

ROYAL OAK PLANNING COMMISSION
CITY OF ROYAL OAK, MICHIGAN

Tuesday, February 8, 2022

AGENDA

Closed Session
Conference Room 122
6:00 p.m.
Attorney-Client Privilege

Regular Meeting
City Commission Chambers 121
7:00 p.m.

- A. Call to Order**
 - B. Approval of Minutes for December 14, 2021**
 - C. Public Comment on Non-Agenda Items**
 - D. New Business**
 - 1. Public Hearing – Capital Improvements Program for 2022-23 Fiscal Year**
 - 2. Public Hearing – Special Land Use & Site Plan (SP 22-02-01)** to establish marihuana retailer, processor, and class “C” grower (Gatsby Cannabis Co.) within existing building (Karl Heinz Auto Center) at **5130 Meijer Dr.** (parcel no. 20-32-301-016)
PGSH Holdings, LLC, Petitioner
KB Partners, Inc., Owner of Record
Krieger-Klatt Architects, Inc. Architect
Stonefield Engineering & Design, Engineer
Plunkett Cooney, PC, Representative
 - 3. Public Hearing – Special Land Use & Site Plan (SP 22-02-02)** to establish marihuana retailer (Royal Treatment) within vacant building at **408 to 424 E. Harrison Ave.** (parcel nos. 25-22-377-004, 25-22-377-005, 25-22-377-006, & 25-22-377-032)
Royal Oak Treatment, LLC, Petitioner & Owner
Stucky-Vitale Architects, Architect
 - 4. Master Plan Requests-for-Qualifications**
 - E. Other Business**
 - 1. Election of Officers**
 - 2. Non-Action Items**
 - a. 2021 Annual Report
 - b. Administrative Site Plan Approvals for 4th Quarter of 2021
 - c. Notice of Intent to Amend Master Plan from City of Ferndale
 - d. RCOC Road Report for 4th Quarter of 2021
 - e. Michigan Planner for November/December 2021
 - F. Adjournment**
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**Closed Session
Conference Room 122**

Present

Ann Bueche, Vice-Chairperson
Paul Curtis
Sharlan Douglas, City Commissioner
Michael Fournier, Mayor
Gary Quesada, Chairperson

Absent

Woody Gontina
Eric Klooster

Staff

Paul Brake, City Manager
Todd Fenton, Deputy City Manager
Douglas Hedges, City Planner
Aaron Leal, City Attorney
Anne McClorey McLaughlin, Rosati, Schultz, Joppich, & Amtsbuechler, PC
Joseph Murphy, Director of Planning

Moved by Commissioner Douglas
Supported by Mayor Fournier

To enter into closed session to discuss attorney-client privileged correspondence at 6:05 p.m.

Motion adopted unanimously by roll call vote.

Moved by Commissioner Douglas
Supported by Mayor Fournier

To adjourn the closed session at 7:05 p.m.

Motion adopted unanimously.

**Regular Meeting
City Commission Chambers 121**

Present

Ann Bueche, Vice-Chairperson
Paul Curtis
Sharlan Douglas, City Commissioner
Michael Fournier, Mayor
Gary Quesada, Chairperson

Absent

Woody Gontina
Eric Klooster

Staff

Douglas Hedges, City Planner
Aaron Leal, City Attorney
Anne McClorey McLaughlin, Rosati, Schultz, Joppich, & Amtsbuechler, PC
Joseph Murphy, Director of Planning
Julie Rudd, Director of Finance

A. Call to Order

Chairperson Quesada called the February 8, 2022, regular meeting of the Royal Oak Planning Commission for to order at 7:10 p.m.

B. Approval of Minutes for December 14, 2021

Moved by Ms. Bueche
Supported by Mr. Curtis

To approve the minutes of the December 14, 2021, regular meeting of the Royal Oak Planning Commission as presented.

Motion adopted unanimously.

C. Public Comment on Non-Agenda Items

Chairperson Quesada invited members of the audience to comment on any issues that were not part of the meeting's agenda. After all members of the audience came forward Chairperson Quesada closed the public comment portion of the agenda.

D. New Business

1. Public Hearing – Capital Improvements Program for 2022-23 Fiscal Year

Chairperson Quesada opened the public hearing on the capital improvements program for the 2022-2023 fiscal year. As no members of the audience came forward Chairperson Quesada closed the public hearing.

Moved by Commissioner Douglas
Supported by Mayor Fournier

Be it resolved that the planning commission approves the capital improvement program for the 2022-23 fiscal year as presented and recommends its adoption by the city commission as part of the 2022-23 fiscal year budget.

Motion adopted 4 to 1

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

No: Ms. Bueche

2. Public Hearing – Special Land Use & Site Plan (SP 22-02-01) to establish marihuana retailer, processor, and class "C" grower (Gatsby Cannabis Co.) within existing building (Karl Heinz Auto Center) at 5130 Meijer Dr. (parcel no. 20-32-301-016)

PGSH Holdings, LLC, Petitioner
KB Partners, Inc., Owner of Record
Krieger-Klatt Architects, Inc. Architect
Stonefield Engineering & Design, Engineer
Plunkett Cooney, PC, Representative

Chairperson Quesada opened the public hearing on the special land use permit. After all members of the audience came forward Chairperson Quesada closed the public hearing.

Moved by Mr. Curtis
Supported by Ms. Bueche

To recommend denial by the **city commission** of a **special land use permit** to establish a marihuana retailer, processor, and class “C” grower (Gatsby Cannabis Co.) within an existing building (Karl Heinz Auto Center) at **5130 Meijer Drive** (parcel no. 20-32-301-016) based upon the following:

- a. The proposed use and location would be hazardous and disturbing to existing uses or uses reasonably anticipated in the future.
- b. The proposed use and location would not be consistent with the intent and purposes of the zoning ordinance and would not comply with all applicable provisions and standards which are established for the use by the zoning ordinance and other applicable codes.

Motion adopted 3 to 2

Yes: Ms. Bueche, Mr. Curtis, Mr. Quesada
No: Commissioner Douglas, Mayor Fournier

3. **Public Hearing – Special Land Use & Site Plan (SP 22-02-02)** to establish marihuana retailer (Royal Treatment) within vacant building at **408 to 424 E. Harrison Ave.** (parcel nos. 25-22-377-004, 25-22-377-005, 25-22-377-006, & 25-22-377-032)
Royal Oak Treatment, LLC, Petitioner & Owner
Stucky-Vitale Architects, Architect

Chairperson Quesada opened the public hearing on the special land use permit. After all members of the audience came forward Chairperson Quesada closed the public hearing.

Moved by Commissioner Douglas
Supported by Mayor Fournier

To recommend approval by the **city commission** of a **special land use permit** to establish a marihuana retailer (Royal Treatment) within a vacant building at **408 to 424 East Harrison Avenue** (parcel nos. 25-22-377-004, 25-22-377-005, 25-22-377-006, and 25-22-377-032) based upon the following:

- a. The proposed use and location will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
- b. The proposed use and location will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future.
- c. The proposed use and location will be an improvement in relation to property in the immediate vicinity and to the city as a whole.

Motion adopted 4 to 1

Yes: Mr. Curtis, Commissioner Douglas, Mayor Fournier, Mr. Quesada
No: Ms. Bueche

Moved by Mr. Curtis
Supported by Commissioner Douglas

To recommend approval by the **city commission** of **SP 22-02-02**, a **site plan** to establish a marihuana retailer (Royal Treatment) within a vacant building at **408 to 424 East Harrison Avenue**

(parcel nos. 25-22-377-004, 25-22-377-005, 25-22-377-006, and 25-22-377-032), with the following contingencies:

- a. A special land use permit for the marihuana retailer shall be approved by the city commission in accordance with § 770-52.1 B (2) of the zoning ordinance.
- b. Prior to review by the city commission, the site plan shall be revised to add the photovoltaic solar panels and wind turbines to the exterior elevations (A3.1) and specify their height above the roof line of the building.
- c. Building setbacks, off-street parking, landscaping, screening, and all other zoning ordinance standards shall be as depicted on the plan sheets.
- d. Low-impact development techniques or green infrastructure shall be as depicted on the plan sheets.
- e. Reasonable conditions and safeguards to protect the public health, safety, and general welfare from any detrimental effects from the operation of the marihuana establishment shall be provided as determined necessary and advisable by the city commission in accordance § 770-52.1 B (13) of the zoning ordinance.
- f. All four properties shall be combined into a single parcel.
- g. Applicable licenses with the State of Michigan and the City of Royal Oak shall be maintained.
- h. All paving, utilities, and work within public rights-of-way shall be in accordance with the specifications and standards of the city engineer.
- i. Exterior lighting shall be as depicted on the plan sheets. Any additional exterior lighting fixtures shall comply with § 770-96 B of the zoning ordinance and all other city codes and ordinances.
- j. All signage shall comply with § 770-52.1 B (7) of the zoning ordinance.
- k. A performance bond shall be posted in an amount to be determined by the building official.
- l. 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), the city's recreational marihuana licensing ordinance (Chapter 435), and the city's stormwater detention ordinance (Chapter 644), and all four properties shall be combined into a single parcel, prior to issuance of any building or right-of-way permits.

Motion adopted unanimously.

4. Master Plan Requests-for-Qualifications

Moved by Mayor Fournier
Supported by Commissioner Douglas

Be it resolved that the Royal Oak Planning Commission hereby enables the following firms to submit a response to a request-for-proposals to develop a new master plan: Archive DS; DPZ CoDesign; Houseal Lavigne; MKSK; and Smith Group.

Motion adopted unanimously.

The planning commission directed staff to submit a draft request-for-proposals for review prior to it being sent to the selected firms.

E. Other Business

1. Election of Officers

Moved by Commissioner Douglas
Supported by Mr. Curtis

To **postpone** elections of officers until the next regular meeting.

Motion adopted unanimously.

2. Non-Action Items

The following informational items were presented to the planning commission with no further action being taken:

- a. The planning commission's annual report for 2021.
- b. A list of building permit applications and site plans administratively approved by the planning division during the fourth quarter of 2021.
- c. A notice required under the Michigan Planning Enabling Act from the City of Ferndale stating their intent to update their master plan.
- d. The latest edition of Road Report from the Road Commission of Oakland County.
- e. The latest edition of Michigan Planner from the Michigan chapter of the American Planning Association.

F. Adjournment

Moved by Mr. Curtis
Supported by Ms. Bueche

To **adjourn** the February 8, 2022, regular meeting of the Royal Oak Planning Commission at 12:55 a.m.

Motion adopted unanimously.



Gary Quesada
Chairperson, Planning Commission



Douglas A. Hedges, AICP, PCP
City Planner II