ROYAL OAK PLANNING COMMISSION
CITY OF ROYAL OAK, MICHIGAN

Tuesday, July 12, 2016
7:30p.m.

AGENDA

A. Call to Order

B. Approval of Minutes for June 14, 2016

C. Public Comment on Non-Agenda Items

D. New Business

1. **Public Hearing – SP 16-07-17 – Amendment** to **Final Planned Unit Development (PUD) Site Plan** (SP 12-08-18) to construct 16 multiple-family dwelling units in two 3.5-story buildings (36-ft. 9-in. height) at **E. Eleven Mile Rd. between N. Kenwood Ave. & N. Dorchester Ave.** (parcel no. 25-14-354-036)
   Curtis-Dorchester, LLC, Petitioner & Owner
   Jeff Dawkins Architect, LLC, Architect

2. **Public Hearing – Conditional Rezoning** from **One Family Residential** and **Neighborhood Business** to **Mixed Use 2** and associated **Site Plan (SP 16-07-18)** to redevelop site of former religious institution and off-street parking lot into 28 townhouse multiple-family dwelling units in 7 buildings at **3506 Rochester Rd.** (parcel nos. 25-03-378-001 & 25-03-377-030)
   Robertson Bros. Homes, Petitioner
   First United Methodist Church of Royal Oak, Owner
   Nowak & Fraus, PLLC, Engineer
   Alexander V. Bogaerts & Associates, PC, Architect

3. **Public Hearing – SP 16-07-19 – Site Plan** to construct 4-story (62-ft. 8-in.) mixed-use building with ground level off-street parking and upper-level professional office space at **111 S. Center St.** (parcel no. 25-21-231-011)
   Etkin Management, LLC, Petitioner
   City of Royal Oak, Owner
   PEA, Inc., Enginener
   Faudie Architecture, Architect

E. Other Business

1. **Proposed Amendment to Rules of Procedure – Meeting Time**

2. **Administrative Site Plan Approvals**

Present
Rebecca Black
Robert Bruner
Jeffrey Chase
Sharlan Douglas, City Commissioner
Jim Ellison, Mayor
Dan Godek
Anne Vaara, Vice-Chairperson

Absent
Clyde Esbri, Chairperson
Gary Quesada

Staff
Tim Thwing, Director of Community Development

Other
A.J. Carter, Student Representative

A. Call to Order

Vice-Chairperson Vaara called the July 12, 2016 regular meeting of the Planning Commission to order at 7:30 p.m.

B. Approval of Minutes for June 14, 2016

Moved by Mr. Chase
Supported by Ms. Black

To approve the minutes of the June 14, 2016 regular meeting of the Planning Commission as **presented**.

Motion adopted unanimously.

C. Public Comment on Non-Agenda Items

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

D. New Business

1. **Public Hearing – SP 16-07-17 – Amendment** to **Final Planned Unit Development (PUD) Site Plan** (SP 12-08-18) to construct 16 multiple-family dwelling units in two 3.5-story buildings (36-ft. 9-in. height) at **E. Eleven Mile Rd. between N. Kenwood Ave. & N. Dorchester Ave.** (parcel no. 25-14-354-036)
Curtis-Dorchester, LLC, Petitioner & Owner
Jeff Dawkins Architect, LLC, Architect

Moved by Mr. Bruner
Supported by Commissioner Douglas

To recommend that the City Commission **approve SP 16-07-07,** an **amendment** to a **final planned unit development (PUD) site plan** (SP 12-08-18) to construct 15 multiple-family dwelling units in three 3.5-story buildings (36-ft. 9-in. height) at **East Eleven Mile Road between North Kenwood Avenue and North Dorchester Avenue** (parcel no. 25-14-354-036), with the following **contingencies**:

a) The petitioner shall prepare and submit an application for review of the final PUD site plan amendment by the City Commission containing all information required under § 770-99 (C) of the Zoning Ordinance, including a draft amendment to the development agreement. The final PUD site plan amendment to be reviewed by the City Commission shall comply with the Zoning Ordinance (Chapter 770) unless otherwise specified within these contingencies, except for the following:

1) Fifteen (15) dwelling units shall be permitted on parcel "C."

2) The west building facing Eleven Mile Road may have a south front yard setback of 2 feet 10 ½ inches, and the east building facing Eleven Mile Road may have a south front yard setback of 10 ½ inches.
3) The west building facing Eleven Mile Road may have a west side yard setback of 9 feet 5 ¾ inches from North Dorchester Avenue.
4) The east building facing Eleven Mile Road may have an east side yard setback of 16 feet 2 ½ inches from North Kenwood Avenue.
5) The north building facing North Dorchester Avenue may have a west front yard setback of 14 feet 3 inches and a north side yard setback of 5 feet.
6) A building height of 36 feet 9 inches to the midpoint of the roof peak shall be permitted for all buildings.

b) Prior to review by the City Commission, the final PUD site plan amendment shall be revised to include the following: either unit 7 or unit 8 shall be eliminated to provide a break in the front façade width of the building facing Eleven Mile Road as required under § 770-30 (B)(4)(a) of the Zoning Ordinance, and all AC/HVAC units shall be placed in the gap between the buildings or in the attics.

c) The final PUD site plan amendment to be reviewed by the City Commission shall include separate boundaries, dimensions, and a legal description for parcel "C" and the proposed multiple-family dwellings, specifying both the ownership and party responsible for future maintenance of parcel "C."

d) The amendments to the final PUD site plan and/or development agreement to be reviewed by the City Commission shall include, as required under § 770-99 (C)(1)(c) and (d) of the Zoning Ordinance, a specific schedule of the intended development and construction details, including phasing or timing, a staging plan, and a specific schedule of general improvements, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.

e) All paving, utilities, and other improvements, including 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) A performance bond shall be posted in an amount to be determined by the Building Official.

g) The final PUD site plan amendment shall meet all other code and ordinance requirements, as determined by the Building Official, Fire Marshall, and City Engineer, including, but not limited to, the Michigan Building Code, the Fire Prevention Ordinance (Chapter 340), and the Stormwater Detention Ordinance (Chapter 644), and the City Commission shall approve the amendments to the final PUD site plan and associated development agreement, prior to issuance of any building or right-of-way permits.

Moved by Mayor Ellison
Supported by Mr. Chase

To amend the motion to allow a building height of 33 feet to the midpoint of the roof peak for all buildings, and that all buildings have a pitched roof.

Amendment adopted 5 to 2
Yes: Ms. Black, Mr. Chase, Mayor Ellison, Mr. Godek, Ms. Vaara
No: Mr. Bruner, Commissioner Douglas

The amended motion now reads:

To recommend that the City Commission **approve SP 16-07-07,** an **amendment** to a **final planned unit development (PUD) site plan** (SP 12-08-18) to construct 15 multiple-family dwelling units in

three 3.5-story buildings (33-ft. height) at **East Eleven Mile Road between North Kenwood Avenue and North Dorchester Avenue** (parcel no. 25-14-354-036), with the following **contingencies**:

a) The petitioner shall prepare and submit an application for review of the final PUD site plan amendment by the City Commission containing all information required under § 770-99 (C) of the Zoning Ordinance, including a draft amendment to the development agreement. The final PUD site plan amendment to be reviewed by the City Commission shall comply with the Zoning Ordinance (Chapter 770) unless otherwise specified within these contingencies, except for the following:

   1) Fifteen (15) dwelling units shall be permitted on parcel "C."
   2) The west building facing Eleven Mile Road may have a south front yard setback of 2 feet 10 ½ inches, and the east building facing Eleven Mile Road may have a south front yard setback of 10 ½ inches.
   3) The west building facing Eleven Mile Road may have a west side yard setback of 9 feet 5 ¾ inches from North Dorchester Avenue.
   4) The east building facing Eleven Mile Road may have an east side yard setback of 16 feet 2 ½ inches from North Kenwood Avenue.
   5) The north building facing North Dorchester Avenue may have a west front yard setback of 14 feet 3 inches and a north side yard setback of 5 feet.
   6) A building height of 33 feet to the midpoint of the roof peak shall be permitted for all buildings, and all buildings shall have a pitched roof.

b) Prior to review by the City Commission, the final PUD site plan amendment shall be revised to include the following: either unit 7 or unit 8 shall be eliminated to provide a break in the front façade width of the building facing Eleven Mile Road as required under § 770-30 (B)(4)(a) of the Zoning Ordinance, and all AC/HVAC units shall be placed in the gap between the buildings.

c) The final PUD site plan amendment to be reviewed by the City Commission shall include separate boundaries, dimensions, and a legal description for parcel "C" and the proposed multiple-family dwellings, specifying both the ownership and party responsible for future maintenance of parcel "C."

d) The amendments to the final PUD site plan and/or development agreement to be reviewed by the City Commission shall include, as required under § 770-99 (C)(1)(c) and (d) of the Zoning Ordinance, a specific schedule of the intended development and construction details, including phasing or timing, a staging plan, and a specific schedule of general improvements, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.

e) All paving, utilities, and other improvements, including 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) A performance bond shall be posted in an amount to be determined by the Building Official.

g) The final PUD site plan amendment shall meet all other code and ordinance requirements, as determined by the Building Official, Fire Marshall, and City Engineer, including, but not limited to, the Michigan Building Code, the Fire Prevention Ordinance (Chapter 340), and the Stormwater Detention Ordinance (Chapter 644), and the City Commission shall approve the amendments to the final PUD site plan and associated development agreement, prior to issuance of any building or right-of-way permits.

Amended motion adopted unanimously.

2. **Public Hearing – Conditional Rezoning** from **One Family Residential** and **Neighborhood Business** to **Mixed Use 2** and associated **Site Plan (SP 16-07-18)** to redevelop site of former

religious institution and off-street parking lot into 28 townhouse multiple-family dwelling units in 7 buildings at **3506 Rochester Rd.** (parcel nos. 25-03-378-001 & 25-03-377-030)
Robertson Bros. Homes, Petitioner
First United Methodist Church of Royal Oak, Owner
Nowak & Fraus, PLLC, Engineer
Alexander V. Bogaerts & Associates, PC, Architect

Moved by Commissioner Douglas
Supported by Mr. Chase

Be It Resolved, that the request to conditionally rezone **3506 Rochester Road** (parcel nos. 25-03-378-001 and 25-03-377-030) from **One Family Residential** and **Neighborhood Business** to **Mixed Use 2** in order to redevelop the site of a former religious institution and off-street parking lot into 28 townhouse multiple-family dwelling units in seven 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 goals and objectives of the Master Plan, as well as with recent development trends within the city.

b. The site's physical characteristics are compatible with multiple-family dwelling units.

c. The townhouse-style 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.

d. The street system is capable of safely and efficiently accommodating expected traffic volumes generated by the multiple-family dwelling units.

e. The capacity of public utilities and services are sufficient to accommodate the multiple-family dwelling units without compromising the city's health, safety and welfare.

f. There is an apparent demand in the city for townhouse-style dwelling units in relation to the amount of land in the city currently zoned and available to accommodate the demand.

g. The requested zone shall not create an isolated and unplanned spot zone as property to the west across Rochester Road is similarly zoned.

Be it further resolved, that **SP 16-07-18**, a site plan to redevelop the site of a former religious institution and off-street parking lot into 28 townhouse multiple-family dwelling units in seven buildings at **3506 Rochester Road** (parcel nos. 25-03-378-001 and 25-03-377-030), is hereby referred to the City Commission with a **recommendation of approval** with the following **contingencies**:

a. 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.

b. Prior to review of the conditional zoning agreement by the City Commission, the petitioner shall submit a revised site plan and landscaping plan for review and approval by the Planning Division containing all required information including the following:

   1) The species and calipers of existing trees to remain along and within the public alley adjacent to parcel 25-03-378-001 shall be identified;
   2) No berm shall be installed as part of the greenbelt along the east rear lot line;
   3) Balconies shall have a minimum clearance to grade as required by the Fire Marshall; and
   4) Two (2) off-street parking spaces within the 25-foot setback from Midland Boulevard on the west side of the driveway shall be removed.

c. All work and/or improvements within the public right-of-way shall be in accordance with the specifications and standards of the City Engineer, including, but not limited to, the following:

   1) All new or replaced sidewalks, driveway approaches, curbs, gutters, etc.;
   2) Replacing asphalt within the Midland Boulevard right-of-way between the sidewalk and curb with lawn; and
   3) Removing all existing driveways and approaches to Rochester Road, and restoring the curb, sidewalk, and right-of-way.

d. Any 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 Signs, Article II Sign Regulations) 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 Marshall, and City Engineer, **prior** to issuance of **any** building permit. Such requirements include, but are not limited to, the Michigan Building Code, the Fire Prevention Ordinance (Chapter 340), and the Stormwater Detention Ordinance (Chapter 644).

Motion adopted 6 to 1.
Yes: Ms. Black, Mr. Bruner, Mr. Chase, Commissioner Douglas, Mayor Ellison, Ms. Vaara
No: Mr. Godek

3. **Public Hearing – SP 16-07-19 – Site Plan** to construct 4-story (62-ft. 8-in.) mixed-use building with ground level off-street parking and upper-level professional office space at **111 S. Center St.** (parcel no. 25-21-231-011)
Etkin Management, LLC, Petitioner
City of Royal Oak, Owner
PEA, Inc., Enginener
Faudie Architecture, Architect

Moved by Mayor Ellison
Supported by Mr. Chase

To approve SP 16-07-19, as **site plan** to construct a four-story (62-foot 8-inch) mixed-use building with ground level off-street parking and upper-level professional office space at **111 South Center Street** (parcel no. 25-21-231-011, with the following **contingencies**:

a. The petitioner shall submit proposed ground-level building materials for review and approval by the Planning Commission in accordance with § 770-30 (B)(3) and § 770-30 (E)(6) of the Zoning Ordinance.

b. The City Commission shall vacate the required portion of the South Center Street right-of-way.

c. All paving, utilities, and other improvements, including work within public rights-of-way, shall be in accordance with the specifications and standards of the City Engineer, including, but not limited to, streetscape improvements (landscaping, street lamps, sidewalks, pavers, street trees, etc.) on West Second Street (north side only), South Center Street (east side only), and 11 Mile Road (south side only).

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 Signs, Article II Sign Regulations) 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 applicable code and ordinance requirements.

Motion adopted unanimously.

E. Other Business

1. Proposed Amendment to Rules of Procedure – Meeting Time

Moved by Mayor Ellison
Supported by Ms. Black

To adopt proposed amendments to the Planning Commission's rules of procedure **as presented** to change the scheduled time for regular meetings to 7:00 p.m., eliminate the Agenda Committee, and re-format the rules and procedures to be more consistent with those of other boards and commissions and also the model by-law format adopted by the City Commission.

Motion adopted unanimously.

2. Administrative Site Plan Approvals

A list of site plans administratively approved by the Planning Division during the second quarter of 2016 was presented. No further action was taken.

3. Proposed Zoning Ordinance Amendment on Ground-Floor Uses in Central Business District

Commission Douglas requested discussion regarding a possible Zoning Ordinance text amendment that would prohibit offices as ground-floor uses within the Central Business District. The Planning Commission requested that the Downtown Development Authority submit a summary of what they were proposing in regards to ground-floor uses within the Central Business District.

F. Adjournment

Moved by Mayor Ellison
Supported by Ms. Black

To **adjourn** the July 12, 2016 regular meeting of the Planning Commission at 10:30 p.m.

Motion adopted unanimously.

Anne Vaara
Vice-Chairperson, Planning Commission

Timothy E. Thwing
Director of Community Development