

**CHARTER TOWNSHIP OF BLOOMFIELD  
PLANNING COMMISSION MEETING**

*Monday, November 16, 2009*

Bloomfield Township Hall

**I. ATTENDANCE:**

**PRESENT:** Salz, Goldberg, Stefanos, Barnett, Mintz, Stark, Petinga

**ABSENT:** None

**Staff Present:** Patricia Voelker, Director of Planning, Building, and Ordinance, and Robin Carley, Development Coordinator

**II. APPROVAL OF MINUTES:**

**Motion was made by Stark, seconded by Goldberg and was unanimously supported to approve the Planning Commission minutes of October 19, 2009 as written.**

**AYES:** Salz, Goldberg, Stefanos, Barnett, Mintz, Stark, Petinga

**NAYS:** None

**III. PUBLIC HEARING:**

**A. Proposed Amendments to the Zoning Ordinance relating to Liquor License Requirements and Proposed Amendments to the Zoning Ordinance relating to Retail Wine Stores**

Ms. Voelker reviewed the proposed amendments relating to liquor licenses. She reviewed her staff report that was provided to the Commissioners and submitted to the file.

The first amendment relates to prohibiting the sale of alcohol products at gasoline stations. Ms. Voelker noted that the Township strongly discourages furthering the relationship between the motoring public and alcohol sales given the concern for alcohol related traffic deaths. A draft resolution was also provided to the Commissioners that sets forth the rationale in terms of the preservation of the public health, safety, and welfare.

Highlights of the proposed gasoline station amendment include:

- Establishing a new definition of “gasoline station”
- Amending the standards for automobile service stations to specifically prohibit the sale of beer, wine, and other alcoholic beverages.

Ms. Voelker then reviewed the proposed ordinance amendment relating to retail package outlets. The Commissioners were provided with lists and maps relating to the locations of the SDD and SDM liquor licenses within the Township. Ms. Voelker noted that the Zoning Ordinance currently requires that each retail package establishment maintain a minimum distance of 2,000 ft. to a school and that a minimum distance of 2,640 ft. must be maintained between retail package outlets. She commented on the distance between several existing package outlets, noting the majority of the locations were in non-compliance. Their non-compliance was in part due to their locations being concentrated along major thoroughfares such as Telegraph Road and Woodward Avenue, and at major commercial intersections zoned for commercial use. Ms. Voelker then reviewed the distance of the existing package outlet sales to the closest schools, noting that seven existing locations within the Township are currently non-conforming. She noted that the Ordinance currently requires a distance of 750 feet from a regulated use, such as an adult book store, pawn shop, etc., to a school. The proposed ordinance amendment requiring a minimum distance of 750 feet from a retail package outlet to a school would match the distance requirements for regulated uses currently within the zoning ordinance.

Ms. Voelker noted that the Michigan Liquor Control Code stipulates that SDD (sale of package liquor) shall be limited by population of 1 license per 3,000 people for cities, villages, and townships. It was recommended that this State law be added to our local ordinance for clarification. This regulation does not apply to SDM (sale of beer and wine only) licenses.

Highlights of the proposed retail package outlets amendment are as follows:

- Amend the distance to a school facility from 2,000 ft. to 750 ft., to be consistent with the regulated use provisions.
- Eliminate the separation requirement of 21,640 ft. to another retail package outlet due to the Township’s business classifications located only along major thoroughfares and key commercial intersections.
- Add the State licensing criteria allowing 1 retail package outlet that sells package liquor for consumption off premises (SDD license) for every 3,000 in population.

Ms. Voelker then reviewed the proposed amendment to the Zoning Ordinance relating to retail wine stores. She commented that the Township had been approached by Mr. Carl Rose, owner of the Bloomfield Market Place shopping plaza, along with a proposed tenant, Mr. Joseph Newmyer, expressing an interest in opening a retail wine store that

offered sample wine tasting to its customers. The current requirements for the B-2, Community Business, and B-3, General Business zone districts allow for the sale of beer, wine, and / or liquor, however, do not allow for consumption on premises unless associated with a restaurant use. The proposed tenant was not proposing food service as part of the wine shop operation.

Highlights of the proposed Retail Wine Store Amendment are as follows:

- Established a retail wine shop as a special land use in the B-2, Community Business District.
- Permits a retail wine shop as a special land use in the B-3, General Business District by reference per Sec. 42-3.1.7.B.1
- Allow a retail wine shop with a tavern license for the specific purpose of offering wine sampling only.
- Wine sampling is permitted as an incidental use to a retail wine store.
- Identifies a retail wine shop as having a majority of its inventory and sales from wine products.

Ms. Voelker further addressed concerns raised by the Commissioners at the Commission meeting, the call for public hearing, held on October 19, 2009, by offering the following comments from Captain Steve Cook of the Township's Police Department:

- All Tavern or Class C Liquor license owners are required by the LCC to maintain a supervisor / server on duty with certified server training. The Michigan Licensed Beverage Association offers a server-training program called TAM (Techniques of Alcohol Management) that is certified by the State of Michigan.
- The Department confirmed that the LCC does not control pour amounts, number of samples, or charging for samples.
- The Bloomfield Township Police Department strives to maintain good relationships with all Township establishments that have LCC licenses. Each establishment owner is encouraged to call 911 on any alcohol-related problem and each incident is documented in a report to the Police Chief.

Ms. Voelker noted that the Township's attorney had reviewed the proposed ordinance amendments and found the ordinances to be acceptable as drafted. She also noted that Mr. Joe Newmyer, the proposed "Retail Wine Guy" tenant was present in the audience. Mr. Newmyer's business plan was provided to the Commissioners and submitted to the file.

Mr. Salz asked for questions or comments from the Commissioners to Ms. Voelker.

There were no questions or comments from the Commissioners and Mr. Salz opened the public comment portion of the meeting.

Mr. Laith Jonna, business owner within Bloomfield Township, questioned if the State had a regulation governing the number of tavern licenses allowed within a community, and if a tavern license was counted in the number of Class C / Tavern licenses allotted to the Township.

Ms. Voelker reviewed the retail wine store proposal noting that an SDD license was required to sell wine for consumption off the premises and a tavern license was required to sample the wine on site. She noted that the Township still had approximately 12 – 13 Class C / Tavern licenses available for its businesses.

There were no further comments or questions from the public and Mr. Salz closed the public comment portion of the meeting and returned to the Commission.

Mr. Mintz questioned if the Township was in danger of using or allotting all its Class C / Tavern licenses. He noted that he was somewhat uneasy recommending approval for the use of a Class C / Tavern license for a retail wine shop.

Ms. Voelker commented that the Township still had an ample amount of Class C / Tavern licenses available for future businesses and restaurants, noting that the Township had not been inundated with requests for businesses / restaurants requiring Class C and / or Tavern licenses.

Dr. Goldberg complimented Ms. Voelker on the information provided to the Commissioners and that his previously expressed questions and concerns had been adequately addressed.

Mr. Salz expressed concern that a “wine bar” use could possibly be established, under the guise of a retail wine store.

Ms. Voelker noted that a retail wine store was clearly defined within the proposed ordinance and was very different than a wine bar establishment. She stated that the Police Department was very strict in its enforcement of wine tasting as an “incidental use”, as opposed to an on-going wine bar establishment.

Mr. Mintz suggested that the Commission define “incidental” and not allow someone to test the ordinance definition or intention.

Ms. Voelker noted that adding a threshold or definition of “incidental” resulted in enforcement issues for the Township and cautioned the Commission in being too restrictive with its language.

Mr. Barnett commented that the Ordinance amendments were well drafted and very narrowly written and thus easily defined. He did not feel that the Township would be

inundated with new retail wine store establishments and that the inclusion of a definition of “incidental” within the ordinance language was not necessary.

Mr. Salz suggested that perhaps the Commission could recommend to the Township Board of Trustees that the Trustees should possibly consider including a clear definition of “incidental”.

Mr. Stark commented that including a strict definition of “incidental” may be detrimental to the business owner and that the owner should be allowed to hold periodic wine tasting parties and run the establishment, as he or she deems necessary. The dollar amount for the proposed retail wine store operation would still be centered around the retail operation of selling cases of wine to a large group of people.

Dr. Goldberg commented that he agreed that the Commission should forward their concerns to the Township Board of Trustees, however, did not recommend including a definition of “incidental” within the proposed ordinance language.

Mr. Barnett noted that the minutes of this Commission meeting would be provided to the Board of Trustees expressing the Commissioners’ concerns regarding a definition of “incidental”, however, a definition should not be included within the motion.

There were no further questions or comments from the Commissioners and Mr. Salz called for a motion.

**Motion was made by Mintz, seconded by Barnett, and was unanimously supported to forward the proposed ordinance amendments as written to the Township Board of Trustees, with a recommendation for approval.**

**AYES: Salz, Goldberg, Stefanos, Barnett, Mintz, Stark, Petinga**  
**NAYS: None**

#### **IV. DISCUSSION ITEMS:**

##### **A. Items Not on the Agenda**

The Commission discussed the survey being conducted within the Township for a possible election for a millage proposal. Mr. Barnett noted that a study session was being held by the Board of Trustees on 11-19-09 to discuss the results of the survey. The issue may then be scheduled for the Board of Trustees meeting of 11-23-09.

The Commission was provided with a memorandum from Noah Mehalski, Environmental Specialist, regarding the positive impact the newly adopted Tree Preservation and Protection Ordinance has had on the Township. The Commission

discussed enforcement of the Ordinance, including enforcement action that takes place on weekends. Ms. Voelker stated that she would confirm the Township's contact information for any weekend activity.

There were no additional items discussed.

**V. GENERAL BUSINESS:**

**A. Planning Commission Meeting Schedule**

The next Planning Commission Meeting was tentatively scheduled for Monday, December 7, 2009.

**VI. ADJOURNMENT:**

The Planning Commission Meeting of Monday, November 16, 2009 was adjourned at 7:55 P.M.

*Respectfully submitted,*

*Patricia Voelker, Director  
Planning, Building, and Ordinance*

*rc*