

ROYAL OAK PLANNING COMMISSION
CITY OF ROYAL OAK, MICHIGAN

Tuesday, April 13, 2021
7:00 p.m.
Virtual Meeting

AGENDA

A. Call to Order

B. Roll Call

C. Approval of Minutes for March 9, 2021

D. Public Comment on Non-Agenda Items

E. Old Business

1. **Rezoning from Neighborhood Business to Planned Unit Development (PUD) & Final Site Plan (SP 21-03-02)** to construct two-story multiple-family building with four dwellings on site of former one-story office building at **600 W. 11 Mile Rd.** (parcel no. 25-16-465-021)
DePorre Building, LLC, Petitioner
600 W. 11 Mile Rd., LLC, Owner of Record
Martini-Samartino Design Group, LLC, Architect

F. New Business

1. **Public Hearing – Conditional Rezoning from Neighborhood Business to Mixed Use 2 & Site Plan (SP 21-04-04)** to construct eight multiple-family dwellings in four 30-foot buildings (Pella-Dar Townhomes) at **1006 E. 11 Mile Rd.** (parcel no. 25-22-201-011)
Moiseev / Gordon Associates, Inc., Petitioner & Architect
Nowak & Fruas Engineers, PLLC, Engineer
VIX Management Flats, LLC, Owner

G. Other Business

1. **SV 21-04-06 – Sign Variance** request to install banners on north front façade of religious institution (The Gathering House) at **1326 E. Lincoln Ave.** (parcel no. 25-22-406-029) with following variances: (a) allow two (2) wall signs on north front facade; (b) waive 180 sq. ft. from maximum permitted 20-sq. ft. wall sign area on north front facade; and (c) allow prohibited sign type as wall sign (banner).
The Gathering House, Petitioner & Owner
2. **SV 21-04-07 – Sign Variance** request to install wall signs on east front and north side façades of medical office (Michigan Orthopedic Surgeons / UrgentOrtho Orthopedic Urgent Care) at **30575 Woodward Ave.** (parcel no. 25-08-151-013) with following variances: (a) allow two (2) wall signs on east front facade; (b) waive 42.25 sq. ft. from maximum permitted 100-sq. ft. wall sign area on east front facade; (c) allow two (2) wall signs on north side facade; and (d) waive 67.50 sq. ft. from maximum permitted 100-sq. ft. wall sign area on north side facade.
Phillips Sign & Lighting, Petitioner & Contractor
MOS Holdings, LLC, Owner

3. **Discussion Topics from Joint Meeting with Zoning Board of Appeals – Lot Size, Density, Off-Street Parking, & Other Standards for Multiple-Family Dwellings**

H. Adjournment

A. Call to Order

Chairperson Quesada called the April 13, 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, Vice-Chairperson
Sharlan Douglas, City Commissioner
Woody Gontina
Gary Quesada, Chairperson

Absent

Paul Curtis
Michael Fournier, Mayor
Eric Klooster

Staff

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

C. Approval of Minutes for March 9, 2021

Moved by Ms. Bueche

Supported by Commissioner Douglas

To approve the minutes of the March 9, 2021 regular meeting of the Royal Oak Planning Commission as presented.

Motion adopted unanimously by roll call vote.

D. Public Comment on Non-Agenda Items

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, Chairperson Quesada closed the public comment portion of the agenda.

E. Old Business

- 1. Rezoning from Neighborhood Business to Planned Unit Development (PUD) & Final Site Plan (SP 21-03-02) to construct two-story multiple-family building with four dwellings on site of former one-story office building at 600 W. 11 Mile Rd. (parcel no. 25-16-465-021)**
DePorre Building, LLC, Petitioner
600 W. 11 Mile Rd., LLC, Owner of Record
Martini-Samartino Design Group, LLC, Architect

Moved by Ms. Bueche

Supported by Mr. Gontina

Be it resolved that the request to rezone **600 West 11 Mile Road** (parcel no. 25-16-465-021) from "**Neighborhood Business**" to "**Planned Unit Development**" (**PUD**) in order construct a two-story multiple-family building with four dwellings on the site of a former one-story office building is hereby referred to the city commission with a **recommendation for approval**, based upon the following:

- a. Granting of the PUD will result in a recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations.
- b. The proposed multiple-family dwellings will not result in an unreasonable increase in the need for or burden upon public services, facilities, streets, and utilities.
- c. The proposed multiple-family dwellings are consistent with the public health, safety, and welfare of the city.
- d. The proposed multiple-family dwellings will not result in an unreasonable negative economic impact upon surrounding properties.
- e. The proposed multiple-family dwellings will be under single ownership and/or control such that there is a single entity having responsibility for completing the project in conformity with the zoning ordinance.
- f. The proposed multiple-family dwellings will be consistent with the goals and polices of the city's master plan.

Be it further resolved that **SP 21-03-02**, a **final planned unit development (PUD) site plan** to construct a two-story multiple-family building with four dwellings on the site of a former one-story office building at **600 West 11 Mile Road** (parcel no. 25-16-465-021), is hereby referred to the city commission with a **recommendation for approval** with the following **contingencies**:

- a. The petitioner shall apply review of the rezoning, final PUD site plan, and development agreement by the city commission, including all fees and information required under § 770-99 C of the zoning ordinance.
- b. The final PUD site plan shall comply with the zoning ordinance (Chapter 770), as well as all other applicable codes and ordinances, except for the following:
 - 1) Two dwellings shall be permitted on the ground floor of the building as depicted on the plan sheets.
 - 2) Off-street parking shall be provided as depicted on the plan sheets.
 - 3) A driveway width of 40 feet shall be permitted along the north rear lot line adjacent to the public alley as depicted on the plan sheets.
 - 4) The 16-foot-wide public alley along the north rear lot line may be used as a maneuvering aisle for off-street parking spaces as depicted on the plan sheets.
 - 5) Screening in the form of a 36-inch cedar shadow box fence shall be installed along the north right-of-way line of the public alley adjacent to 115 North Laurel Court (parcel 25-16-465-013).
- c. All paving, utilities, and work within public rights-of-way shall be in accordance with the specifications and standards of the city engineer. All electrical, telephone, and similar utilities shall be placed underground.
- d. Exterior lighting shall comply with § 770-96 B of the zoning ordinance and other city codes and ordinances.
- e. Signage shall comply with the sign ordinance (Chapter 607) or receive necessary variances from the planning commission.

- f. Performance bonds shall be posted in amounts to be determined by the building official.
- g. The final PUD 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, the city's fire prevention ordinance (Chapter 340), and the city's stormwater detention ordinance (Chapter 644), prior to the issuance of any building or right-of-way permits.

Motion adopted unanimously by roll call vote.

F. New Business

1. **Public Hearing – Conditional Rezoning from Neighborhood Business to Mixed Use 2 & Site Plan (SP 21-04-04)** to construct eight multiple-family dwellings in four 30-foot buildings (Pella-Dar Townhomes) at **1006 E. 11 Mile Rd.** (parcel no. 25-22-201-011)
Moiseev / Gordon Associates, Inc., Petitioner & Architect
Nowak & Fruas Engineers, PLLC, Engineer
VIX Management Flats, LLC, Owner

Moved by Commissioner Douglas
Supported by Mr. Gontina

Be it resolved that the request to conditionally rezone **1006 East 11 Mile Road** (parcel no. 25-22-201-011) from **“Neighborhood Business”** to **“Mixed Use 2”** in order to construct eight multiple-family dwellings in four 30-foot buildings is hereby referred to the city commission with a **recommendation for approval**, based upon the following:

- a. The requested “Mixed Use 2” zone is consistent with the property’s designation as “Mixed Use – Residential / Office / Commercial” on the master plan’s future land use map, and the proposed multiple-family dwellings are compatible with current development trends along the East 11 Mile Road corridor.
- b. The site’s physical characteristics are compatible with multiple-family dwellings.
- c. Although no evidence documents the petitioner cannot receive a reasonable return on investment through developing the property with a permitted or special land use allowed under the current “Neighborhood Business” zoning, conditions for the East 11 Mile Road corridor have changed since the property was zoned “Neighborhood Business.”
- d. Multiple-family dwellings are compatible with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, traffic volumes, aesthetics, infrastructure, and potential influence on property values.
- e. The street system is capable of safely and efficiently accommodating expected traffic volumes generated by the multiple-family dwellings.
- f. The capacity of public utilities and services is sufficient to accommodate multiple-family dwellings without compromising the city’s health, safety, and welfare.
- g. There is an apparent demand in the city for multiple-family dwellings in relation to the amount of land in the city currently zoned and available to accommodate the demand.
- h. The requested “Mixed Use 2” zone does not create an isolated or unplanned spot zone as the site is designated as “Mixed Use – Residential / Office / Commercial” on the master plan’s future land use map, and other properties along East 11 Mile Road corridor have been rezoned to allow multiple-family dwellings.

- i. The requested "Mixed Use 2" zone will protect the public health, safety, and welfare, protect public and private investment in the city, promote implementation of the goals, objectives, and policies of the master plan, and enhance the overall quality of life in the city.

Be it further resolved that **SP 21-04-04**, a site plan to construct eight multiple-family dwellings in four 30-foot buildings at **1006 East 11 Mile Road** (parcel no. 25-22-201-011) is hereby referred to the city commission with a **recommendation for approval** with the following **contingencies**:

- a. The site plan shall comply with the zoning ordinance (Chapter 770), as well as all other applicable codes and ordinances, except for the following:
 - 1) Eight (8) dwellings shall be permitted.
 - 2) North front yard setbacks of three feet for buildings 1 and 2 shall be permitted as depicted on the plan sheets.
 - 3) East side yard setbacks of five feet for buildings 2 and 4 and west side yard setbacks of five feet for buildings 1 and 3 shall be permitted as depicted on the plan sheets.
 - 4) A separation of 12 feet between buildings 1 and 3 and between buildings 2 and 4 shall be permitted as depicted on the plan sheets.
 - 5) Two (2) angled off-street parking spaces shall be permitted between buildings 3 and 4 and the south rear lot line as depicted on the plan sheets.
 - 6) Landscaping shall be as depicted on the plan sheets and a fee shall be paid into the city's tree replacement fund in an amount to be determined by the city commission for the difference between the sizes of trees that were removed and the sizes of trees to be planted.
- b. Prior to review of the conditional zoning agreement by the city commission, the petitioner shall submit a revised site plan to:
 - 1) Show the correct building and site layout on the engineering site plan (sheet C3) and paving and grading plan (sheet C4);
 - 2) Install bicycle racks at an appropriate location; and
 - 3) Specify that waste and recycling containers shall be serviced on site at the garage door of each dwelling rather than along the curb of East 11 Mile Road.
- c. All paving, utilities, and work within public rights-of-way shall be in accordance with the specifications and standards of the city engineer. All electrical, telephone, and similar utilities shall be placed underground.
- d. Any exterior lighting fixtures shall comply with § 770-96 B of the zoning ordinance and other city codes and ordinances, including being directed downward and shielded so as not to shine on adjacent property, and within maximum permitted fixture heights and illumination levels.
- e. Signage shall comply with the sign ordinance (Chapter 607) or receive 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, the city's fire prevention ordinance (Chapter 340), and the city's stormwater detention ordinance (Chapter 644), prior to the issuance of any building or right-of-way permits.

Motion adopted 3 to 1

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

No: Ms. Bueche

G. Other Business

1. **SV 21-04-06 – Sign Variance** request to install banners on north front façade of religious institution (The Gathering House) at **1326 E. Lincoln Ave.** (parcel no. 25-22-406-029) with following variances: (a) allow two (2) wall signs on north front facade; (b) waive 180 sq. ft. from maximum permitted 20-sq. ft. wall sign area on north front facade; and (c) allow prohibited sign type as wall sign (banner).
The Gathering House, Petitioner & Owner

Moved by Commissioner Douglas
Supported by Mr. Gontina

To grant the following variances **on a temporary basis until September 1, 2021**, for **SV 21-04-06**, a **sign variance** request to install banners on the north front façade of a religious institution (The Gathering House) at **1326 East Lincoln Avenue** (parcel no. 25-22-406-029), **provided** the banners are maintained in good condition: (a) allow two (2) wall signs on the north front facade; (b) waive 180 square feet from the maximum permitted 20-square foot wall sign area on the north front facade; and (c) allow a prohibited sign type as a wall sign (banner).

Motion adopted unanimously by roll call vote.

2. **SV 21-04-07 – Sign Variance** request to install wall signs on east front and north side façades of medical office (Michigan Orthopedic Surgeons / UrgentOrtho Orthopedic Urgent Care) at **30575 Woodward Ave.** (parcel no. 25-08-151-013) with following variances: (a) allow two (2) wall signs on east front facade; (b) waive 42.25 sq. ft. from maximum permitted 100-sq. ft. wall sign area on east front facade; (c) allow two (2) wall signs on north side facade; and (d) waive 67.50 sq. ft. from maximum permitted 100-sq. ft. wall sign area on north side facade.
Phillips Sign & Lighting, Petitioner & Contractor
MOS Holdings, LLC, Owner

Moved by Mr. Gontina

To grant the following sign variances for **SV 21-04-07**, a **sign variance** request to install wall signs on the east front façade of a medical office (Michigan Orthopedic Surgeons / UrgentOrtho Orthopedic Urgent Care) at **30575 Woodward Avenue** (parcel no. 25-08-151-013): (a) allow two (2) wall signs on the east front facade; and (b) waive 42.25 square feet from maximum permitted 100-square foot wall sign area on the east front facade; and

To deny the following sign variances for **SV 21-04-07**, a **sign variance** request to install wall signs on the north side façade of a medical office (Michigan Orthopedic Surgeons / UrgentOrtho Orthopedic Urgent Care) at **30575 Woodward Avenue** (parcel no. 25-08-151-013): (c) allow two (2) wall signs on the north side facade; and (d) waive 67.50 square feet from the maximum permitted 100-square foot wall sign area on the north side facade.

Motion fails due to lack of support.

Moved by Commissioner Douglas
Supported by Ms. Bueche

To grant the following sign variances for **SV 21-04-07**, a **sign variance** request to install wall signs on the east front façade of a medical office (Michigan Orthopedic Surgeons / UrgentOrtho Orthopedic Urgent Care) at **30575 Woodward Avenue** (parcel no. 25-08-151-013): (a) allow two (2) wall signs on the east front facade; and (b) waive 42.25 square feet from maximum permitted 100-square foot wall sign area on the east front façade.

Motion adopted unanimously by roll call vote.

Moved by Commissioner Douglas
Supported by Ms. Bueche

To grant SV 21-04-07, a sign variance request to install wall signs on the north side façade of a medical office (Michigan Orthopedic Surgeons / UrgentOrtho Orthopedic Urgent Care) at **30575 Woodward Avenue** (parcel no. 25-08-151-013), **provided** the existing directory of building tenants is removed: (c) allow two (2) wall signs on the north side facade; and (d) waive 67.50 square feet from the maximum permitted 100-square foot wall sign area on the north side facade.

Motion adopted unanimously by roll call vote.

3. Discussion Topics from Joint Meeting with Zoning Board of Appeals – Lot Size, Density, Off-Street Parking, & Other Standards for Multiple-Family Dwellings


Moved by Commissioner Douglas
Supported by Ms. Bueche

To postpone discussion of topics from the joint meeting with the zoning board of appeals until the next regular meeting to allow all planning commission members a chance to respond to the informal poll of when topics should be addressed and to be present at the meeting.

Motion adopted unanimously by roll call vote.

H. Adjournment

Chairperson Quesada adjourned the April 13, 2021 regular meeting of the Royal Oak Planning Commission at 9:02 p.m.



Gary Quesada
Chairperson, Planning Commission



Timothy E. Thwing
Director of Community Development