

ROYAL OAK PLANNING COMMISSION
CITY OF ROYAL OAK, MICHIGAN

Tuesday, January 12, 2021
7:00 p.m.
Virtual Meeting

AGENDA

A. Call to Order

B. Roll Call

C. Approval of Minutes for December 8, 2020

D. Public Comment on Non-Agenda Items

E. New Business

1. **Public Hearing – RZ 21-01-01 – Rezoning from Neighborhood Business to General Business of 1310 N. Stephenson Hwy.** (parcel nos. 25-14-127-044 & 25-14-127-065), **1324 N. Stephenson Hwy.** (parcel no. 25-14-127-036), **1500 N. Stephenson Hwy.** (parcel no. 25-14-127-060), **1716 N. Stephenson Hwy.** (parcel no. 25-14-127-064), and west portion of **28720 Stephenson Hwy.** (parcel nos. 25-14-127-013, 25-14-127-057, & 25-14-127-058)
GML Enterprises, LLC, Petitioner & Owner
Moiseev / Gordon Associates, Inc., Representative
City of Royal Oak, Co-Petitioner
2. **Public Hearing – Special Land Use & Site Plan (SP 21-01-01)** to expand natural gas facility and construct 2,000-sq. ft. regulation building (Consumers Energy) at **4315 & 4325 W. 13 Mile Rd.** (parcel nos. 25-07-102-001 & 25-07-102-002)
ROWE Professional Services Co., Petitioner & Engineer
Consumers Energy, Owner

F. Other Business

1. **SV 21-01-01 – Sign Variance** request to install wall signs for restaurant (Bohemia / Pearl's Deep Dive) at **100 S. Main St.** (parcel no. 25-21-231-012) with following variances:
 - (a) Allow two wall signs on east front façade;
 - (b) Waive 56 ½ in. from maximum permitted 12-in. projection of one wall sign from east front façade wall surface;
 - (c) Allow one wall sign on east front façade extending beyond vertical end of north side façade wall surface;
 - (d) Allow five wall signs on north side façade;
 - (e) Waive 56 ½ in. from maximum permitted 12-in. projection of one wall sign from north side façade wall surface;
 - (f) Waive 18 in. from maximum permitted 12-in. projection of three wall signs from north side façade wall surface; and
 - (g) Allow one wall sign on north side façade extending beyond vertical end of east front façade wall surface.Adam Merkel Restaurants, Petitioner
Ron and Roman, Inc., Architect
Royal Oak Fox III, LLC, Owner
2. **SV 21-01-02 – Sign Variance** request to install blade-style wall sign for multiple-family building (The Roy) at **1148 S. Washington Ave.** (parcel no. 25-21-432-020) with following variances:
 - (a) Waive 24 in. from maximum permitted 12-in. projection of wall sign from building façade;
 - (b) Allow wall sign with copy area perpendicular to building wall; and
 - (c) Allow prohibited sign type (sign projecting over right-of-way).

Bloom General Contracting, Inc., Petitioner & Contractor
Washington on Harrison, LLC, Owner

3. **2020 Annual Report**
4. **Administrative Site Plan Approvals**
5. **Road Commission for Oakland County Newsletter**
6. **Follow-Up of Issues Discussed at Joint Meeting with Zoning Board of Appeals**

G. Adjournment

A. Call to Order

Vice-Chairperson Quesada called the January 12, 2021 regular meeting of the Royal Oak Planning Commission to order at 7:00 p.m. and stated that the meeting was being held remotely in accordance with the Michigan Open Meetings Act, as amended, due to the COVID-19 pandemic.

B. Roll Call

The following individuals announced themselves as present and identified their location:

Present

Ann Bueche
Sharlan Douglas, City Commissioner
Michael Fournier, Mayor
Woody Gontina
Eric Klooster
Gary Quesada, Vice-Chairperson

Absent

Staff

Tim Thwing, Director of Community Development
Mark Liss, Assistant City Attorney

C. Approval of Minutes for December 8, 2020

Moved by Mr. Klooster
Supported by Commissioner Douglas

To approve the minutes of the December 8, 2020 regular meeting of the Royal Oak Planning Commission as presented.

Motion adopted unanimously by roll call vote.

D. Public Comment on Non-Agenda Items

Vice-Chairperson Quesada opened the portion of the meeting for playing recorded comments on issues that were not part of the meeting's agenda. As no recorded comments were received on non-agenda items, Vice-Chairperson Quesada closed the public comment portion of the agenda.

E. New Business

1. **Public Hearing – RZ 21-01-01 – Rezoning from Neighborhood Business to General Business of 1310 N. Stephenson Hwy.** (parcel nos. 25-14-127-044 & 25-14-127-065), **1324 N. Stephenson Hwy.** (parcel no. 25-14-127-036), **1500 N. Stephenson Hwy.** (parcel no. 25-14-127-060), **1716 N. Stephenson Hwy.** (parcel no. 25-14-127-064), and west portion of **28720 Stephenson Hwy.** (parcel nos. 25-14-127-013, 25-14-127-057, & 25-14-127-058)

GML Enterprises, LLC, Petitioner & Owner
Moiseev / Gordon Associates, Inc., Representative
City of Royal Oak, Co-Petitioner

Moved by Mr. Gontina

Supported by Mr. Klooster

Be it resolved that the rezoning of **1310 North Stephenson Highway** (parcel nos. 25-14-127-044 and 25-14-127-065), **1324 North Stephenson Highway** (parcel no. 25-14-127-036), **1500 North Stephenson Highway** (parcel no. 25-14-127-060), **1716 North Stephenson Highway** (parcel no. 25-14-127-064), and a west portion of **28720 Stephenson Highway** (parcel nos. 25-14-127-013, 25-14-127-057, and 25-14-127-058) from **"Neighborhood Business"** to **"General Business"** is hereby referred to the city commission with a **recommendation for approval**, based upon the following:

- a. The requested "General Business" zone is consistent with the designation of "General Commercial" for all properties on the Master Plan's future land use map.
- b. The physical features of all properties are compatible with the permitted and special land uses allowed in the "General Business" zone.
- c. A reasonable return on investment is difficult to receive through developing any of these properties with one or more of the permitted or special land uses allowed under the current "Neighborhood Business" zoning.
- d. The permitted or special land uses allowed under the proposed "General Business" zoning are compatible with surrounding uses and zoning. Existing uses at all properties are either permitted or special land uses in the "General Business" zone.
- e. The street system is capable of safely and efficiently accommodating expected traffic volumes generated by potential uses in the "General Business" zone.
- f. The capacity of public utilities and services are sufficient to accommodate the potential uses in the "General Business" zone without compromising the city's health, safety, and welfare.
- g. There is an apparent demand in the city for the certain uses in the "General Business" zone in relation to the amount of land in the city currently zoned "General Business" and available to accommodate the demand.
- h. The requested "General Business" zone does not create an isolated and unplanned spot zone as surrounding properties are developed with uses allowed within the "General Business" zone, and all properties are designated as "General Commercial" on the Master Plan's future land use map.

Motion adopted unanimously by roll call vote.

2. **Public Hearing – Special Land Use & Site Plan (SP 21-01-01)** to expand natural gas facility and construct 2,000-sq. ft. regulation building (Consumers Energy) at **4315 & 4325 W. 13 Mile Rd.** (parcel nos. 25-07-102-001 & 25-07-102-002)
ROWE Professional Services Co., Petitioner & Engineer
Consumers Energy, Owner

Moved by Mr. Klooster

Supported by Commissioner Douglas

To approve a special land use permit to expand a natural gas facility and construct a 2,000-square foot regulation building (Consumers Energy) at **4315 and 4325 West 13 Mile Road** (parcel nos. 25-07-102-001 & 25-07-102-002).

Motion adopted unanimously by roll call vote.

Moved by Commissioner Douglas

Supported by Mr. Gontina

To approve SP 21-01-01, a site plan to expand a natural gas facility and construct a 2,000-square foot regulation building (Consumers Energy) at **4315 and 4325 West 13 Mile Road** (parcel nos. 25-07-102-001 & 25-07-102-002), with the following **contingencies**:

- a. The petitioner shall submit a revised site plan for review and approval by the planning division that removes all details for barbed wire fencing and adds details and plans for the temporary work area and transporting of materials.
- b. Both properties shall be combined into a single parcel.
- c. All paving, utilities, and work within public rights-of-way shall be in accordance with the specifications and standards of the city engineer.
- d. All exterior lighting fixtures shall comply with § 770-96 B of the zoning ordinance and other city codes and ordinances.
- e. All signage shall comply with the sign ordinance (Chapter 607) or receive the necessary variances from the planning commission.
- f. A performance bond shall be posted in an amount to be determined by the building official.
- g. The site plan shall meet all other code and ordinance requirements, as determined by the building official, fire marshal, and city engineer, including, but not limited to, the state building code and the city's fence ordinance (Chapter 323), fire prevention ordinance (Chapter 340), and stormwater detention ordinance (Chapter 644), prior to issuance of any building or right-of-way permits.

Motion adopted unanimously by roll call vote.

F. Other Business

1. **SV 21-01-01 – Sign Variance** request to install wall signs for restaurant (Bohemia / Pearl's Deep Dive) at **100 S. Main St.** (parcel no. 25-21-231-012) with following variances:
 - (a) Allow two wall signs on east front façade;
 - (b) Waive 56 ½ in. from maximum permitted 12-in. projection of one wall sign from east front façade wall surface;

- (c) Allow one wall sign on east front façade extending beyond vertical end of north side façade wall surface;
- (d) Allow five wall signs on north side façade;
- (e) Waive 56 ½ in. from maximum permitted 12-in. projection of one wall sign from north side façade wall surface;
- (f) Waive 18 in. from maximum permitted 12-in. projection of three wall signs from north side façade wall surface; and
- (g) Allow one wall sign on north side façade extending beyond vertical end of east front façade wall surface.

Adam Merkel Restaurants, Petitioner
Ron and Roman, Inc., Architect
Royal Oak Fox III, LLC, Owner

Moved by Commissioner Douglas
Supported by Mr. Gontina

To grant the following variances for **SV 21-01-01**, a **sign variance** request to install wall signs for a restaurant (Bohemia / Pearl's Deep Dive) at **100 South Main Street** (parcel no. 25-21-231-012):

- (a) Allow two wall signs on the east front façade;
- (b) Waive 56 ½ inches from the maximum permitted 12-inch projection of one wall sign from the east front façade wall surface;
- (c) Allow one wall sign on the east front façade extending beyond the vertical end of the north side façade wall surface;
- (d) Allow five wall signs on the north side façade;
- (e) Waive 56 ½ inches from the maximum permitted 12-inch projection of one wall sign from the north side façade wall surface;
- (f) Waive 18 inches from the maximum permitted 12-inch projection of three wall signs from the north side façade wall surface; and
- (g) Allow one wall sign on the north side façade extending beyond the vertical end of the east front façade wall surface.

Moved by Ms. Bueche
Supported by Mr. Gontina

To amend the motion to grant all variances for **SV 21-01-01**, a **sign variance** request to install wall signs for a restaurant (Bohemia / Pearl's Deep Dive) at **100 South Main Street** (parcel no. 25-21-231-012), by requiring the petitioner to add tops to the proposed wall signs so that they will function as awnings.

Motion fails 2 to 4.

No: Ms. Bueche, Mr. Gontina

Yes: Commissioner Douglas, Mayor Fournier, Mr. Klooster, Mr. Quesada

Original Motion adopted 4 to 2.

Yes: Commissioner Douglas, Mayor Fournier, Mr. Gontina, Mr. Quesada

No: Ms. Bueche, Mr. Klooster

2. **SV 21-01-02 – Sign Variance** request to install blade-style wall sign for multiple-family building (The Roy) at **1148 S. Washington Ave.** (parcel no. 25-21-432-020) with following variances:
 - (a) Waive 24 in. from maximum permitted 12-in. projection of wall sign from building façade;
 - (b) Allow wall sign with copy area perpendicular to building wall; and
 - (c) Allow prohibited sign type (sign projecting over right-of-way).

Bloom General Contracting, Inc., Petitioner & Contractor
Washington on Harrison, LLC, Owner

Moved by Commissioner Douglas

Supported by Ms. Bueche

To grant the following variances for **SV 21-01-02**, a **sign variance** request to install a blade-style wall sign for a multiple-family building (The Roy) at **1148 South Washington Avenue** (parcel no. 25-21-432-020), **provided** only the individual letters of the sign are illuminated and not the entire sign area:

- (a) Waive 24 inches from the maximum permitted 12-inch projection of a wall sign from a building façade;
- (b) Allow a wall sign with a copy area perpendicular to a building wall; and
- (c) Allow a prohibited sign type (a sign projecting over right-of-way).

Motion adopted unanimously by roll call vote.

3. 2020 Annual Report

The planning commission's annual report for 2020 was presented. No further action was taken.

4. Administrative Site Plan Approvals

A list of building permit applications and site plans administratively approved by the planning division from October 1, 2020, through December 23, 2020 was presented. No further action was taken.

5. Road Commission for Oakland County Newsletter

The chairman's report for 2020 from the Road Commission for Oakland County was presented. No further action was taken.

6. Follow-Up of Issues Discussed at Joint Meeting with Zoning Board of Appeals

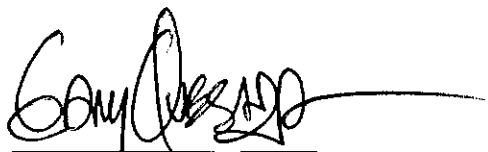
Mr. Thwing updated the planning commission on staff's progress drafting a schedule to address issues from the joint meeting with the zoning board of appeals.

G. Adjournment

Moved by Mr. Klooster
Supported by Mr. Gontina

To **adjourn** the January 12, 2021 regular meeting of the Royal Oak Planning Commission at 9:45 p.m.

Motion adopted unanimously by roll call vote.



Gary Quesada
Vice-Chairperson, Planning Commission



Timothy E. Thwing
Director of Community Development