

## CITY COMMISSION AGENDA ITEM

<b>TITLE</b>	<b>Conditional Rezoning of Parcel 25-07-103-041 to Multiple-Family Residential – Second Reading</b>
<b>SUBMITTING DEPARTMENT</b>	<b>Community Development - Planning</b>
<b>PRESENTER</b>	<b>Timothy E. Thwing/Planning Staff</b>
<b>MEETING DATE</b>	<b>January 27, 2025</b>
<b>SECOND READING REQUIRED</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>CERTIFIED RESOLUTION</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**EXECUTIVE SUMMARY** *(include history of previous Commission action/discussion, background, scope of work, etc.):*

At the regular meeting of December 9, 2024, the City Commission approved on first reading the conditional rezoning of the southeast corner of West 13 Mile Road and Prairie Avenue from “Neighborhood Business” to “Multiple-Family Residential.” As part of the first reading a site plan was approved to allow construction of a building with 12 multiple-family dwellings. The relevant documents from the first reading can be found [at this link](#).

Attached is the conditional zoning agreement required as part of the second reading. It includes the site plan as approved on first reading along with the Planning Commission’s memorandum of action. Since the December 9<sup>th</sup> meeting, the petitioner revised the site plan to remove a proposed wind turbine and instead expand solar panels on the roof.

### FISCAL IMPACT

**OTHER FISCAL IMPACTS:** (Select all that apply.)

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|--|--|
| <input checked="" type="checkbox"/> No fiscal impact     | <input type="checkbox"/> Revenue impact (details below)    |
| <input type="checkbox"/> Workload impact (details below) | <input type="checkbox"/> Operations Impact (details below) |

**REVENUE IMPACT:** *Provide a description of how this item will impact revenue. (Is this item expected to create additional/new revenue? Will this item have a negative impact on revenue? Which funds would be impacted? Provide additional details, as necessary.)*

N/A

**WORKLOAD IMPACT:** *If this item will require staff time to implement, operate or maintain, provide a description of the workload impact. (Will more staff be needed? Is this workload able to be absorbed by existing staff? If new FTE(s) are needed, provide details of position classification and duties. Provide additional details, as necessary.)*

N/A

**OPERATIONS IMPACT:** *If the item requires a budget adjustment, please identify source of additional funds and any proposed cuts to other operations, programs and services.*

N/A

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## **ALIGNMENT WITH COMMISSION APPROVED PLANS, POLICIES, AND PROGRAMS**

*Provide a description of how this item aligns with the strategic plan, aging in place plan, and sustainability and climate action plans. Include any specific goals or action steps it supports.*

The Planning Commission reviewed the application for consistency with the City's [Master Plan](#), including its goals and objectives as well as its [future land use map](#).

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## **COMMUNITY ENGAGEMENT**

*Provide a description of any community engagement efforts made for this item. Include information on tools used, participation information, and general sentiments.*

At their regular meeting of October 8, 2024, the Planning Commission conducted a public hearing on the conditional rezoning and associated site plan. Notice of the public hearing was published in the Royal Oak Tribune in accordance with state law. Notices were also mailed to property owners and residents within 300 feet of the subject site, also as required by state law. The petitioner also posted a sign on the property stating that a rezoning application had been submitted for the property.

Written comments submitted for the Planning Commission's public hearing can be found in the meeting materials from the first reading. Spoken comments from members of the public at the public hearing can be seen in the video of the October 8, 2024, Planning Commission meeting available on the [WROK YouTube channel](#).

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## **BOARD AND COMMISSION FEEDBACK**

*Was an advisory board or commission engaged in discussion on this item? If yes, please provide a summary of feedback received:*

At their regular meeting of October 8, 2024, the Planning Commission recommended that the property be conditionally rezoned from "Neighborhood Business" to "Multiple-Family Residential," and that the associated site plan be approved with contingencies. Staff reports to the Planning Commission and correspondence from the petitioner can be found with the [on-line agenda materials](#) from the October 8<sup>th</sup> meeting. Comments from commissioners and the petitioner can also be seen in the video of the meeting available on the [WROK YouTube channel](#).

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## **LEGAL COMMENTS**

### **PROPOSED COMMISSION RESOLUTION:**

**Whereas** the Royal Oak Planning Commission held a public hearing on October 8, 2024, and recommended approval of an amendment to the City of Royal Oak Zoning Map for the purpose of conditionally rezoning the southeast corner of West 13 Mile Road and Prairie Avenue (parcel no. 25-07-103-041) from "Neighborhood Business" to "Multiple-Family Residential;" and

**Whereas** the Royal Oak City Commission has determined that the Zoning Map amendment is consistent with the goals and objectives of the City of Royal Oak Master

Plan and has received the record of public comments taken at the public hearing held at the Planning Commission meeting of October 8, 2024.

**Therefore, be it resolved**, that Ordinance 2024-##, entitled “An Ordinance to Amend the Zoning Map of the City of Royal Oak,” is hereby adopted on second reading.

**The City of Royal Oak ordains:**

Section 1 – Ordinance. Pursuant to the provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and pursuant to all applicable provisions of law, the City of Royal Oak Zoning Map is hereby amended 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,” and SP 24-10-11, a site plan to allow construction of a building with ten (10) multiple-family dwellings at the southeast corner of West 13 Mile Road and Prairie Avenue (parcel no. 25-07-103-041), is hereby approved, subject to the associated “conditional zoning agreement.”

Section 2 – Severability. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 3 – Savings. As proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 4 – Repealer. All ordinance or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 5 – Effective Date. This ordinance shall be published in a newspaper of general circulation in the City of Royal Oak and shall become effective ten (10) days after publication, as provided by law.

**Be it further resolved** that the City Commission hereby approved associated conditional zoning agreement required as part of the second reading for ordinance 2024-##, subject to any final revisions from the City Attorney, and that the Mayor and City Clerk are hereby authorized to execute said agreement.

**ATTACHMENTS:**

**1 – Conditional Zoning Agreement**