivision

Property Size (Square Feet): 5,640 (Acres): \_\_\_\_\_

**EXISTING ZONING DISTRICT** (please check):

- R-1A  Local Business  Coolidge  R-1B  Office  Downtown  R-1C   
 Community Centerpiece  Industrial  R-1D  Woodward  Cemetery  RM  Eleven  
 Mile  Parking  RMH  Twelve Mile

Present Use of Property: Licensed Family Group Home Childcare (1-6 children)

Proposed Use of Property: Licensed Group Home Childcare (6-12 children)

Is the property located within the Downtown Development Authority?  Yes  No



**PROJECT DESCRIPTION:**

This home is currently the residence of Shelby Matusiczky, as well as a licensed Family Group Home Childcare through the State of Michigan (5 children are in care, besides Shelby's own infant). We would like to make this home a Group Home Childcare, which would allow 6-12 children in care, with the addition of another adult teacher. The operating hours would be between 7:30 am -5:00 pm.

We would continue to require that all drop-off and pick-up parking be on Princeton. We would also require 6 out of our 12 children to be "walkers" from the neighborhood. These two requirements, would guarantee that we are being considerate to traffic, street use, and our neighbors, while still offering the community quality childcare.

Does the proposed project / use of property require Site Plan Approval?  Yes  No Does the proposed project require Variance(s) from the Zoning Board of Appeals?  Yes  No

Updated Jan 2023 2 | Page

If yes, describe the variances that will be required: \_\_\_\_\_

**PLEASE COMPLETE THE FOLLOWING CHART:**

Type of Development	Number of Units	Gross Floor Area	Number of Parking Spaces On Site	Number of Employees on Largest Shift
Attached Residential				
Office				
Commercial				
Industrial				
Other				

**STANDARDS FOR SPECIAL LAND USE APPROVAL:**

To be considered for Special Land Use approval, the Planning Commission and City Council shall consider the following standards. Please address *how* the proposed use satisfies each standard, as

specified in Section 138-653.

1. The proposed use will promote the use of land in a socially and economically desirable manner.

A Group Home Childcare is a residential use of property according to the State of Michigan. The home would continue to be used as a residence, while providing young families loving, quality, licensed child care, which is much needed in the Berkley community.

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

There is a tremendous need for childcare in the city of Berkley. Young families are driving to communities outside of Berkley to find care for their children.

3. The proposed use is compatible with adjacent land uses.

A Group Home Childcare is considered a residential use of property in the State of Michigan.

4. The proposed use is designed so that the public health, safety and welfare shall be protected.

By using Princeton instead of Mortenson Blvd for pick-ups and drop-offs, in addition to requiring 6 of our 12 children to be "walkers" from the neighborhood, we will have no more traffic than we would have with a Family Group Home which allows 1-6 children..

*Updated Jan 2023 3 | Page*

5. The proposed use will not cause injury to other property in the neighborhood.

The house will remain a residential property, and will be continue to be cared for exceeding State of Michigan licensing requirements.

**PROFESSIONALS WHO PREPARED PLANS:**

A. Name: \_\_\_\_\_ Mailing

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_ Design  
Responsibility (engineer, surveyor, architect, etc.): \_\_\_\_\_

B. Name: \_\_\_\_\_ Mailing  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_ Design  
Responsibility: \_\_\_\_\_

**SUBMIT THE FOLLOWING:**

1. Ten (10) individually folded copies of the site plans, measuring 24" x 36", sealed by a registered architect, engineer, or surveyor. If copies are submitted simultaneously for Site Plan Review, then submittal of ten (10) additional copies is not necessary.
2. A pdf file of the plan and any supporting documents, emailed to the Community Development Director.
3. Proof of property ownership (title insurance policy or registered deed with County stamp).

*Updated Jan 2023 4 | Page*

**PLEASE NOTE:** The applicant, or a designated representative, **MUST BE PRESENT** at all scheduled meetings, or the Special Land Use request may be tabled due to lack of representation.

Failure to provide true and accurate information on this application shall provide sufficient grounds to deny approval of a Special Land Use application or to revoke any permits granted subsequent to the Site Plan Approval.

We encourage applicants to make a presentation of the proposed project to the Planning Commission and City Council, as appropriate. To assist in this effort, we have available for your use at meetings a projector, laptop computer and screen. This will allow the Planning Commission and audience to be fully engaged so they can give your project the attention it deserves. Planning Commission and City Council meetings are recorded and televised.

**PROPERTY OWNER'S APPROVAL: (Initial each line)**

*CMDP*

I hereby authorize and give permission for the City of Berkley to install one or more temporary signs on my property, in order to notify the public of the required public hearing related to the Special Land Use request.

*CMDP*

I hereby authorize the employees and representatives of the City of Berkley to enter upon and conduct an inspection and investigation of the above referenced property in relation to the above request.

**APPLICANT'S ENDORSEMENT: (Initial each line)**

*CMDP*

All information contained therein is true and accurate to the best of my knowledge.

*CMDP*

I acknowledge that the Planning Commission will not review my application unless all information in this application and the Zoning Ordinance has been submitted.

*CMDP*

I acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing or approval of this Special Land Use application.

**If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.**

Signature of Applicant Date

*Christina DelPizzo* 11/6/24  
Applicant Name (Print)

*C DelPizzo* 11/6/24  
Signature of Applicant Date

Applicant Name (Print)

*C DelPizzo* 11/6/24  
Signature of Property Owner Authorizing this Application Date

*Christina DelPizzo*  
Property Owner Name (Print)

**OFFICE USE ONLY**

Received 11-13-24 Receipt # \_\_\_\_\_ Meeting Date \_\_\_\_\_ Case # PSU-03-24  
*Complete Application*  
Fee: Special Land Use \$1,000.00

# Real Estate Summary Sheet

\*\*\*Information herein deemed reliable but not guaranteed\*\*\*

02/06/2024 11:31 AM

<b>Parcel:</b>	04-25-17-381-005	<b>Current Class:</b>	401.RESIDENTIAL-IMPROVED
<b>Owner's Name:</b>	DEL PIZZO, MARCO	<b>Previous Class:</b>	401.RESIDENTIAL-IMPROVED
<b>Property Address:</b>	1818 MORTENSON BLVD BERKLEY, MI 48072-3005	<b>Taxable Status</b>	TAXABLE
<b>Liber/Page:</b>	59058:369	<b>Prev. Taxable Stat</b>	TAXABLE
<b>Split:</b>	//	<b>Gov. Unit:</b>	04 City of Berkley
<b>Public Impr.:</b>	Paved Road, Sidewalk, Water, Sewer, Electric, Gas, Curb, Street Lights	<b>ITOnly</b>	.
<b>Topography:</b>	Level, Thru-Street	<b>School:</b>	63050 BERKLEY CITY SCHOOL DISTRICT
		<b>Neighborhood:</b>	R47 E.C.F. Table R47

<b>Mailing Address:</b>	<b>Description:</b>
DEL PIZZO, MARCO DEL PIZZO, CHRISTINA M 1818 MORTENSON BLVD BERKLEY MI 48072-3005	T1N, R11E, SEC 17 BENJAMIN F MORTENSON'S GARDEN HOMES LOT 11

## Most Recent Sale Information

Sold on 12/07/2023 for 231,000 by MORGAN JULIE ANN.

<b>Terms of Sale:</b>	03-ARM'S LENGTH	<b>Liber/Page:</b>	59058:369
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## Most Recent Permit Information

None Found

## Physical Property Characteristics

<b>2024 S.E.V.:</b>	Tentative	<b>2024 Taxable:</b>	Tentative	<b>Lot Dimensions:</b>	
<b>2023 S.E.V.:</b>	119,070	<b>2023 Taxable:</b>	72,460	<b>Acreage:</b>	0.13
<b>Zoning:</b>	RI	<b>Land Value:</b>	Tentative	<b>Frontage:</b>	47.0
<b>PRE:</b>	0.000	<b>Land Impr. Value:</b>	Tentative	<b>Average Depth:</b>	120.0

## Improvement Data

# of Residential Buildings: 1  
Year Built: 1944  
Occupancy: Single Family  
Class: CD  
Style: Bungalow  
Exterior: Alum., Vinyl  
% Good (Physical): 45  
Heating System: Forced Heat & Cool  
Electric - Amps Service: 200  
# of Bedrooms: 3  
Full Baths: 1 Half Baths: 1  
Floor Area: 1,081  
Ground Area: 734  
Garage Area: 315  
Basement Area: 734  
Basement Walls: Block  
Estimated TCV: Tentative

## Image





Search by [PIN](#) or [Property Address](#) [Help](#)

25-17-381-005

or navigate to and click on the property of interest

**1818 MORTENSON BLVD**  
PIN: 25-17-381-005  
CITY OF BERKLEY

**Available Reports:**

- [Current Tax Report](#) **\$2.50**  
Current property tax information
  - [Delinquent Tax Report](#) **\$1.50**  
Delinquent tax obligations
  - [Map Atlas](#) **\$4.00**  
Plat map & property dimensions
  - [MAAP Property Report](#) **\$20.00**  
Mortgage App. Acceleration Program
  - [Residential Property Profile](#) **\$0**  
Property profile of a specific parcel
  - [Residential Property Profile](#) **\$7.50**  
Property profile of a specific parcel
- Also Available at this Location:**
- [Display Property Photo](#)
  - [Display Property Sketch](#)
  - [Display FEMA - DFIRM Map](#)
  - [DFIRM Disclaimer](#)
  - [DFIRM Overview](#)

[Account Settings](#)  
[Change Password](#)

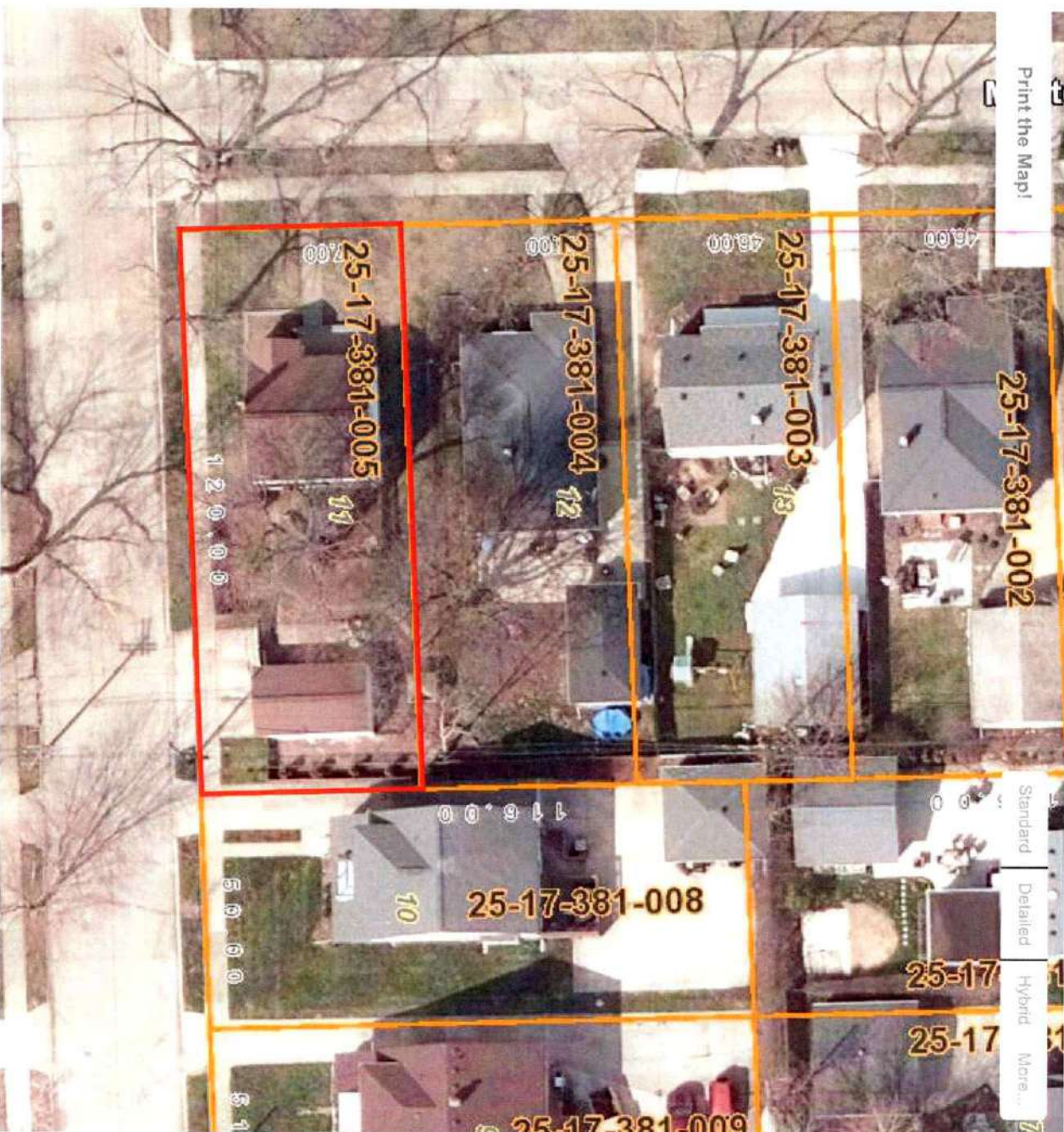
Welcome 04BEMISB  
[Logout](#)

[Map](#)

[Reports \(0\)](#)

[Cart \(0\)](#)

[Print the Map!](#)





Search by [PIN](#) or [Property Address](#) [Help](#)

25-17-381-005

or navigate to and click on the property of interest

**1818 MORTENSON BLVD**  
PIN: 25-17-381-005  
CITY OF BERKLEY

**Available Reports:**

- [Current Tax Report](#) **\$2.50**  
Current property tax information
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Property profile of a specific parcel
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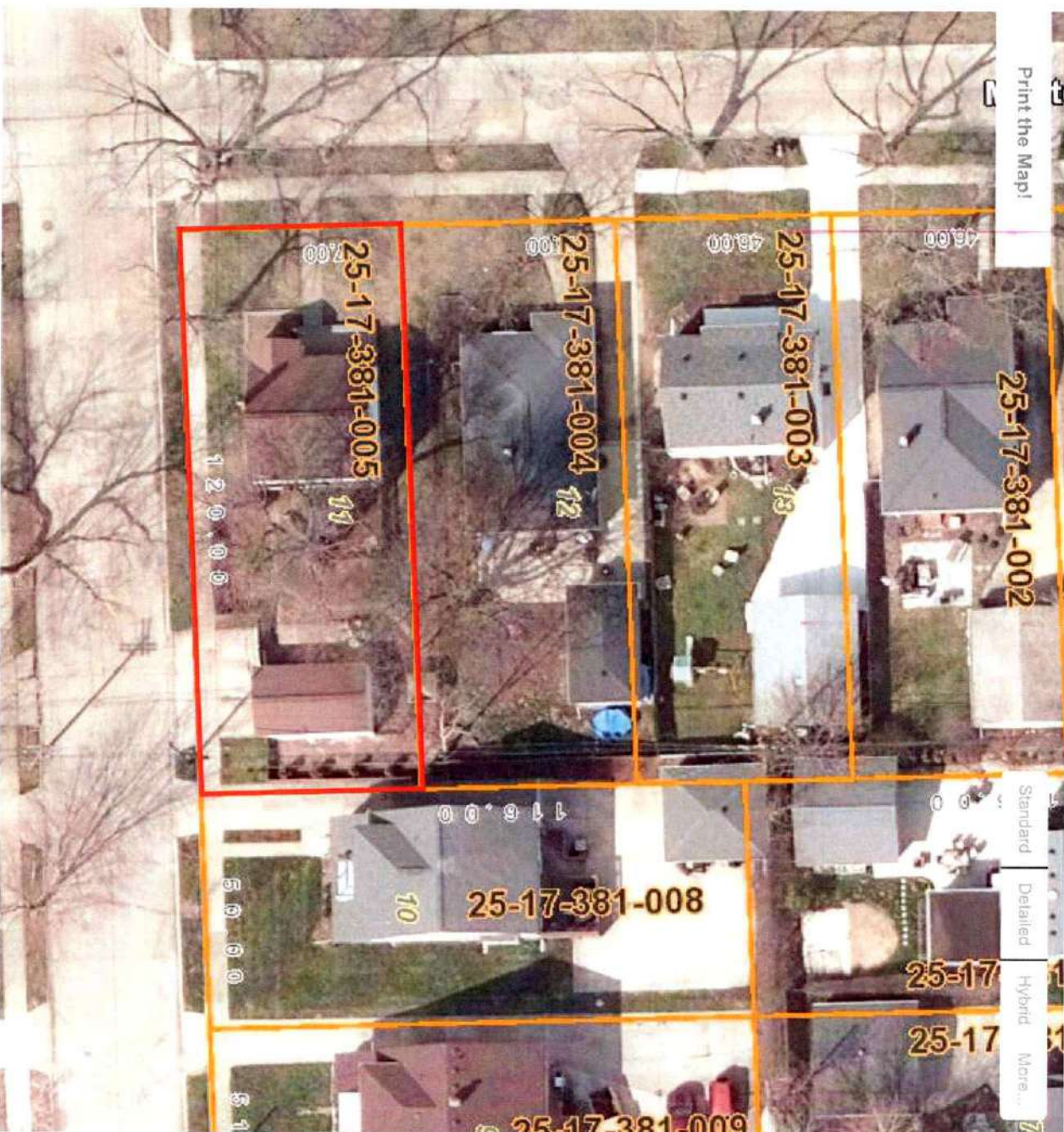
Welcome 04BEMISB  
[Logout](#)

[Map](#)

[Reports \(0\)](#)

[Cart \(0\)](#)

[Print the Map!](#)





**THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, DECEMBER 17, 2024 AT BERKLEY CITY HALL BY CHAIR LISA KEMPNER.**

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

**PRESENT:** Joe Bartus            Josh Stapp  
                 Shiloh Dahlin        Mike Woods  
                 Lisa Kempner  
                 Eric Arnsman

**ABSENT:**        Lisa Hamameh

**ALSO PRESENT:**        Kristen Kapelanski, Community Development Director

Motion by Commissioner Woods to excuse the absences of Commissioner Hamameh. Motion supported by Commissioner Dahlin.

Voice Vote to excuse the absence of Commissioner Hamameh.

AYES: 6  
NAYS: 0  
ABSENT: Hamameh

**MOTION CARRIED**

\* \* \* \* \*

**APPROVAL OF AGENDA**

Motion by Commissioner Bartus to approve the agenda and supported by Commissioner Woods.

Voice vote to approve the agenda

AYES: 6  
NAYS: 0  
ABSENT: Hamameh

**MOTION CARRIED**

\* \* \* \* \*

**APPROVAL OF THE MINUTES**

Motion by Commissioner Bartus to approve the minutes of the November 26, 2024 regular Planning Commission meeting and supported by Commissioner Dahlin.

Voice vote to approve the meeting minutes of November 26, 2024.

AYES: 6  
NAYS: 0  
ABSENT: Hamameh

**MOTION CARRIED**

\* \* \* \* \*

**COMMUNICATIONS**

NONE

\*\*\*\*\*

**CITIZEN COMMENTS**

NONE

\*\*\*\*\*

**OLD BUSINESS**

NONE

\*\*\*\*\*

**NEW BUSINESS**

- PUBLIC HEARING PSU-03-24:1818 Mortenson Blvd.:** The applicant, Christina DeIPizzo, is requesting special land use approval for a child care center for 7-12 children at 1818 Mortenson Blvd. in the Single-Family Residential R-1D District, on the east side of Mortenson Blvd., north of Princeton Rd.

Community Development Director Kapelanski presented the proposal noting a similar request was considered for this address earlier this year. This is a new request that includes two additional conditions proposed by the applicant and should be considered as such.

The Planning Commission asked several clarifying questions.

Richard Rassel, the applicant’s attorney, gave the Planning Commission an overview of the proposal and the operations proposed at 1818 Mortenson, including how the impacts of this use meet the standards of the special land use considerations. He noted there have been two significant changes to the application from how it was previously presented. The applicant has proposed that all drop-offs and pick-ups will take place on Princeton and that six of the twelve children would be ‘walkers’ only.

The applicant confirmed that the two proposed conditions would be part of the contracts required to be signed by users of the day care.

Community Development Director Kapelanski confirmed street parking is available on Princeton and Mortenson.

Chair Kempner opened the public hearing at 7:25PM.

Colleen Estep, 1721 Princeton, opposed the proposal citing traffic issues and parking concerns.

Cathy VanWagner, 1862 Columbia, supported the proposal noting that she has seen zero to three cars in her daily walks across the street from 1818 Mortenson and any drop-offs are very quick.

Paul Baldess, 1862 Columbia, supported the proposal stating it provides a needed service in the community.

Shelby (no last name provided), resident of 1818 Mortenson, stated her husband and her do now use the garage for parking.

Marco DeIPizzo, joint owner of 1818 Mortenson, stated profit margins for the business are slim in this situation and that he and his wife made extensive updates to the house.

Chair Kempner read the written correspondence received into the record.

No one else wished to speak and there were no other written comments received. Chair Kempner closed the public hearing at 7:43PM.

Chair Kempner opened up discussion to the Commission.

The applicant's attorney confirmed that if the conditions proposed were not followed, the City would have the right to withdraw their approval.

Commissioner Woods expressed skepticism that the proposed conditions were enforceable or would be followed and concerns with traffic.

Community Development Director Kapelanski confirmed that the Public Safety Department has not expressed any concerns with traffic or speeding in this area.

Commissioners Arnsman and Bartus agreed there were not any specific concerns related to traffic at this location. Commissioner Bartus stated he lived in that neighborhood. Both supported the request.

Commissioner Dahlin thought the corner lot was problematic.

Commissioners Dahlin and Stapp and Chair Kempner were concerned about enforcement.

The applicant's attorney, Richard Rassel, did not think it was reasonable to assume the applicant would not conform to the conditions they have proposed. He said the applicant would be happy to come back for a check-in with Council or the Planning Commission if they were interested in that.

Motion by Commissioner Bartus and supported by Commissioner Arnsman to recommend approval of PSU-03-24 1818 Mortenson for a special land use citing that it meets the five conditions of Section 138-653 and with the following conditions: that pick-ups and drop-offs would be limited to Princeton only and that six of the twelve children under the applicant's care would be walkers and would not be permitted to be dropped off or picked up via car.

Roll call vote on the motion recommending approval of PSU-03-24.

AYES: 2

NAYS: 4 (Dahlin, Kempner, Stapp, Woods)

ABSENT: Hamameh

Motion by Commissioner Dahlin and supported by Commissioner Woods to recommend denial of PSU-03-24 1818 Mortenson for a special land use because it does not comply with Section 138-653(4): The proposed use is designed so that the public health, safety and welfare shall be protected because of traffic and parking concerns.

Roll call vote on the motion recommending denial of PSU-03-24.

AYES: 4

NAYS: 2 (Arnsman, Bartus)

ABSENT: Hamameh

\*\*\*\*\*

**LIAISON REPORT**

Commissioners provided updates on the Chamber of Commerce, Downtown Development Authority and Zoning Board of Appeals.

City Council Member Patterson provided an update on City Council's last meeting.

\*\*\*\*\*

**COMMISSIONER COMMENTS**

NONE

\*\*\*\*\*

**STAFF COMMENTS**

NONE

\*\*\*\*\*

**ADJOURNMENT**

Motion to adjourn by Commissioner Dahlin supported by Commissioner Woods.

Voice vote for adjournment

AYES: 6

NAYS: 0

ABSENT: Hamameh

**With no further business, the meeting was adjourned at 8:27 p.m.**

DRAFT



Kristen Kapelanski <kkapelanski@berkleymi.gov>

---

## Re: FW: FW: Petition Against PSU-02-24 - Berkley Planning Commission 1818 Mortenson

---

Luke Orlins [REDACTED]  
To: Dennis Hennen <dhennen@berkleymi.gov>  
Cc: Kristen Kapelanski <kkapelanski@berkleymi.gov>

Tue, Dec 17, 2024 at 12:55 PM

Thank you for the response, Dennis,


We do appreciate everyone's effort and time.

Kristen,

Attached is petition. It is from first go around. There is not significant enough change to go through petition efforts again. Issue remains the same, just being asked differently. I hope enough opposing letters / emails will surface from others for this go around. If you cannot use, just consider this email as formal statement.

[Quoted text hidden]

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 **1818 Mortenson Petition\_02.22.2024 Packet (002).pdf**  
1136K

December 17, 2024

To: The City of Berkley, Michigan, Planning Commission

Subject: Special Use Application PSU-03-24, 1818 Mortenson Rd

Dear Berkley Planning Commission,

As a longtime resident of Princeton and directly impacted by this matter, I am writing in opposition to the request for special land use privileges at 1818 Mortenson (Application PSU-03-24).

The Planning Commission has allowed the applicant to resubmit for Special Land Use based on significant changes proposed. I would argue that these changes are not only insufficient, but impossible to control.

The applicant is stating that they will guarantee that 6 of the 12 children will be “walkers” from the neighborhood.

- What distance is considered a “walker”?
- How will you enforce or guarantee that a 6-month-old or a 2-year-old (example) will be “walked” to daycare in the rain or freezing temperatures?

I would like to reiterate the previously argued points from February 2024 (see attached for previous letter and petition). Obstructing traffic flow on a main neighborhood thoroughfare is still a primary safety concern. As an adjacent neighbor to the property, I have experienced obstructed views of city sidewalks and limited maneuvering space with opposing traffic from vehicles being parked on both sides of Princeton Road at the Mortenson intersection. Drop off vehicles line from stop sign to the first driveway curb cuts at peak traffic times, both morning and afternoon. Vehicles are not properly parked per traffic ordinance, which require 15 to 20 feet of clearance from the intersection for safety and visibility.

The need for quality daycare is a bigger issue and cannot be solved by the applicant. Berkley already has over 25 licensed daycares in the vicinity. The applicant is not the private resident living in the house and operates several other locations, charging the same rates as other daycare companies that have true commercial overhead. The applicant has made no effort to engage with the nearby neighbors to discuss running their commercial business in a residential neighborhood.

For these reasons, I strongly urge the Planning Commission to deny this request for Special Land Use privileges at 1818 Mortenson. The concerns of the neighborhood have not been sufficiently addressed, and the proposed changes do not adequately protect the public health, safety, and welfare of the community.

Thank you for your time and attention to this matter.

Sincerely,

Sara Orlins





Williams Williams Rattner & Plunkett, P.C.  
Attorneys and Counselors

380 North Old Woodward Avenue  
Suite 300  
Birmingham, Michigan 48009

Tel: (248) 642-0333

Fax: (248) 642-0856

[www.wwrplaw.com](http://www.wwrplaw.com)

Richard E. Rassel, II  
[rer@wwrplaw.com](mailto:rer@wwrplaw.com)

December 13, 2024

**Via Electronic Mail Only**

City of Berkley  
3338 Coolidge Hwy.  
Berkley, MI 48072

Attn: Planning Commission and City Council

Attn: Victoria Mitchell, City Clerk  
[vmitchell@berkleymich.net](mailto:vmitchell@berkleymich.net)

Attn: Rachel Patterson, Deputy City Clerk  
[rpatterson@berkleymich.net](mailto:rpatterson@berkleymich.net)

Attn: Kristen Kapelanski, Community Development Director  
[kkapelanski@berkleymich.net](mailto:kkapelanski@berkleymich.net)

Attn: Kim Anderson, Zoning Administrator  
[building@berkleymich.net](mailto:building@berkleymich.net)

**Re: Christina DelPizzo and Little Seedlings of Berkley, LLC;  
1818 Mortenson Blvd., Berkley, MI; Revised Application for Special Land  
Use Permit**

Dear City of Berkley,

The undersigned and Williams, Williams, Rattner and Plunkett P.C. represent Christina DelPizzo and her wholly owned entity, Little Seedlings of Berkley, LLC (collectively the "Applicant") with regard to 1818 Mortenson Boulevard (the "Property") in the City of Berkley, Michigan ("City").

The Applicant previously applied to the City for special land use approval to operate a fully licensed, lawful and licensee occupied Group Child Care Home day facility for 7-12 children at the Property. This application was considered by the Planning Commission on April 10, 2024 wherein the Planning Commission recommended that the application did not meet standard number four of Section 138-653 of the Ordinance due to certain concerns with parking and traffic. Applicant then appeared before the City Council, which denied the request on May 6, 2024, citing similar concerns.



The Applicant has since amended the special land use approval application in an attempt to alleviate certain parking and traffic concerns. The Applicant has also reached out to and met with area neighbor residents regarding the project. Applicant is deeply passionate about the project and helping local families find high-quality, *neighborhood* child care, which is in high demand. Applicant contends that the amended application meets the requirements of standard number four of Section 138-653 and should be granted.

Applicant proposes to operate a fully licensed, lawful and licensee occupied Group Child Care Home day facility for 7-12 children at the Property in accord with the Michigan Zoning Enabling Act, the Ordinances and regulations promulgated by the State of Michigan Child Care Licensing Bureau under the authority of State of Michigan Department of Licensing and Regulatory Affairs. The Applicant has purchased the Property and has achieved licensing approval from the State for the project and is currently successfully operating and serving 6 children. Applicant's licensed affiliates operate six (6) similar facilities in Oakland and Wayne Counties with great acceptance by neighbors and the respective local communities and with substantial positive local public impact on local health, safety and welfare. These similar facilities operate in Bloomfield Township (3 locations), the Village of Beverly Hills, the City of Grosse Pointe and the City of Livonia. As noted, the subject project has been operating successfully at the Property, serving 6 children presently.

Applicant's primary State of Michigan licensee, Shelby Matusiczky, and her infant child currently reside at the Property as tenants. Other limited Applicant Staff attend daily as needed. Drop off and pick up is staggered between 7 a.m. and 5 p.m. Applicant proposes no exterior site changes to the Property but recently installed a privacy fence as an improvement. As has been and will be shown, this publicly needed service for *neighborhood-based* child day care process works perfectly in other similar local communities with zero or *de minimis* public impact. Respectfully, any suggestions to the contrary are not based on actual evidence or experience but constitute mere speculation and conjecture.

There is a great public need for the Applicant's project (child day care), as demonstrated through the many public witness testimonials before the Planning Commission at its April 10, 2024 meeting and the City Council's May 6, 2024 meeting. There is a lack of quality, licensed day child care in Michigan, and specifically locally, and Applicant's licensed affiliates experience up to two (2) year waiting lists from families wishing to fill their own needs at other similar and local Little Seedling operations and services.

The Property is zoned R1-D Single Family District and day group child care homes are permissible as a special land use in the R1-D District under the ZO. There is **zero** negative impact to the area community in current locations operated by Applicant's affiliates in close by communities. This is true in terms of traffic, parking and safety, as demonstrated through many public witness testimonials before both the Planning Commission and City Council. **Despite this, Applicant has amended the application to include several *new* conditions for approval, which**



**Applicant hopes will completely alleviate opposition to the project, particularly as it relates to parking and traffic.**

**First, Applicant proposes to limit vehicle pick up and drop off parking to Princeton Street, only.**

**Second, Applicant proposes to designate 6 of the 12 children under the Applicant's care as local 'walkers,' who would not be permitted to be dropped-off or picked-up via car.**

The City Community Development Department Staff understands Applicant's project and Applicant concurs wholeheartedly in Staff's November 20, 2024 Memorandum following review of Applicant's Revised Application. Below are the Staff's findings *and recommendation for approval* with regard to the Ordinance's special land use criteria, quoted below in italic and yellow, with additional comment from Applicant in red:

Special land uses require the approval of the City Council after a recommendation from the Planning Commission. Standards listed in the ordinance for consideration of a special land use request are identified below. Staff comments are italicized.

- The proposed use will promote the use of the land in a socially and economically desirable manner. *The use will provide a child care option for families in the neighborhood while maintaining its single-family characteristics.* Local licensed day child care facilities fill a public need and provide a public service. There will be zero negative impact or effect on the surrounding area, particularly considering that now only 6 children will be picked up and dropped off in vehicles, and only on Princeton Street. The Property is fully licensed, well kept, nicely landscaped, professionally operated and licensee occupied.
- The proposed use is necessary for the public convenience at that location. *As referenced directly above, the use will provide an additional child care option in the area.* See above.
- The proposed use is compatible with adjacent land uses. *The use will retain its single-family characteristics and no exterior changes are proposed.* See above.
- The proposed use is designed so that the public health, safety and welfare shall be protected. *The proposed use will not cause any detrimental health and safety effects. In home daycares are scattered throughout the City and the Community Development Department has not received any complaints related to traffic at any existing locations. Additionally, driveway parking is available as is street parking along Princeton. The applicant has also offered the conditions noted above limiting drop-offs and pick-ups to Princeton and permitting only six of the twelve children to be dropped-off or picked-up via car. It should be noted these would be challenging conditions for the Community*

***Development Department to enforce.*** There is **zero** negative impact to the area community in current locations operated by Applicant's affiliates in close by communities and also at the Property. This is true in terms of traffic, parking and safety, as demonstrated through many public witness testimonials before the Planning Commission at its April 10, 2024 meeting, the May 6, 2024 City Council Meeting and which will be presented further to the Planning Commission and City Council. This will be particularly true in light of the proposed modifications, limiting traffic to 6 cars (excluding group carpooling) and only on Princeton Street, which will have a negligible effect on traffic. The Planning Commission's original concerns related to Mortenson Street, which, under the revised proposal, would not now be impacted by the operation of this proposed use at all. Applicant will also strictly monitor the daily parking and pick up/drop off process to ensure compliance. The Property is fully licensed, well kept, nicely landscaped, professionally operated and licensee occupied.

- The proposed use will not cause injury to other property in the neighborhood. ***See text directly above.*** See above.

***Staff recommends approval of the request.*** (emphasis added here).

Respectfully, Applicant has met all of the Ordinance criteria for a special land use approval from the Planning Commission and City Council, particularly in light of Applicant's proposed new parking and traffic conditions, for the operation of a Group Child Care Home day facility for 7-12 children at the Property in accord with the Michigan Zoning Enabling Act, the Ordinance and regulations promulgated by the State of Michigan Child Care Licensing Bureau under the authority of State of Michigan Department of Licensing and Regulatory Affairs.

The Applicant requests such approval from the Planning Commission and City Council and looks forward to addressing this matter further at the public hearings. Thank you.

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

*Richard E. Rassel*

Richard E. Rassel

cc: Christina DelPizzo and Little Seedlings of Berkley, LLC





Klm Anderson <kanderson@berkeleymi.gov>

---

## 1818 Mortenson

1 message

Wed, Dec 4, 2024 at 7:52 AM

To: "planning@berkeleymi.gov" <planning@berkeleymi.gov>

Hello,

I received a letter that a special land use request has been made again for the property at 1818 Mortenson. I stand by my objections as I stated in May 2024 about this request. I have nothing personal against the property owner nor occupant. I have multiple objections based on concerns of safety, precedent, and home value. Just last week a car sped in front of me down Princeton rd and pulled over to park. The driver was dropping his child off for daycare. This is an example of why this residential area should not be used for commercial purposes, it is not structured for commercial uses.

As a Berkeley resident of over 14 years who resides within 370 ft of 1818 Mortenson, I **OBJECT** to application PSU-03-24: Matter of authorizing special land use approval from applicant Christina DelPizzo for the occupation of 1818 Mortenson to be used as a family day care home for seven-12 children in the R-1D single-family Residential district, the east side of Mortenson, east of Princeton.

My husband and I bought our Berkeley home on Princeton Rd between Cass and Mortenson in 2010 and started our family in Berkeley on Princeton Rd in 2014. We now have 2 school aged children who attend Rogers elementary school. I sincerely hope that this motion is not passed and have the following concerns:

Traffic is a huge concern. As someone who is within a 4-home proximity of 1818 Mortenson I can say with confidence that a business in that location WILL affect our day-to-day lives. It will affect the safety of our children who bike or walk to school. It will affect our neighbors with small children who are just now learning to ride bikes and walk. It will affect my neighbors who have dogs that they walk. It will affect how we take our children to school on snow/rain/cold days etc. This area is not for commercial use, it is residential and is used as such.

I am very concerned about property value and what this could do to that value. I, personally, would not want to move into a neighborhood with my family that is running a business a few doors down. So, I have to believe there are many other future home buyers out there that feel the same way. I do not want the possibility of decreased home value if this motion is passed, I do not want the value of this neighborhood to go down if this motion is passed.

I am very concerned about setting a precedent that could forever change the landscape of this community by allowing private resident homes to become a business. I am concerned about the possible concessions that could be made in the future if a business were to operate out of private residences in the community.

In conclusion I would like to restate that I **OBJECT** to application PSU-03-24. I object to extraneous traffic on our residential streets. I object to the potential dangers posed by extraneous traffic volume at the very times my children go to and from school. I object to the increased dangers present during inclement weather in this area due to extraneous traffic. I object to the potential damage to property value in the

surrounding area. I object to the precedent this could set for our community. I object to a business moving into a residential home when there are ample commercial buildings available in commercially zoned areas within a 3-mile radius. I object as a neighbor, community member, home owner, and parent.

Thank you,

Christine Bence

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Community Development Department  
3338 Coolidge, Berkley MI 48072  
248-658-3320

December 10, 2024

To whom it may concern:

The owners of 1818 Mortenson are once again mistaking the residents of Berkley and its government officials for bumpkins and hayseeds. The Del Pizzos think their most recent attempt to skirt around the STATE'S childcare regulations will go unnoticed and uncontested. However, the latest proposal is just as ludicrous as their first one.

The Del Pizzos have come up with the scheme to require 5 of the registered children to be "walkers". Besides the non-existence of a governing body to enforce this, how can one guarantee these families "walk" to 1818 Mortenson, each day of their stay? There and back – when parents are definitely on their way to or from work. This would require extra daily planning that harried families will not accommodate. Notwithstanding the weather, this "solution" is the most ridiculous suggestion. The only reason parents need childcare is so they can get to work, yet the Del Pizzos think a 3, 4 or 10 block walk, at 7 am and 5 pm, would encourage Berkley residents to flock to Little Seedlings.

Furthermore, to require drop off and pick up, by the other 7 children's families, to continue on Princeton means NOTHING to me or the safety of those families. Once more, I encourage the commission and the Del Pizzos (who clearly have a habit of not doing their due diligence and research) to sit on Princeton, across from Shelby's home and experience the drag racecourse-feel of our street.

Last fall, the residents in the area came out in full force and unity to show their displeasure of the Del Pizzos plans. The Planning Commission chose not to listen to us, to great dismay, but thankfully, the City Council upheld our common sense and wishes. I deplore you to see this is a money grab from a couple who thought they could circumvent a state regulation. Instead of following the rules, they continue to badger city officials and residents with their cockamamie plans. Please do not fall for Ms. Del Pizzo's emotional plea that these actions are being taken "for the kids"...if she were truly philanthropic, she would have opened a center in a commercial district where new zoning is not needed. I live in a residential area – I chose this house because it was filled with single family homes. And now we have an interloper who feels her financial needs are more important than the peace, harmony and comfort Berkley Garden Homes offers. I implore you to deny this special land use request.

Sincerely,

Colleen Estep

[REDACTED]  
[REDACTED]

THE CITY OF BERKLEY  
Community Development Department  
3338 Coolidge, Berkley, Michigan 48072  
(248) 658-3320

**NOTICE OF PUBLIC MEETING**  
**BERKLEY PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN, in accordance with Section 138-656 of the Berkley City Code, that there will be a meeting of the Berkley Planning Commission to be held at the City of Berkley in the Council Chambers, 3338 Coolidge Hwy, Berkley Michigan, on **Tuesday, December 17, 2024** at 7:00pm, or as near thereto as the matter may be reached.

**APPLICATION PSU-03-24**

Marco Del Pizzo and Christina M. Del Pizzo, 1818 Mortenson, Parcel 25-17-381-005 are requesting Special Land Use approval to operate a home day care for 7-12 children in the R1-D Single Family Residential District.

Complete application information is available for review at [www.berkleymich.org/urbanplanning](http://www.berkleymich.org/urbanplanning).

Comments regarding the request may be made in person on the night of the meeting or may be made in writing. All written comments must be submitted to the Community Development Department or email to [planning@berkleymi.gov](mailto:planning@berkleymi.gov) before 5:00p.m on the date of the Planning Commission meeting.

You can watch the meeting: <https://www.berkleymich.org/livestream/index.php>

KRISTEN KAPELANSKI  
COMMUNITY DEVELOPMENT DIRECTOR

THE CITY OF BERKLEY  
Community Development Department  
3338 Coolidge, Berkley, Michigan 48072  
(248) 658-3320

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KRISTEN KAPELANSKI  
COMMUNITY DEVELOPMENT DIRECTOR

**Publish Once:**  
Royal Oak Tribune  
Friday November 29, 2024



# OC Parcels Plus 1818 Mortenson

Search

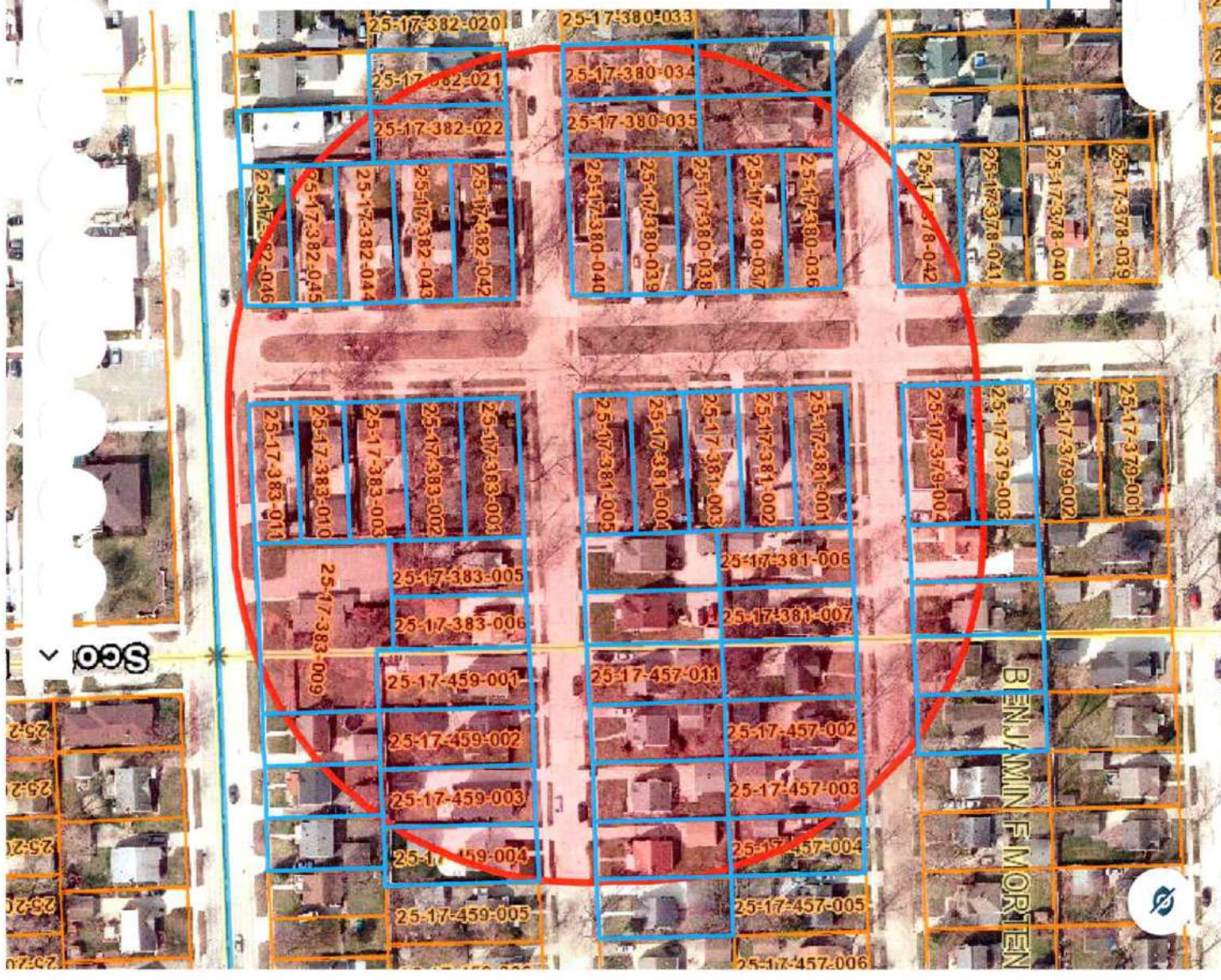
Value Shape Buffer Report Spatial Result

Zoom All Clear:

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- 2517383002 SITEADDRESS: 1768 MORTENSON BLVD
- 2517459001 SITEADDRESS: 1705 PRINCETON RD
- 2517459014 SITEADDRESS: 1664 11 MILE RD
- 2517382044 SITEADDRESS: 1739 MORTENSON BLVD
- 2517382022 SITEADDRESS: 1849 PRINCETON RD
- 2517383006 SITEADDRESS: 1721 PRINCETON RD
- 2517459013 SITEADDRESS: 1680 11 MILE RD
- 2517457011 SITEADDRESS: 1706 PRINCETON RD
- 2517381004 SITEADDRESS: 1834 MORTENSON BLVD

SENSOR'S PLAT NO 7 HUNTINGT









# CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

## MEMORANDUM

**To:** Christina DeIPizzo, Applicant  
**From:** Kristen Kapelanski, Community Development Director  
**Subject:** **PSU-03-24: 1818 Mortenson Blvd.**  
**Date:** November 20, 2024

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The applicant has requested to operate a home day care for 7-12 children at 1818 Mortenson Blvd. The current zoning of the parcel is R1-D Single Family District and child care centers are a special land use. No exterior site changes are proposed.

A special land use request for this property and this use was previously considered and recommended for denial by the Planning Commission and ultimately denied by the City Council. The applicant has made the following amendments to the application since that denial:

- Pick-ups and drop-offs would be limited to Princeton only.
- Six of the twelve children under the applicant's care would be 'walkers' and would not be permitted to be dropped-off or picked-up via car.

Special land uses require the approval of the City Council after a recommendation from the Planning Commission. Standards listed in the ordinance for consideration of a special land use request are identified below. Staff comments are italicized.

- The proposed use will promote the use of the land in a socially and economically desirable manner. *The use will provide a child care option for families in the neighborhood while maintaining its single-family characteristics.*
  - The proposed use is necessary for the public convenience at that location. *As referenced directly above, the use will provide an additional child care option in the area.*
  - The proposed use is compatible with adjacent land uses. *The use will retain its single-family characteristics and no exterior changes are proposed.*
  - The proposed use is designed so that the public health, safety and welfare shall be protected. *The proposed use will not cause any detrimental health and safety effects. In home daycares are scattered throughout the City and the Community Development Department has not received any complaints related to traffic at any existing locations. Additionally, driveway parking is available as is street parking along Princeton. The applicant has also offered the conditions noted above limiting drop-offs and pick-ups to Princeton and permitting only six of the twelve children to be dropped-off or picked-up via car. It should be noted these would be challenging conditions for the Community Development Department to enforce.*
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- The proposed use will not cause injury to other property in the neighborhood. *See text directly above.*

Staff recommends approval of the request.

Please contact me if you have any questions.

Cc: Kim Anderson, Zoning Administrator