

**ROYAL OAK PLANNING COMMISSION
CITY OF ROYAL OAK, MICHIGAN**

**Tuesday, October 8, 2024
7:00 p.m.**

AGENDA

- 1. Call to Order**
- 2. Approval of Minutes**
 - a. Regular Meeting of September 10, 2024**
 - b. Special Meeting of September 16 and 17, 2024**
- 3. Public Comment**
- 4. Unfinished Business**
 - a. SP 24-04-05 – Site Plan at 3828 W. 13 Mile Rd.** (parcel no. 25-06-455-021) – Construction of two-story outpatient medical clinic and medical office (Corewell Health).
Corewell Health, Petitioner & Owner
PEA Group, Engineer
Hobbs + Black Architects, Architect
- 5. New Business**
 - a. Public Hearing – Conditional Rezoning from Neighborhood Business to Multiple-Family Residential & Site Plan (SP 24-10-11) at southeast corner of W. 13 Mile Rd. & Prairie Ave.** (parcel no. 25-07-103-041) – Construction of three-story multiple-family building with 10 dwellings.
Stucky Vitale Architects, Inc., Petitioner & Architect
AL Construction, Owner
 - b. SP 24-10-12 – Site Plan at 723 E. 11 Mile Rd.** (parcel no. 25-15-383-038) – Conversion of former automobile repair garage into carry-out coffee house with accessory coffee bean roasting (Sabbath Coffee).
Sabbath Coffee Co., Petitioner
B. Hattermann Architecture, Architect
D. Weiss, Owner
- 6. Other Business**
 - a. Meeting Schedule and Religious Holidays for 2025**
- 7. Adjournment**

Present

Sharlan Douglas, City Commissioner
Jim Ellison
Clyde Esbri
Michael Fournier, Mayor
Woody Gontina, Vice-Chairperson
Gary Quesada, Chairperson

Absent

None

Staff

Joshua Marcum, Assistant City Attorney

Tim Thwing, Director of Community Development

1. Call to Order

Chairperson Quesada called the October 8, 2024, regular meeting of the Royal Oak Planning Commission to order at 7:00 p.m.

2. Approval of Minutes

a. Regular Meeting of September 10, 2024

Moved by Mr. Esbri

Seconded by Mr. Gontina

To approve the minutes of the September 10, 2024, regular meeting of the Royal Oak Planning Commission as presented.

Motion adopted unanimously.

b. Special Meeting of September 16 and 17, 2024

Moved by Commissioner Douglas

Seconded by Mr. Ellison

To approve the minutes of the September 16 and 17, 2024, special meeting of the Royal Oak Planning Commission as presented.

Motion adopted unanimously.

3. Public Comment

Chairperson Quesada invited members of the audience to comment on any planning related issues. After all interested members of the audience came forward Chairperson Quesada closed the public comment portion of the agenda.

4. Unfinished Business

a. SP 24-04-05 – Site Plan at 3828 W. 13 Mile Rd. (parcel no. 25-06-455-021) – Construction of two-story outpatient medical clinic and medical office (Corewell Health).

Corewell Health, Petitioner & Owner

PEA Group, Engineer

Hobbs + Black Architects, Architect

Moved by Mr. Ellison

Seconded by Mr. Esbri

To approve SP 24-04-05, a site plan at 3828 West 13 Mile Road (parcel no. 25-06-455-021) to construct a two-story outpatient medical clinic and medical office (Corewell Health), with the following **continenencies**:

- a. The building's height-to-width ratios shall be as depicted on the plan sheets.
- b. Screening between off-street parking lots and adjacent properties zoned "One-Family Residential" shall be as depicted on the plan sheets.
- c. Off-street parking may be placed within the north rear yard setback as depicted on the plan sheets.
- d. The petitioner shall provide a joint access agreement with the property owner of 3600 West 13 Mile Road (parcel no. 25-06-455-014) to be reviewed and approved by the city attorney and recorded with the Oakland County Register of Deeds. The agreement shall state that the adjacent property owner agrees to the closing of their existing driveways to and from West 13 Mile Road, and that the petitioner agrees to provide a permanent access easement to that adjacent property through the petitioner's site. If the petitioner is unable to secure such an agreement, then the east driveway shall be relocated as directed by the city engineer.
- e. All paving, utilities, and work within public rights-of-way shall be in accordance with the specifications and standards of the city engineer, including, but not limited to: (a) adding vehicle detection for the traffic signals at both new driveways; and (b) adding signal heads facing north to the traffic signal at the west driveway.
- f. All 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. The petitioner shall submit an updated photo-metric grid shall as part of a building permit application.
- g. All signage shall comply with the Sign Ordinance (Chapter 607) or receive the necessary variances from the Planning Commission.
- h. A performance bond shall be posted in an amount to be determined by the building official.
- i. The site plan shall meet all other code and ordinance requirements, as determined by the building official and city engineer, including, but not limited to, the Michigan Building Code and the City's Stormwater Detention Ordinance (Chapter 644), prior to issuance of any building or right-of-way permits.

Motion adopted unanimously.

5. New Business

- a. **Public Hearing – Conditional Rezoning from Neighborhood Business to Multiple-Family Residential & Site Plan (SP 24-10-11) at southeast corner of W. 13 Mile Rd. & Prairie Ave.** (parcel no. 25-07-103-041)
– Construction of three-story multiple-family building with 10 dwellings.
Stucky Vitale Architects, Inc., Petitioner & Architect
AL Construction, Owner

Moved by Mr. Esbri

Seconded by Mr. Gontina

Be it resolved that the request to conditionally rezone the **southeast corner of West 13 Mile Road and Prairie Avenue** (parcel no. 25-07-103-041) from **Neighborhood Business** to **Multiple-Family Residential** in order to construct a three-story multiple-family building with 10 dwellings is hereby referred to the City Commission with a **recommendation for denial**, based upon the following:

- 1) The requested Multiple-Family Residential zone is an isolated spot zoning that is not consistent with the property's designation as General Commercial on the Master Plan's future land use map.
- 2) There is no evidence that documents the petitioner cannot receive a reasonable return on investment through developing the property with any permitted or special land use allowed under the current Neighborhood Business zoning, which are more proper uses for the property.

Motion fails 2 to 4.

Yes: Mr. Esbri, Mr. Gontina.

No: Commissioner Douglas, Mr. Ellison, Mayor Fournier, Mr. Quesada.

Moved by Commissioner Douglas

Seconded by Mr. Ellison

Be it resolved that the request to conditionally rezone the **southeast corner of West 13 Mile Road and Prairie Avenue** (parcel no. 25-07-103-041) from **Neighborhood Business** to **Multiple-Family Residential** in order to construct a three-story multiple-family building with 10 dwellings is hereby referred to the City Commission with a **recommendation for approval**, based upon the following:

- 1) Although the requested Multiple-Family Residential zone is not consistent with the property's designation as General Commercial on the Master Plan's future land use map, conditions as determined by the Planning Commission have changed since adoption of the Master Plan including the need for more housing on smaller lots in commercial corridors.
- 2) The site's physical characteristics are more compatible with multiple-family dwellings than other commercial uses allowed under the current Neighborhood Business zoning.
- 3) The site's size precludes the petitioner from receiving a reasonable return on investment through developing the property with a permitted or special land use allowed under the current Neighborhood Business zoning that can meet required Zoning Ordinance standards. Further, multiple-family dwellings are an allowed use within the current Neighborhood Business zoning on upper levels of a building when the ground level street frontage is a permitted use other than off-street parking.
- 4) The proposed multiple-family building is 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.

Be it further resolved that **SP 24-10-11**, a **site plan** at the **southeast corner of W. 13 Mile Rd. & Prairie Ave.** (parcel no. 25-07-103-041) to construct a three-story multiple-family building with 10 dwellings is hereby referred to the City Commission with a **recommendation for approval** with the following **contingencies**:

- 1) A conditional zoning agreement between the petitioner and the city shall be submitted for review by the city attorney prior to approval by the City Commission, specifying all conditions voluntarily offered by the petitioner.

- 2) Prior to review of the conditional zoning agreement by the City Commission, the petitioner shall submit a revised site plan containing all required information for review and approval by the planning division including the following:
 - a) The accessory off-street parking lot on parcel 25-07-103-049 shall be removed from all plan sheets.
 - b) The north front yard setback for the second level of the building at its northwest corner shall be specified in the same manner as other setbacks.
 - c) The size of the waste receptacle enclosure shall be consistent on all plan sheets.
 - d) The number of off-street parking spaces at the rear of the building shall be consistent on all plan sheets.
- 3) The site plan shall comply with the Zoning Ordinance (Chapter 770), as well as all other applicable codes and ordinances, except for the following:
 - a) No more than 10 multiple-family dwelling shall be permitted.
 - b) Building setbacks of less than 25 feet shall be permitted as depicted on the plan sheets.
 - c) The ground level street frontage along West 13 Mile Road and Prairie Avenue may be off-street parking as depicted on the plan sheets.
 - d) Landscaping, screening, and open spaces shall be as depicted on the plan sheets.
 - e) Vehicular access to off-street parking spaces shall be as depicted on the plan sheets.
 - f) The depth of off-street parking spaces at the rear of the building shall be as depicted on the plan sheets.
- 4) All paving, utilities, and work within public rights-of-way shall be in accordance with the specifications and standards of the city engineer, including pavement for the public alley.
- 5) 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.
- 6) Signage shall comply with the Sign Ordinance (Chapter 607) or receive necessary variances from the Planning Commission.
- 7) A performance bond shall be posted in an amount to be determined by the building official.
- 8) 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 Michigan 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 4 to 2.

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

No: Mr. Esbri, Mr. Gontina.

- b. SP 24-10-12 – Site Plan at 723 E. 11 Mile Rd.** (parcel no. 25-15-383-038) – Conversion of former automobile repair garage into carry-out coffee house with accessory coffee bean roasting (Sabbath Coffee).

Sabbath Coffee Co., Petitioner
B. Hattermann Architecture, Architect
D. Weiss, Owner

Moved by Mr. Esbri

Seconded by Mr. Ellison

To approve SP 24-10-12, a site plan at 723 East 11 Mile Road (parcel no. 25-15-383-038) to convert a former automobile repair garage into a carry-out coffee house with accessory coffee bean roasting (Sabbath Coffee), with the following **contingencies**:

- 1) Any outdoor seating or a pick-up window on an exterior elevation shall require approval of a special land use permit by the Planning Commission as well as necessary variances from the Zoning Board of Appeals.
- 2) Landscaping and screening shall be as depicted on the plan sheets.
- 3) All paving, utilities, and work within public rights-of-way shall be in accordance with the specifications and standards of the city engineer, including, but not limited to, the closing of two driveways on Potter Avenue and one driveway on East 11 Mile Road, and restoration of the right-of-way.
- 4) All 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.
- 5) All signage shall comply with the Sign Ordinance (Chapter 607) or receive the necessary variances from the Planning Commission.
- 6) A performance bond shall be posted in an amount to be determined by the building official.
- 7) The site plan shall meet all other code and ordinance requirements, as determined by the building official and city engineer, including, but not limited to, the Michigan Building Code and the City's Stormwater Detention Ordinance (Chapter 644), prior to issuance of any building or right-of-way permits.

Motion adopted 5 to 1.

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

No: Mayor Fournier.

6. Other Business

a. Meeting Schedule and Religious Holidays for 2025

Moved by Mr. Esbri

Seconded by Mr. Ellison

Be it resolved that the Royal Oak Planning Commission, after reviewing the materials presented and weighing its options and with all due respect to the various religious affiliations, hereby reaffirms its meeting date and time for 2025 as being that established in its adopted rules of procedure or as they may be amended in the future.

Motion adopted unanimously.

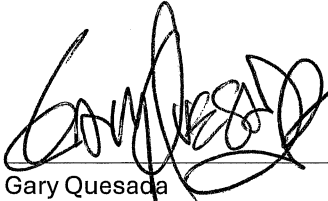
7. Adjournment

Moved by Mr. Ellison

Seconded by Commissioner Douglas

To **adjourn** the October 8, 2024, regular meeting of the Royal Oak Planning Commission at 9:46 p.m.

Motion adopted unanimously.



Gary Quesada
Chairperson, Planning Commission



Timothy E. Thwing
Director of Community Development