

CHARTER TOWNSHIP OF OXFORD PLANNING COMMISSION REGULAR MEETING
THURSDAY, OCTOBER 22, 2009

A regular meeting of the Charter Township of Oxford Planning Commission was held Thursday, October 22, 2009, at the Oxford Veterans Memorial Civic Center.

Members Present: Bell, Berger, Black, Curtis, Lepping, Roesner, Spisz

Members Absent: None

Also Present: Planner Wortman, Engineer Mayer, Fire Chief Scholz, Secretary Harrison, a cameraman, and approximately 7 audience members.

The meeting was called to order by Chairman Bell at 7:30 pm.

RESPECTS TO THE FLAG

NOTING OF ROLL

APPROVAL OF AGENDA

Commissioner Black moved, Commissioner Curtis seconded, to approve the October 22, 2009 agenda, as presented.

Commissioner Black amended the motion, Commissioner Curtis re-supported, to amend the agenda as follows:

- Add to item 10. Master Plan Discussion

Ayes: 7 Nays: 0 Absent: 0 Motion Carried

APPROVAL OF THE MINUTES

Planning Commission Regular Meeting – September 10, 2009.

Commissioner Black moved, Commissioner Curtis seconded, to approve the Planning Commission Regular Meeting Minutes of September 10, 2009, as presented.

Ayes: 7 Nays: 0 Absent: 0 Motion Carried

PUBLIC COMMENTS ON ITEMS NOT SCHEDULED FOR PUBLIC HEARING OR ON AGENDA – None

COMMISSIONERS' COMMENTS, COMMENTS FROM ZONING ADMINISTRATOR, COMMENTS & INFORMATION FROM RECORDING SECRETARY

Commissioners' Comments: Commissioner Curtis noted the Township is looking for a new Zoning Enforcement Officer.

Commissioner Spisz commented that Ordinance 67A amendment .004 regarding WECS was approved by the Township Board at its last meeting. Amendment .005 was not approved and it was requested it go back to the Ordinance Review Subcommittee for further discussion regarding temporary signs. Trustee Bellairs had other concerns that had not been addressed; Commissioner Spisz has those concerns and will give them to the subcommittee chairman. A meeting was set up for November 19th.

CHARTER TOWNSHIP OF OXFORD PLANNING COMMISSION REGULAR MEETING
THURSDAY, OCTOBER 22, 2009

Commissioner Roesner commented that at the last ZBA meeting, it was discovered a parcel had two different zonings. The Zoning Board agreed it was a zoning map error, the proper zoning should be R-2, and requested that change be made.

Chairman Bell commented on the same ZBA meeting and clarified what the ZBA did was proper but if the parcel needed to be rezoned, that would be a Planning Commission function. He also clarified that Commissioner Black attend the meeting as a resident and was not representing the Planning Commission. Chairman Bell noted the Ordinance Review Subcommittee should look at the ordinance and come up with something that would address parcels with two different zonings.

Recording Secretary Comments: None

PUBLIC HEARING(S)

SPECIAL LAND USE: - Drive-In & Drive Thru – 1090 S. Lapeer Rd., Oxford, MI 48371 – Parcel # 04-35-126-010 – Applicant: David Lee, Rochester Hills, MI 48307 – Property Owner: David Lee – (PC PAC 3/26/2009)

Commissioner Black moved, Commissioner Curtis seconded to open the public hearing.

Ayes: 7 Nays: 0 Absent: 0 Motion Carried

Joseph Saigh, 1010 S. Lapeer Road, asked for clarification on the description “drive-in & drive thru”; asked for the dimensions of the parcel; doesn’t believe this is the proper use for this site; with economic climate, it is difficult for businesses to make it and there are too many restaurants in the area already. *It was clarified the facility would be a drive-thru with some dine-in capacity, not like a Sonic or A&W where you are served in your car; the dimensions of the parcel are 90’ x 200’ and there is nothing in the ordinance about lot size requirements for a drive thru as long as proper circulation can be proven however there is a stacking requirement of 6 cars based on use.*

Roy Gillard, Oxford resident, supports the use and welcomes the opportunity to have a drive-thru donut shop; he visits Mr. Lee’s facility in Rochester and it is ran very well; it would be bringing new business into Oxford and new job opportunities; he drove the property and believes there is enough egress and ingress availability.

Chairman Bell read correspondence from the owner of Italia Gardens who supports Mr. Lee opening the donut/burger shop; it will be an excellent change to the boarded up building that sits there now; commended Mr. Lee for his effort and willingness to open a new businesses given the challenging economic times; encouraged the Planning Commission to assist Mr. Lee in the process of opening this facility.

Commissioner Black moved, Commissioner Curtis seconded, to close the public hearing.

Ayes: 7 Nays: 0 Absent: 0 Motion Carried

Mr. Lee, the applicant, was present. He owns the former building known as the Chopping Block, he would like to convert it into a drive-thru/dine in donut shop that will also serve burgers and fries in the afternoon. He commented most of his business would be in the morning for coffee and donuts. He is asking the community to support him and the business.

Chairman Bell informed the Commissioners at this point they are only considering the Special Land Use permit which is required for a drive-thru restaurant on this property.

CHARTER TOWNSHIP OF OXFORD PLANNING COMMISSION REGULAR MEETING
THURSDAY, OCTOBER 22, 2009

Commissioner Berger asked about the hours of operation. Mr. Lee responded he only intends on being open from 5:00 am to no later than 3:00 pm.

Findings Of Fact – ARTICLE 4, Section 4.5 (Subsection A-G) of Ordinance 67A.

Commissioners agreed the request complies with subsections B, C, F, and G.

Subsection A.

In the Planner's review it is noted the site is very narrow and vehicle circulation is critical to ensuring that surrounding uses will not be negatively impacted.

Commissioner Roesner was concerned about traffic going in and out; that parking at Italia Gardens already makes it difficult to see; and believes MDOT has plans on expanding that area.

It was noted there were no comments from the Sheriff's Department or the Fire Department regarding traffic concerns.

Subsection D.

There was concern from Engineer Mayer there is no detention provided on the site which is an engineering standards requirement, however, it would be possible to achieve.

Chairman Bell noted an e-mail from the DEQ that a Storm Water Discharge Permit may be required.

Subsection E

It was agreed these issues will be addressed during the preliminary site plan review and that all could be achievable.

Commissioner Black moved, Commissioner Curtis seconded, to approve the Special Land Use for 1090 S. Lapeer Road, Oxford, MI.

Commissioner Black amended the motion, Commissioner Curtis re-supported to add: per discussion and Findings of Fact of Ordinance 67A, Article 4, Section 4.5 (Subsection A-G).

Roll Call:

Ayes: Berger, Black, Curtis, Lepping, Roesner, Spisz, Bell

Nays: None

Absent: None

Motion Carried

OLD BUSINESS

PRELIMINARY SITE PLAN – 1090 S. Lapeer Rd., Oxford, MI 48371 – Proposed In and Out Donuts & Burgers – Parcel # 04-35-126-010 – Applicant: David Lee, Rochester Hills, MI 48307 – Property Owner: David Lee – (PC PAC 3/26/2009)

Mr. David Lee, the applicant, and John Shen, the architect, were present and are seeking preliminary site approval for a family ran donut and burger shop at this location. Mr. Lee reiterated the hours of operation and that it is critical for the business to have a drive-thru pick-up window for customers "on the go" early in the morning. He believes the site has enough space for people to maneuver around safely and understands there are parking issues but has spoken to the owner of Italia Gardens who has agreed to reverse the angle of his parking so that traffic coming in and out of each establishment will be consistent.

CHARTER TOWNSHIP OF OXFORD PLANNING COMMISSION REGULAR MEETING
THURSDAY, OCTOBER 22, 2009

Commissioners agreed that Mr. Lee will need to get something in writing from the owner of Italia Gardens stating he will change the angle of his parking and traffic flow.

Chairman Bell began discussion with the consultant review letters which Mr. Lee said he was in receipt of.

ATTORNEY Rentrop & Morrison Review dated 10/14/09:

- Regarding stacking space for cars – Mr. Shen demonstrated they will have enough space and will show that on the drawings for final site plan review.
- The zoning of the property to the rear of the site is C-2 so fencing will not be a requirement and the applicant has agreed to show all zoning classifications on adjoining properties on the final site plans.
- Specifications for noise levels will be submitted during final site plan review.
- Regarding off street parking – Ordinance requires 25, they are supplying 13 spaces, anticipating 3 employees and 10 customer; they will provide for non-motorized or other alternatives to vehicular transportation; they will obtain an agreement with Italia Gardens for a collective parking arrangement; and will obtain fully described cross easement agreements before final site plan review.
- Preliminary calculations for storm water need to be on the plans, will comply; further storm water management will addressed during the Engineer's review.

PLANNER Carlisle Wortman Review dated 10/15/09:

- Concerns about circulation should be taken care of with the cross access easement agreements. The applicant has agreed to secure those with the adjoining properties to the north and south.
- Regarding the number of parking spaces required, the Planning Commission has the authority to waive that requirement if the applicant demonstrate he doesn't need that many. *Mr. Lee commented the majority of business will be drive thru and only has 10 spaces for his restaurant in Rochester.*
- The applicant agreed to provide a detailed landscape plan and photometric plan that meet Township ordinances during final site plan review; and will only be putting a sign on the front of the building which will be on the plans for final review.

ENGINEER Giffels-Webster Review dated 10/12/09:

- The applicant will comply with having the legal description certified by a professional land surveyor; will provide the sizing of existing utilities on the plans; will note the useable vs. total floor area on the plans; and will obtain soil erosion approval from the Water Resources Commissioner.

CHARTER TOWNSHIP OF OXFORD PLANNING COMMISSION REGULAR MEETING
THURSDAY, OCTOBER 22, 2009

- Circulation has been addressed.
- Suggested putting in parking lot striping along the drive-thru lane and a side walk along the north side of the building for pedestrian safety to get from the parking area at the rear to the entrance in the front of the building.
- The applicant will provide additional grade and landscape plans with details for final site plan and construction documents.
- The applicant agreed to provide a grease trap that adheres to County building codes.
- Will comply by adding detention calculations to the plans and will provide for some way of handling storm water discharge from the site. It was also noted a wetlands permit may be required as per documentation received from the DEQ.

SHERIFF'S DEPARTMENT Review dated 10/22/09:

- All fire lanes will be posted and the required number of handicap spaces are provided. Commissioners agreed a "Stop" sign is not needed as was suggested but did recommend as part of the site plan signage package to include appropriate directional signage.

FIRE DEPARTMENT Review dated 10/9/09:

- Will provide a Knox box.

The Parks and Recreation Department had no concerns.

There was concern about the amount of traffic that will be generated between the donut shop and Italia Gardens. *Mr. Lee responded approximately 85% of his business is done between the hours of 5:00 am and 11:00 am and Italia Gardens doesn't open until 11:00 am.*

Commissioner Black moved, Commissioner Curtis seconded, to approve the Preliminary Site Plan for 1090 S. Lapeer Road contingent upon the following:

- Change the parking directions of Italia Gardens in letter form.
- A minimum of 20 feet spacing for cars.
- The parking will consist of a minimum for 3 employees and at least 10 for customers.
- Need a specific agreement on the easement and drawings of the circulation.
- Include storm water run off with approval from the DEQ for run off into the rear pond.
- Certification of the survey.
- All zoning classifications noted on the plans.
- A landscape plan, photometric plan, signage plans for the building, and a soil erosion plan are needed.
- Parking and walking striping for pedestrians so as not to conflict with drive-thru traffic.
- Fire Department Knox box shall be included on the drawings.
- A "Right Turn Only" sign, a "Do Not Enter" sign, and any other directional signs need to be provided.

CHARTER TOWNSHIP OF OXFORD PLANNING COMMISSION REGULAR MEETING
THURSDAY, OCTOBER 22, 2009

- Fire lanes need to be posted.
- Provide a grease trap for the sanitary sewer.

After discussion of the motion:

Commissioner Black withdrew the motion and Commissioner Curtis withdrew support.

Commissioner Berger moved, Commissioner Lepping seconded, to approve the Preliminary Site Plan for 1090 S. Lapeer Road, applicant Mr. David Lee, regarding the proposed In and Out Donuts & Burgers shop on parcel # 04-35-126-010 with the stipulation that Mr. Lee will bring back a plan that complies with all the items from the Attorney's review dated October 14, 2009, the Engineer's review dated October 12, 2009, the Fire Department's review dated October 9, 2009, the Sheriff's review dated October 22, 2009 with exception of the suggested "Stop" sign, and the Planner's review dated October 22, 2009; also contingent upon building signage being noted on the plans, that any directional signage be included on the plans that demonstrates how traffic will flow; and that a shared or collective parking agreement with the neighboring parcel commonly known as Italia Gardens is executed; further, contingent upon compliance with the condition noted in the DEQ e-mail dated October 16, 2009.

Commissioner Berger amended the motion, Commissioner Lepping re-supported, to correct the date on the Planner's review to October 15, 2009.

Ayes: 7 Nays: 0 Absent: 0 Motion Carried

NEW BUSINESS –

Master Plan Discussion – Commissioner Lepping gave the Commissioners new maps from a Green Infrastructure seminar he attended. He noted that a lot of the information is already on the Township's Master Plan but asked Commissioners to take a look at for things that might be missing.

Commissioner Lepping also requested the ORSC look at providing something in the ordinance that would allow for what used to be called "Mother-In Law Suites". Some type of structure that could be added to a single family residential home or lot that could accommodate an aging or impaired relative. Planner Wortman commented that some communities have adopted similar provisions known as ECHO housing; he will gather some information and forward it to the subcommittee. Mr. Wortman noted that such an ordinance can be difficult for the code enforcement such as when the family member no longer resides in the structure and the homeowner wants to rent it out.

Chairman Bell commented that per the Enabling Act, communities are required to review their Master Plan every 5 years and that the Township Board has approved \$5,000 to do this. He also noted he has a copy of the Charter Township of Orion's 2009 draft Master Plan for review which is required by the County. Chairman Bell did not have a problem the drafted Master Plan and it gave him the idea that Oxford Township should also look at tax abatement areas and special industrial districts. Commissioner Spisz noted he has requested the Township Economic Committee to also look at this and to come back to the Township Board with proposals. Commissioners agreed that Chairman Bell should draft a letter to the Township Board regarding this matter and ask that it be on the next Township Board agenda.

Planner Wortman explained how Orion Township addressed economic changes on their Master Plan by establishing the southern portion of the Township as an industrial facilities tax exempt zone; and how they worked with the County to identify economic development strategies, marketing strategies,

CHARTER TOWNSHIP OF OXFORD PLANNING COMMISSION REGULAR MEETING
THURSDAY, OCTOBER 22, 2009

and other tools such as grants. The Township can also do certain things with zoning such incentive zoning to assist with economic development. If the Township Board agrees, economic development would be an important component to a new Master Plan.

Commissioner Black also suggested the ORSC look at the area north of downtown on the west side for possible zoning changes to attract commercial development.

PLANNER/ENGINEER REPORTS

Planner – Carlisle/Wortman – Planner Wortman’s comments were noted during the Master Plan discussion.

Engineer – Giffels-Webster – In regards to Gateway Drive, Engineer Mayer commented that the legal descriptions for the Maintenance Agreements have been reviewed and corrected. He was not sure if they have been recorded but will check into it; the cul de sac is complete according to the approved site plan, it did not need to be paved.

ADJOURNMENT

Commissioner Black moved, Commissioner Curtis seconded, to adjourn the meeting at 9:10 pm.

Ayes: 7 Nays: 0 Absent: 0 Motion Carried

Todd Bell, Chairman

Tom Lepping, Secretary

Date approved: 12/10/2009
lmh