

ROYAL OAK PLANNING COMMISSION  
CITY OF ROYAL OAK, MICHIGAN

Tuesday, September 10, 2019  
7:00 p.m.

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AGENDA

A. Call to Order

B. Approval of Minutes for August 13, 2019

C. Public Comment on Non-Agenda Items

D. New Business

1. **Public Hearing – Special Land Use Permit & Site Plan (SP 19-09-18)** to install 250-ft. wireless communication support structure (AT&T Mobility) within off-street parking lot at **421 S. Williams St.** (parcel no. 25-22-109-004)  
Fortune Wireless, Inc., Petitioner  
AT&T, Owner
2. **Public Hearing – Conditional Rezoning from One-Family Residential to Mixed Use 1 & Site Plan (SP 19-09-19)** to construct 51 multiple-family dwelling units in seven four-story buildings (The Epic at the Harrison) at **northeast corner of Knowles St. & E. Harrison Ave.** (parcel no. 25-22-330-040)  
HLI Investments, LLC, Petitioner & Owner  
Sharpe Engineering, Inc., Engineer  
Alexander V. Bogaerts & Associates, PC, Architect
3. **Public Hearing – Revised Special Land Use Permit & Site Plan (SP 19-09-20)** to connect restaurant with alcoholic beverage service into adjacent office and storage space (Inn Season Café) at **500 E. 4<sup>th</sup> St.** (parcel nos. 25-22-133-034)  
Inn Season's Properties, LLC, Petitioner & Owner  
Sullivan & Leavitt, PC, Representative  
Schneider + Smith Architects, Architect
4. **Public Hearing – Zoning Ordinance Text Amendments to Allow Permeable Pavement for Parking Lots & Driveways:**
  - a. Article II Definitions; Rules Applying to Text [§ 770-8 Definitions]; and
  - b. Article IX Off-Street Parking & Loading [§ 770-105 General Provisions, § 770-109 Off-Street Parking Lot Design and Construction].

E. Other Business

1. **SV 19-09-12 – Sign Variance** request to install wall and projecting signs for grocery store (Meijer Woodward Corner Market) at **30955 Woodward Ave. #305** (parcel no. 25-07-226-008) with following variances:
  - a. Waive 92.5 sq. ft. from maximum permitted 100-sq. ft. wall sign area on west rear façade to permit one wall sign;
  - b. Waive 378.16 sq. ft. from maximum permitted 157.50-sq. ft. wall sign area (PUD) on east front façade to permit three wall signs;
  - c. Allow one (1) additional wall sign and waive 418.16 sq. ft. from maximum permitted 117.5-sq. ft. wall sign area for two (2) wall signs (PUD) on south side façade to permit three wall signs;
  - d. Allow one (1) additional wall sign to extend beyond vertical ends of east front and south side façades and allow that wall sign to project 3 ft. 5 in. from those facades adding another 141.94 sq. ft. of signage to each façade; and
  - e. Allow prohibited sign type (projecting / blade signs) with three on east front façade (each with 11.96 sq. ft.) and two on south side façade (each with 11.96 sq. ft.).

Allen Industries, Petitioner & Contractor  
Schostak Brothers & Co., Representative  
Beaumont Hospital, Owner

2. **SV 19-09-13 – Sign Variance** request to replace menu boards for fast-foot / drive-through restaurant (McDonald's) at **2829 W. 14 Mile Rd.** (parcel no. 25-05-104-005) with variances to (a) allow four menu boards for one drive-through window, and (b) allow electronic message centers to cover 100% of menu board areas with aspect ratios greater than 16-to-9.

Keyser Industries, Petitioner & Contractor  
McDonald's Corp., Owner

3. **SV 19-09-14 – Sign Variance** request to replace menu boards while maintaining nonconforming freestanding sign with electronic message center for fast-foot / drive-through restaurant (McDonald's) at **30807 Woodward Ave.** (parcel no. 25-07-230-015) with following variances:

- a. Allow four menu boards for one drive-through window;
- b. Allow electronic message centers to cover 100% of menu board areas with aspect ratios greater than 16-to-9;
- c. Waive 14 feet from maximum permitted 16-foot freestanding sign height; and
- d. Waive 88.24 square feet from maximum permitted 42-square foot freestanding sign area.

Keyser Industries, Petitioner & Contractor  
McDonald's Corp., Owner

4. **Proposed Zoning Ordinance Text Amendments for Marihuana Establishments & Medical Marihuana Facilities**

#### F. Adjournment

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##### Present

Ann Bueche  
Sharlan Douglas, City Commissioner  
Dan Godek, Vice-Chairperson  
Eric Klooster  
Gary Quesada  
Anne Vaara, Chairperson

##### Absent

Michael Fournier, Mayor

##### Staff

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

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#### A. Call to Order

Chairperson Vaara called the September 10, 2019 regular meeting of the Royal Oak Planning Commission to order at 7:00 p.m.

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#### B. Approval of Minutes for August 13, 2019

**Moved** by Mr. Godek

**Supported** by Commissioner Douglas

**To approve** the minutes of the August 13, 2019 regular meeting of the Royal Oak Planning Commission as presented.

**Motion adopted unanimously.**

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**C. Public Comment on Non-Agenda Items**

Chairperson Vaara 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 Vaara closed the public comment portion of the agenda.

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**D. New Business**

- 1. Public Hearing – Special Land Use Permit & Site Plan (SP 19-09-18)** to install 250-ft. wireless communication support structure (AT&T Mobility) within off-street parking lot at **421 S. Williams St.** (parcel no. 25-22-109-004)  
Fortune Wireless, Inc., Petitioner  
AT&T, Owner

**Moved** by Commissioner Douglas  
**Supported** by Mr. Klooster

**To approve a special land use permit** to install a 250-foot wireless communication support structure (AT&T Mobility) within an off-street parking lot at **421 South Williams Street** (parcel no. 25-22-109-004), with permission to seek variances from the zoning board of appeals for the minimum required setbacks from residential zoning and streets or rights-of-way.

**Motion adopted unanimously.**

**Moved** by Commissioner Douglas  
**Supported** by Mr. Quesada

**To postpone SP 19-09-18, a site plan** to install a 250-foot wireless communication support structure (AT&T Mobility) within an off-street parking lot at **421 South Williams Street** (parcel no. 25-22-109-004), until the petitioner can submit a revised site plan to address issues related to screening, sight obscuring features, landscaping, and pavement.

**Motion adopted unanimously.**

- 2. Public Hearing – Conditional Rezoning from One-Family Residential to Mixed Use 1 & Site Plan (SP 19-09-19)** to construct 51 multiple-family dwelling units in seven four-story buildings (The Epic at the Harrison) at **northeast corner of Knowles St. & E. Harrison Ave.** (parcel no. 25-22-330-040)  
HLI Investments, LLC, Petitioner & Owner  
Sharpe Engineering, Inc., Engineer  
Alexander V. Bogaerts & Associates, PC, Architect

**Moved** by Mr. Quesada  
**Supported** by Mr. Godek

**Be it resolved** that the request to conditionally rezone the **northeast corner of Knowles Street and East Harrison Avenue** (parcel no. 25-22-330-040) from **“one-family residential”** to **“mixed use 1”** in order to construct 51 multiple-family dwelling units within seven four-story buildings is hereby referred to the city commission with a **recommendation for approval**, based upon the following:

- a. Although the requested “mixed use 1” zone is not consistent with the future land use map of the master plan, the proposed multiple-family dwelling units are compatible with current development trends and other multiple-family properties currently under construction to the south that are zoned mixed use 1.

- b. The site's physical characteristics are compatible with multiple-family dwelling units.
- c. Evidence documents that the petitioner cannot receive a reasonable return on investment through developing the property with one or more of the principal permitted and special land uses under the current "one-family residential" zoning.
- d. Multiple-family dwelling units 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 dwelling units.
- f. The capacity of public utilities and services is sufficient to accommodate multiple-family dwelling units without compromising the city's health, safety, and welfare.
- g. There is an apparent demand in the city for multiple-family dwelling units in relation to the amount of land in the city currently zoned and available to accommodate the demand.
- h. The requested "mixed use 1" zone shall not create an isolated and unplanned spot zone as properties to the south are zoned "mixed use 1."
- i. The requested "mixed use 1" 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 19-09-19**, a site plan to construct to construct 51 multiple-family dwelling units within seven four-story buildings at the **northeast corner of Knowles Street and East Harrison Avenue** (parcel no. 25-22-330-040) 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) Fifty-one (51) dwelling units shall be permitted.
  - 2) A building height of 40 feet to the roof line of each building shall be permitted.
  - 3) An east rear yard setback of 7.5 feet shall be permitted for building 1 as depicted on the plan sheets.
  - 4) Buildings 6 and 7 may exceed the maximum permitted height-to-width ratio of one-to-three as depicted on the plan sheets.
  - 5) Off-street parking spaces that are designated for residents only and are within or directly adjacent to attached garages may have a depth of less than 20 feet as depicted on the plan sheets.
- b. Prior to review of a conditional zoning agreement by the city commission, the petitioner shall submit a revised site plan for review and approval by the planning division to remove the proposed monument sign at the corner of Knowles Street and East Harrison Avenue and address all other modifications required by the planning commission.
- c. The petitioner shall apply for a license agreement from the city commission for the on-street parking spaces and additional landscaping proposed within the East Harrison Avenue right-of-way.
- d. All refuse and recycling containers shall be serviced from within the site at the rear of each dwelling unit on designated collection days. No curbside pickup of refuse or recycling shall be permitted along Knowles Street or East Harrison Avenue.

- e. 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.
- f. 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.
- g. All signage shall comply with the sign ordinance (chapter 607) or receive 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, 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 4 to 2.**

**Yes: Commissioner Douglas, Mr. Godek, Mr. Quesada, Ms. Vaara.**

**No: Ms. Bueche, Mr. Klooster.**

**3. Public Hearing – Revised Special Land Use Permit & Site Plan (SP 19-09-20) to connect restaurant with alcoholic beverage service into adjacent office and storage space (Inn Season Café) at 500 E. 4<sup>th</sup> St. (parcel nos. 25-22-133-034)**

Inn Season's Properties, LLC, Petitioner & Owner  
Sullivan & Leavitt, PC, Representative  
Schneider + Smith Architects, Architect

**Moved** by Commissioner Douglas

**Supported** by Mr. Klooster

**To deny a revised special land use permit and a revised site plan (SP 19-09-20) to connect a restaurant with alcoholic beverage service into adjacent office and storage space (Inn Season Café) at 500 East 4<sup>th</sup> Street (parcel no. 25-22-133-034), and deny permission to seek variances from the zoning board of appeals for required screening of waste receptacle enclosures and hard surfaced paving standards.**

**Motion fails 2 to 4.**

**Yes: Commissioner Douglas, Ms. Vaara.**

**No: Ms. Bueche, Mr. Godek, Mr. Klooster, Mr. Quesada.**

**Moved** by Mr. Godek

**Supported** by Mr. Quesada

**To approve a revised special land use permit and a revised site plan (SP 19-09-20) to connect a restaurant with alcoholic beverage service into adjacent office and storage space (Inn Season Café) at 500 East 4<sup>th</sup> Street (parcel no. 25-22-133-034), with permission to seek variances from the zoning board of appeals for required screening of waste receptacle enclosures and hard surfaced paving standards, and also with the following contingencies:**

- a. The zoning board of appeals shall grant all necessary variances, i.e., required screening enclosures for waste and recycling receptacles; hard-surfaced paving of driveways and other areas; etc.
- b. The petitioner shall comply with all Michigan Liquor Control Commission rules and regulations, and the plan of operation as approved or amended by the city commission.

- c. The petitioner shall apply for a license agreement from the city commission for any landscaping, picnic tables, and benches within the East 4<sup>th</sup> Street and Knowles Street rights-of-way.
- 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 and city engineer, including, but not limited to, the state building code and the city's stormwater detention ordinance (Chapter 644), prior to issuance of any building or right-of-way permits.

**Motion adopted 4 to 2.**

**Yes: Ms. Bueche, Mr. Godek, Mr. Quesada, Ms. Vaara.**

**No: Commissioner Douglas, Mr. Klooster.**

**4. Public Hearing – Zoning Ordinance Text Amendments to Allow Permeable Pavement for Parking Lots & Driveways:**

- a. Article II Definitions; Rules Applying to Text [§ 770-8 Definitions]; and
- b. Article IX Off-Street Parking & Loading [§ 770-105 General Provisions, § 770-109 Off-Street Parking Lot Design and Construction].

**Moved** by Mr. Klooster

**Supported** by Ms. Bueche

**Whereas**, the city commission directed staff to prepare text amendments to the zoning ordinance to allow pervious or permeable pavement for parking lots and driveways within the city; and

**Whereas**, the planning commission held a public hearing on September 10, 2019, to consider text amendments to Article II, Definitions; Rules Applying to Text, and Article IX, Off-Street Parking and Loading, of the City of Royal Oak Zoning Ordinance, Chapter 770, Zoning, of the Code of the City of Royal Oak, for the purpose of revising standards to allow pervious and permeable pavement for parking lots and other surfaces; and

**Whereas**, the planning commission has determined that the proposed text amendments to the zoning ordinance are consistent with the goals and objectives of the City of Royal Oak Master Plan.

**Therefore, be it resolved**, that the planning commission hereby accepts the following zoning ordinance text amendments and recommends their adoption by the city commission:

- a. Article II, Definitions; Rules Applying to Text, shall be amended by adding definitions for “pavement, impervious” and “pavement, pervious or permeable” to § 770-8, Definitions, both of which shall read as follows:

PAVEMENT, IMPERVIOUS: A surface material for parking lots, maneuvering aisles, driveways, loading areas, sidewalks, pedestrian pathways, and other areas which prevents the infiltration of surface water, including, but not limited to, asphalt, concrete, brick, stone, or similar materials.

PAVEMENT, PERVIOUS or PERMEABLE: A surface material for parking lots, maneuvering aisles, driveways, loading areas, sidewalks, pedestrian pathways, and other areas which allows the infiltration, treatment, and/or storage of surface water, including, but not limited to, porous asphalt, pervious concrete, permeable interlocking pavers, reinforced turf, or similar materials.

- b. Article IX, Off-Street Parking & Loading, §770-105, General Provisions, shall be amended by revising subparagraphs (b) and (c) of subsection F, Location of Parking, (1), One-Family and Two-Family Dwellings, in their entirety to read as follows:

- (b) Off-street parking areas or an area used for the storage of vehicles shall be hard surfaced as required in Subsection A of § 770-109, Off-Street Parking Lot Design and Construction.
- (c) There shall be no more than one driveway per residential dwelling. Said driveway shall be a minimum of eight feet in width and constitute a contiguous area, and be hard surfaced as required in Subsection A of § 770-109, Off-Street Parking Lot Design and Construction.

[1] A ribbon driveway consisting of two noncontiguous wheel tracks with a reinforced turf median may be allowed for single-family and two-family dwellings. Each wheel track shall be hard surfaced as required in Subsection A of § 770-109, Off-Street Parking Lot Design and Construction. The width of each wheel track shall not be less than two feet but shall not exceed three feet. The width as measured from the outside edges of each wheel track shall not be less than the minimum width identified in Subsection F(1)(c) above but shall not exceed 10 feet. The width of the reinforced turf median shall not exceed four feet.

- c. Article IX, Off-Street Parking & Loading, §770-109, Off-Street Parking Lot Design and Construction, shall be amended by revising subsection A in its entirety to read as follows

- A. All such parking lots, maneuvering aisles, driveways, and loading areas shall be hard surfaced with asphalt, concrete, or a similar impervious pavement; or an acceptable pervious or permeable pavement, as determined by the Zoning Administrator, such as porous asphalt, pervious concrete, permeable interlocking pavers, or a similar material. Loose aggregate, gravel, stone, unreinforced grass or sod, soil, and similar materials shall be prohibited. Pervious or permeable pavement shall be prohibited in areas where fuel or lubricants are dispensed directly into motor vehicles or where hazardous liquids could be absorbed into the soil through such materials. All such surfaces shall be graded and drained so as to dispose of surface water pursuant to City ordinance and shall be completely constructed prior to a certificate of occupancy being issued.

**Motion adopted unanimously.**

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## E. Other Business

1. **SV 19-09-12 – Sign Variance** request to install wall and projecting signs for grocery store (Meijer Woodward Corner Market) at **30955 Woodward Ave. #305** (parcel no. 25-07-226-008) with following variances:
  - a. Waive 92.5 sq. ft. from maximum permitted 100-sq. ft. wall sign area on west rear façade to permit one wall sign;
  - b. Waive 378.16 sq. ft. from maximum permitted 157.50-sq. ft. wall sign area (PUD) on east front façade to permit three wall signs;
  - c. Allow one (1) additional wall sign and waive 418.16 sq. ft. from maximum permitted 117.5-sq. ft. wall sign area for two (2) wall signs (PUD) on south side façade to permit three wall signs;
  - d. Allow one (1) additional wall sign to extend beyond vertical ends of east front and south side façades and allow that wall sign to project 3 ft. 5 in. from those facades adding another 141.94 sq. ft. of signage to each façade; and
  - e. Allow prohibited sign type (projecting / blade signs) with three on east front façade (each with 11.96 sq. ft.) and two on south side façade (each with 11.96 sq. ft.).

Allen Industries, Petitioner & Contractor  
Schostak Brothers & Co., Representative  
Beaumont Hospital, Owner

**Moved** by Commissioner Douglas  
**Supported** by Mr. Godek

**To grant SV 19-09-12, a sign variance** request to install wall and projecting signs for a grocery store (Meijer Woodward Corner Market) at **30955 Woodward Avenue #305** (parcel no. 25-07-226-008) with the following variances:

- a. Waive 92.5 square feet from the maximum permitted 100-square foot wall sign area on the west rear façade to permit one wall sign;
- b. Waive 378.16 square feet from maximum permitted 157.50-square foot wall sign area (PUD) on the east front façade to permit three wall signs;
- c. Allow one (1) additional wall sign and waive 418.16 square feet from maximum permitted 117.5-square foot wall sign area for two (2) wall signs (PUD) on the south side façade to permit three wall signs;
- d. Allow one (1) additional wall sign to extend beyond the vertical ends of the east front and south side façades and allow that wall sign to project 3 feet 5 inches from those facades adding another 141.94 square feet of signage to each façade; and
- e. Allow a prohibited sign type (projecting / blade signs) with three on the east front façade (each with 11.96 square feet) and two on south side façade (each with 11.96 square feet).

**Motion adopted 5 to 1.**

**Yes: Ms. Bueche, Commissioner Douglas, Mr. Godek, Mr. Quesada, Ms. Vaara.**

**No: Mr. Klooster.**

2. **SV 19-09-13 – Sign Variance** request to replace menu boards for fast-foot / drive-through restaurant (McDonald's) at **2829 W. 14 Mile Rd.** (parcel no. 25-05-104-005) with variances to (a) allow four menu boards for one drive-through window, and (b) allow electronic message centers to cover 100% of menu board areas with aspect ratios greater than 16-to-9.

Keyser Industries, Petitioner & Contractor  
McDonald's Corp., Owner

**Moved** by Mr. Godek  
**Supported** by Mr. Quesada

**To grant SV 19-09-13, a sign variance** request to replace menu boards for a fast-foot and drive-through restaurant (McDonald's) at **2829 West 14 Mile Road** (parcel no. 25-05-104-005) with variances to (a) allow four menu boards for one drive-through window, and (b) allow electronic message centers to cover 100% of menu board areas with aspect ratios greater than 16-to-9.

**Motion adopted unanimously.**

3. **SV 19-09-14 – Sign Variance** request to replace menu boards while maintaining nonconforming freestanding sign with electronic message center for fast-foot / drive-through restaurant (McDonald's) at **30807 Woodward Ave.** (parcel no. 25-07-230-015) with following variances:

- a. Allow four menu boards for one drive-through window;
- b. Allow electronic message centers to cover 100% of menu board areas with aspect ratios greater than 16-to-9;
- c. Waive 14 feet from maximum permitted 16-foot freestanding sign height; and
- d. Waive 88.24 square feet from maximum permitted 42-square foot freestanding sign area.

Keyser Industries, Petitioner & Contractor  
McDonald's Corp., Owner

**Moved** by Mr. Godek



**Supported** by Mr. Klooster

**To grant** the following variances to replace menu boards for **SV 19-09-14**, a **sign variance** request for a fast-foot and drive-through restaurant (McDonald's) at **30807 Woodward Avenue** (parcel no. 25-07-230-015):

- a. Allow four menu boards for one drive-through window; and
- b. Allow electronic message centers to cover 100% of menu board areas with aspect ratios greater than 16-to-9.

**Motion adopted unanimously.**

**Moved** by Commissioner Douglas

**Supported** by Mr. Quesada

**To deny** the following variances to maintain a nonconforming freestanding sign with an electronic message center for **SV 19-09-14**, a **sign variance** request for a fast-foot and drive-through restaurant (McDonald's) at **30807 Woodward Avenue** (parcel no. 25-07-230-015):

- c. Waive 14 feet from the maximum permitted 16-foot freestanding sign height; and
- d. Waive 88.24 square feet from the maximum permitted 42-square foot freestanding sign area.

**Motion adopted unanimously.**

**4. Proposed Zoning Ordinance Text Amendments for Marihuana Establishments & Medical Marihuana Facilities**

The planning commission reviewed a report from staff that was presented at the previous regular meeting on possible zoning ordinance text amendments to allow marihuana establishments and medical marihuana facilities. Staff was directed to place the text amendments on the next meeting agenda for more review and discussion by the planning commission before a public hearing is scheduled. No further action was taken.

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**F. Adjournment**


**Moved** by Mr. Godek

**Supported** by Mr. Klooster

To **adjourn** the September 10, 2019 regular meeting of the Royal Oak Planning Commission at 10:45 p.m.

**Motion adopted unanimously.**

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Anne Vaara  
Chairperson, Planning Commission

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Timothy E. Thwing  
Director of Community Development