

ROYAL OAK PLANNING COMMISSION
CITY OF ROYAL OAK, MICHIGAN

Tuesday, March 8, 2022
7:00 p.m.

AGENDA

A. Call to Order

B. Approval of Minutes for February 8, 2022

C. Public Comment on Non-Agenda Items

D. New Business

1. **Public Hearing – Special Land Use & Site Plan (SP 22-03-04)** to renovate and expand restaurant with alcoholic beverage service (Hop Cat) at **430 to 470 S. Main St.** (parcel nos. 25-21-239-013)
Hop Cat RO, LLC / Project Bar Fly, LLC, Petitioners
Royal Oak Partners, LLC, Owner
2. **Public Hearing – Special Land Use & Site Plan (SP 22-03-03)** to establish marihuana microbusiness (Best Lyfe) within existing building at **32767 Woodward Ave.** (parcel nos. 25-06-103-017 & 25-06-103-035)
Best Lyfe, LLC, Petitioner
Daniel Biber Associates, Inc., Architect
Framco, LLC, Owner
3. **Master Plan Request-for-Proposals**

E. Other Business

1. **Election of Officers**
2. **Non-Action Items**
 - a. Michigan Planner for January/February 2022

F. Adjournment

Present

Sharlan Douglas, City Commissioner
Michael Fournier, Mayor
Woody Gontina
Eric Klooster
Gary Quesada, Chairperson

Absent

Ann Bueche, Vice-Chairperson
Paul Curtis

Staff

Aaron Leal, City Attorney
Joseph Murphy, Director of Planning
Tim Thwing, Director of Community Development

A. Call to Order

Chairperson Quesada called the March 8, 2022, regular meeting of the Royal Oak Planning Commission to order at 7:00 p.m.

B. Approval of Minutes for February 8, 2022

Moved by Commissioner Douglas
Supported by Mayor Fournier

To approve the minutes of the February 8, 2022, 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. As no members of the audience came forward Chairperson Quesada closed the public comment portion of the agenda.

D. New Business

- 1. Public Hearing – Special Land Use & Site Plan (SP 22-03-04)** to renovate and expand restaurant with alcoholic beverage service (Hop Cat) at **430 to 470 S. Main St.** (parcel nos. 25-21-239-013)
Hop Cat RO, LLC / Project Bar Fly, LLC, Petitioners
Royal Oak Partners, LLC, Owner

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

Moved by Commissioner Douglas
Supported by Mr. Klooster

To approve a special land use permit to renovate and expand a restaurant with alcoholic beverage service (Hop Cat) at **430 to 470 South Main Street** (parcel nos. 25-21-239-013), as the proposed restaurant would meet all criteria for granting special land use permits in § 770-11 C (1) through (7) of the zoning ordinance.

Motion adopted unanimously.

Moved by Mayor Fournier
Supported by Mr. Gontina

To approve SP 22-03-04, a site plan to renovate and expand a restaurant with alcoholic beverage service (Hop Cat) at **430 to 470 South Main Street** (parcel nos. 25-21-239-013), with the following contingencies:

- a. The city commission shall approve a license agreement for all sidewalk cafés.

- b. All paving, utilities, and work within public rights-of-way shall be in accordance with the specifications and standards of the city engineer.
- c. All exterior lighting fixtures shall comply with § 770-96 B of the zoning ordinance and other city codes and ordinances.
- d. All signage shall comply with the sign ordinance (Chapter 607) or receive the necessary variances from the planning commission.
- e. A performance bond shall be posted in an amount to be determined by the building official.
- f. The site plan shall meet all other code and ordinance requirements, as determined by the building official, including, but not limited to, the state building code, prior to issuance of any building permits.
- g. The city engineer shall establish improvements necessary for prohibiting on-street parking on West 5th Street or refer potential improvements to the traffic committee for their consideration.

Motion adopted unanimously.

2. Public Hearing – Special Land Use & Site Plan (SP 22-03-03) to establish marihuana microbusiness (Best Lyfe) within existing building at 32767 Woodward Ave. (parcel nos. 25-06-103-017 & 25-06-103-035)

Best Lyfe, LLC, Petitioner
Framco, LLC, Owner
Daniel Biber Associates, Inc., Architect

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

Moved by Mr. Gontina

Supported by Mr. Klooster

To recommend approval by the city commission of a special land use permit to establish a marihuana microbusiness (Best Lyfe) within an existing building at **32767 Woodward Avenue** (parcel nos. 25-06-103-017 & 25-06-103-035), based upon the following:

- a. The proposed marihuana microbusiness would be harmonious and in accordance with the general objectives or any specific objectives of the master plan.
- b. The proposed marihuana microbusiness would 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 would not change the essential character of the area.
- c. The proposed marihuana microbusiness would not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future.
- d. The proposed marihuana microbusiness would be an improvement in relation to property in the immediate vicinity and to the city as a whole.
- e. The proposed marihuana microbusiness would be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use would provide adequately any such service or facility.
- f. The proposed marihuana microbusiness would not create excessive additional public costs and will not be detrimental to the economic welfare of the city.

- g. The proposed marihuana microbusiness would be consistent with the intent and purposes of the zoning ordinance and would comply with all applicable provisions and standards which are established for marihuana establishments by the zoning ordinance and other applicable codes.

Motion adopted unanimously.

Moved by Mr. Klooster

Supported by Mr. Gontina

To recommend approval by the **city commission** of **SP 22-03-03**, a **site plan** to establish a marihuana microbusiness (Best Lyfe) within an existing building at **32767 Woodward Avenue** (parcel nos. 25-06-103-017 & 25-06-103-035), with the following **contingencies**:

- a. A special land use permit for the marihuana microbusiness 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 as follows:
 - 1) The terms “downsized carry-out only Subway restaurant” and “proposed fitness business” shall be changed to “carry-out restaurant” and “fitness center” on the site plan;
 - 2) The terms “proposed use” and “proposed fitness business” shall be changed to “use” and “fitness center” on the parking calculation legend;
 - 3) The number of off-street parking spaces in the south row of the accessory off-street parking lot shall be correctly specified as eight (8) spaces;
 - 4) A landscaped island with low-impact development features (no curb, etc.) shall be installed between the public alley and center rows of off-street parking spaces in the accessory off-street parking lot in accordance with § 770-90 E (1)(b) of the zoning ordinance;
 - 5) The two evergreens proposed at the at the intersection of the public alley and Samoset Road between the sidewalk and curb shall be changed to deciduous trees; and
 - 6) Species, sizes, and cross section details for all landscaping shall be provided in accordance with § 770-90 K (5) of the zoning ordinance.
- c. Reasonable conditions and safeguards to protect the public health, safety, and general welfare from any detrimental effects from the general operation of the marihuana microbusiness shall be provided as determined necessary and advisable by the city commission in accordance § 770-52.1 B (13) of the zoning ordinance.
- d. Low-impact development techniques or green infrastructure shall be provided as determined necessary and advisable by the city commission in accordance with § 770-52.1 B (11) of the zoning ordinance.
- e. Setbacks, off-street parking, landscaping, screening, and other standards shall be provided as determined necessary and advisable by the city commission in accordance § 770-52.1 B (14) of the zoning ordinance, and the site plan shall comply with the zoning ordinance (Chapter 770), as well as all other applicable codes and ordinances.
- f. Applicable licenses with the State of Michigan and the City of Royal Oak shall be maintained.
- g. All paving, utilities, and work within public rights-of-way shall be in accordance with the specifications and standards of the city engineer.

- h. 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.
- i. All signage shall comply with § 770-52.1 B (7) of the zoning ordinance.
- j. A performance bond shall be posted in an amount to be determined by the building official.
- k. 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 marijuana licensing ordinance (Chapter 435), and the city's stormwater detention ordinance (Chapter 644), prior to issuance of any building or right-of-way permits.

Motion adopted unanimously.

Moved by Commissioner Douglas
Supported by Mayor Fournier

To **pave** the adjacent Woodward Avenue right-of-way per MDOT standards.

Motion failed 2 to 3.

Yes: Commissioner Douglas, Mayor Fournier.

No: Mr. Gontina, Mr. Klooster, Mr. Quesada.

3. Master Plan Request-for-Proposals

The planning commission reviewed a draft request-for-proposals for preparing a new master plan. No further action was taken.

E. Other Business

1. Election of Officers

Moved by Commissioner Douglas
Supported by Mr. Klooster

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

Motion adopted unanimously.

2. Non-Action Items

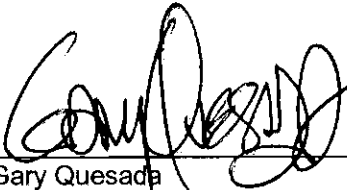
- a. The latest edition of Michigan Planner from the Michigan chapter of the American Planning Association was presented to the planning commission with no further action being taken.
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F. Adjournment

Moved by Mr. Gontina
Supported by Mr. Klooster

To **adjourn** the March 8, 2022, regular meeting of the Royal Oak Planning Commission at 10:28 p.m.

Motion adopted unanimously.



Gary Quesada
Chairperson, Planning Commission



Timothy E. Thwing
Director of Community Development