

CHARTER TOWNSHIP OF BLOOMFIELD PLANNING COMMISSION MEETING

Monday, January 5, 2009

Bloomfield Township Hall

I. ATTENDANCE:

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

ABSENT: None

Staff Present: Patricia McCullough, Planning and Building Director, Wayne Domine, Engineering and Environmental Director, Meghan Bonfiglio, Public Works Manager, Noah Mehalski, Environmental Specialist, Chris Gruba, Assistant Planner, and Robin Carley, Development Coordinator

Mr. Dave Payne, Township Supervisor, was present in the audience.

Mr. Salz welcomed Nick Jevahirian, Eagle Scout of Troop 1009, who was in attendance at the meeting working on obtaining his “Citizenship in the Community” badge.

II. APPROVAL OF MINUTES:

Motion was made by Stark, seconded by Petinga, and was unanimously supported to approve the Planning Commission minutes of October 20, 2008 as written.

YEAS: Salz, Goldberg, Stefanos, Barnett, Mintz, Stark, Petinga

NAYS: None

III. CALL FOR PUBLIC HEARING:

A. Tree Preservation Ordinance

Mr. Salz commented that he and Dr. Goldberg had the opportunity to meet with the Planning Division and representatives of the Engineering and Environmental Department to review a draft of the proposed tree preservation ordinance. He felt that the preliminary informational meeting was very beneficial prior to this evening’s Planning Commission meeting.

Ms. McCullough reviewed the impetus in developing this ordinance including the public comments received through the public forums scheduled with the Master Plan Update process. She noted that the Township Attorney had reviewed the proposed ordinance amendment and found the language to be acceptable as drafted.

The following highlights of the Draft Tree Preservation Ordinance were reviewed by Ms. McCullough:

- Creates several definitions, including such terms as clear-cutting, diameter breast height, landmark trees, protected trees, and others.
- Establishes when a tree permit is required, such as clear-cutting activity, and when a building permit is required for construction activity.
- Establishes when a tree permit is not required, such as for routine yard maintenance, emergencies, public utility, or removal of dead or damaged trees.
- Identifies the criteria by which replacement trees will be required as part of a tree permit.
- Specifies tree protection measures for construction activity.

Ms. McCullough introduced Wayne Domine, Noah Mehalski, and Meghan Bonfiglio to further review the draft ordinance amendment.

Ms. Bonfiglio and Mr. Mehalski reviewed a PowerPoint presentation that was provided to the Commissioners and submitted to the file. The presentation included review of the Master Plan Update, noting the emphasis on the natural features and woodlands aspects of the Plan. Further review included clarification of when a permit was required or not required, a tree health / condition rating chart, tree replacement requirements, information required for submittal of a tree permit application, and an ordinance comparison chart of requirements from six other local municipalities.

Mr. Salz asked for comments or questions from the Commissioners to the Township Staff.

Ms. Stefanos asked for clarification regarding the replacement of landmark trees, which was provided by Ms. Bonfiglio.

Mr. Stark commented on the regulation requirements relative to the minimum size of the tree, questioning the reasoning in determining 8 inches as the minimum, as opposed to 6 inch trees

Mr. Mehalski stated that the Township did not want to be overly burdensome to its residents but did want to preserve its mature, substantial trees. He noted that other communities' regulations included both 6 inch and 8 inch as minimums.

Mr. Mintz questioned the reference to a penalty as listed on page 13, item #15 – “subject to penalties pursuant to Section 42-118”. He stated that civil infraction fees may not be severe enough and that perhaps criminal fees should be incurred. He also questioned how the Township would enforce this penalty.

Mr. Mehalski stated that there would also be replacement fees incurred by the violator, along with the civil infraction fees incurred with a violation of the Zoning Ordinance.

Mr. Barnett questioned if the Trustees could raise the \$100.00 civil infraction fee for this specific ordinance violation.

Ms. McCullough stated that the Township Board should carefully consider this decision, noting that all Zoning Ordinance violations have an established uniform fee. Ms. McCullough commented that the Ordinance Division was responsible for issuing violation notices.

Mr. Salz reiterated that this ordinance only applied to clear-cutting issues or when a property was under a building permit.

Mr. Barnett complimented the Planning Division and the Engineering and Environmental Department on their hard work over several years regarding the development of this ordinance amendment.

Mr. Salz opened the public comment portion of the meeting.

Mr. James Foster, 1420 Lakewood Drive, questioned if this ordinance could be retroactive. He also questioned if the ordinance could be strengthened to apply to residential properties not under a building permit.

It was noted that the ordinance would not be retroactive and that the Township Staff was recommending that the regulations only apply to properties under a building permit. They did comment that clear-cutting restrictions applied to all Township properties.

Ms. Mary Pugh, not a resident of Bloomfield Township, however, was present representing her mother who resides at 5240 Wing Lake Road. She was concerned with the draft language, stating that it seemed highly subjective. Ms. Pugh requested that the ordinance language be strengthened to provide more “teeth” for enforcement purposes.

Mr. Jerry Posner, 1411 Lone Pine Road, commented on the definition of “clear-cutting”. He stated that the existing language “altering the character of a lot” was too subjective and that this ordinance would technically allow for 49 % clearing of a lot. Mr. Posner commented that if one was willing to pay enough money in fines and replacement fees, one could clear-cut a lot.

Ms. Susanne Goldstein, 4348 Pine Tree Trail, commented on her involvement with developing a tree ordinance in the City of Southfield. She questioned if the Township had been in contact with the surrounding communities to determine how their ordinances were currently working.

Ms. Bonfiglio commented that both she and Mr. Mehalski had been in contact several times with the City of Southfield, along with many other communities.

Mr. Jerry Snyder, a resident of the Township, questioned once again if the ordinance could be retroactive. He commented on the lot that was clear-cut within his subdivision and if the Township had received any plans regarding this property.

Ms. McCullough commented that the Township had been in contact with the owner and that it was stated that they would eventually develop the site.

Mr. Payne, Township Supervisor, commented on the lot in question, noting that the Township had been maintaining the site for years relative to property maintenance issues, including cutting the grass and charging the previous property owner. He noted that the new owner that had removed the trees would now be responsible for maintaining the site, including the removal of the trees that had been cut down. The new owner would also be responsible for maintaining the home.

Mr. Payne commented on the discussion regarding requiring a higher penalty for this particular ordinance violation noting that there were certain legal thresholds that must be maintained for zoning ordinance violations. He stated that the Township would verify this with the Township Attorney. Mr. Payne also commented that the Township did not want to regulate or discourage all homeowners who were just trying to prune or maintain their site, yet still address unnecessary tree removal.

Mr. Mintz expressed concern regarding loopholes. He commented that perhaps a timeframe could be instituted so that someone could not clear 49 % of the lot one month and another 49 % in the following months, thus avoiding the definition of clear-cutting.

Mr. Payne commented that there were always ways to circumvent or play games with an ordinance, however, he trusted that the Township's residents, along with the Township's staff, could monitor site conditions in determining if the character of the lot was being altered.

Mr. Salz stated that he believed the existing language "altering the character of a lot or area" was too subjective. He commented that many ambiguities result in court action.

Dr. Goldberg questioned if the Commissioners could be provided with other definitions of "clear-cutting" that were previously considered and perhaps less subjective.

Ms. Bonfiglio noted that the Township's draft tree preservation ordinance is the only ordinance that contains language addressing clear-cutting, when compared to the other surrounding municipalities currently with a tree preservation ordinance.

Mr. Mintz commented that if Bloomfield is the first to address clear-cutting, then the Commissioners must be very cognizant of their task in making this a workable ordinance, with the best definitions possible.

Mr. Payne noted that the appeal process incorporated into the tree preservation ordinance requires a hearing before the Zoning Board of Appeals. He stated that this process was a benefit to the Township in that the applicant was required to appear before members of the ZBA, all of whom are residents of the Township.

Dr. Goldberg suggested that the definition clear-cutting might read "removal of a significant amount of vegetation that affects the character of the lot".

Mr. Posner, 1411 Lone Pine Road, questioned if a building permit could be denied if the owner was not in compliance with the tree preservation ordinance.

Ms. McCullough confirmed that compliance with the tree preservation ordinance would be tied to the building permit as a condition of approval, prior to the issuance of the building permit.

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

Mr. Salz asked for a motion to schedule the public hearing.

Motion was made by Mintz, seconded by Barnett and was unanimously supported to call for a public hearing on Monday, February 2, 2009, for the proposed tree preservation ordinance.

YEAS: Salz, Goldberg, Stefanos, Barnett, Mintz, Stark, Petinga

NAYS: None

IV. DISCUSSION ITEMS:

A. Items Not on the Agenda

There were no items discussed.

V. GENERAL BUSINESS:

A. Election of Officers

Motion was made by Barnett, seconded by Petinga and was unanimously supported to maintain the current slate of officers:

**Chairperson – Mr. Jeff Salz
Vice-Chairperson – Dr. Scot Goldberg
Secretary – Ms. Sherry Stefanos**

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

B. Planning Commission Meeting Schedule

The next Planning Commission Meeting was tentatively scheduled for Monday, January 19, 2009.

VI. ADJOURNMENT:

The Planning Commission Meeting of Monday, January 5, 2009 was adjourned at 8:35 P.M.

Respectfully submitted,

*Patricia McCullough, Director
Planning and Building*

CHARTER TOWNSHIP OF BLOOMFIELD PLANNING COMMISSION MEETING

Monday, February 2, 2009

Bloomfield Township Hall

I. ATTENDANCE:

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

ABSENT: Salz

Staff Present: Patricia McCullough, Planning and Building Director, Wayne Domine, Engineering and Environmental Director, Meghan Bonfiglio, Public Works Manager, Noah Mehalski, Environmental Specialist, Chris Gruba, Assistant Planner, and Robin Carley, Development Coordinator

Dr. Goldberg, Vice-Chairperson, noted that Jeff Salz, Chairperson, was absent due to an illness, and that he would be serving as Chairperson for tonight's meeting.

Mr. Dave Payne, Township Supervisor, was present in the audience.

II. APPROVAL OF MINUTES:

Motion was made and unanimously supported to approve the Planning Commission minutes of January 5, 2009, with one typographical correction.

YEAS: Goldberg, Stefanos, Barnett, Mintz, Stark, Petinga

NAYS: None

III. PUBLIC HEARING:

A. Tree Preservation Ordinance

Ms. McCullough reviewed the revisions that were included within this updated draft ordinance, based on the comments of the Commissioners and the public in attendance at the January 5, 2009 Planning Commission Meeting, the Call for Public Hearing. She noted that the Township Attorney had reviewed the revisions to the proposed ordinance amendment and found the language to be acceptable as drafted.

The following highlights of the Draft Tree Preservation Ordinance were reviewed by Ms. McCullough:

- Creates several definitions, including such terms as clear-cutting, diameter breast height, landmark trees, protected trees, and others.
- Establishes when a tree permit is required, such as clear-cutting activity, and when a building permit is required for construction activity.
- Establishes when a tree permit is not required, such as for routine yard maintenance, emergencies, public utility, or removal of dead or damaged trees.
- Identifies the criteria by which replacement trees will be required as part of a tree permit.
- Specifies tree protection measures for construction activity.

Ms. McCullough introduced Wayne Domine, Noah Mehalski, and Meghan Bonfiglio to further review the draft ordinance amendment.

Ms. Bonfiglio and Mr. Mehalski reviewed a PowerPoint presentation that was provided to the Commissioners and submitted to the file. The presentation included review of the Master Plan Update, noting the emphasis on the natural features and woodlands aspects of the Plan. Several key definitions within the ordinance were reviewed, noting the inclusion of several illustrations to further clarify the definitions and ordinance language. Further review included clarification of when a permit was required or not required, a tree health / condition rating chart, tree replacement requirements, information required for submittal of a tree permit application, and an ordinance comparison chart of requirements from six other local municipalities. The process of obtaining a tree survey was reviewed, noting that an arborist could perform this survey. Ms. Bonfiglio reviewed the establishment of a Woodlands Trust Fund, noting that an applicant may pay directly into the Trust Fund when tree replacement on site was not possible.

Ms. McCullough reviewed the variance procedure that would require submittal to the Zoning Board of Appeals. She reviewed the following tests of practical difficulty that any applicant must demonstrate in order to obtain a variance from the Zoning Ordinance:

- Compliance would be unduly burdensome
- No injustice to the adjoining neighbors
- Unique circumstances with the property
- Not self-created

Ms. McCullough further reviewed the Township's enforcement of this amendment, noting the penalties for an ordinance violation.

Mr. Mehalski reviewed several examples or scenarios, through the use of aerials, charts, and photographs, detailing when a tree permit would be required or not required. He stated that the Township had elected to regulate trees 8-inches in diameter or greater, noting that several other communities regulations started with trees 6-inches in diameter.

Dr. Goldberg asked for comments or questions from the Commissioners to the Township Staff.

Dr. Goldberg questioned if a resident, with an existing home, could clear-cut his own lot.

It was noted that clear-cutting was prohibited on any property within the Township.

Mr. Stark commented on the possibility of removing trees methodically over a period of time, thus no regulations would be imposed, and that eventually a lot could be clear-cut. He also questioned the proposed fine of \$100.00 dollar per day for violations.

Ms. McCullough commented on Mr. Stark's scenario, noting that at some point the character of the lot would be altered, thus allowing the Township to address the removal of trees from the site, per the tree preservation ordinance. Ms. McCullough did note that daily tickets could be written, with daily fines incurred, if necessary.

There were no further comments from the Commissioners to Staff.

Dr. Goldberg opened the public comment portion of the meeting, requesting that due to the number of people in attendance, the comments be held to a 3-minute maximum.

Mr. Jerry Posner, 1411 Lone Pine Road, commented on the definition of "clear-cutting" and thanked the Commissioners for revising the definition.

Ms. Susanne Goldstein, 4348 Pine Tree Trail, commented on her involvement with developing a tree ordinance in the City of Southfield. She stated that she felt the need for this ordinance was extreme and long overdue. She requested that the Commission forward this draft ordinance to the Board of Trustees without delay.

Ms. Elizabeth Stieg, 1161 Lenox, reiterated the comments from Ms. Goldstein, noting that the Township was in dire need of this ordinance.

Mr. Dan MacLeish, 1576 Kirkway, was present to voice his concerns with the proposed ordinance amendment. He stated that several of the definitions within the ordinance were nebulous and cautioned the Commission to proceed cautiously and wisely in moving this draft ordinance to the Township Board. Mr. MacLeish commented that builders and developers love trees and typically try to preserve as many as possible because they add value to a site. He stated that the Fifth Amendment to the Constitution protected the property rights of homeowners. He also provided written comments to the Commissioners that were submitted to the file.

Mr. Joe Baruso, 1611 Lochridge Road, commended the Township staff on this proposed draft ordinance. He questioned the term "required to mitigate". He questioned how a 100-year-old landmark tree could possibly be replaced. Mr. Baruso stated that the

ordinance needed more teeth for enforcement, noting that a severe penalty should be included in the ordinance for removal of a landmark tree.

Mr. Payne, Township Supervisor, commented that there must be consistency within the zoning ordinance relative to ordinance violation fines. He did note that the replacement costs that may be incurred could be significant and that if the issue were to go to Court, additional fines and mitigation requirements could be imposed.

Mr. Ed Anderson, 3585 Brookside Drive, was present in support of the proposed amendment. He stated that he participated in the natural features public forum during the Township's Master Plan update process. He commented that he has been in favor of developing this ordinance and commended the Township on this draft amendment. Mr. Anderson commended Mr. MacLeish on his building and development practices, however, he noted that all builders and developers do not hold the same values or ethics as Mr. MacLeish.

Ms. Jeannie Lanthorn, 1412 Inwoods Circle, was present in strong support of this ordinance amendment. She questioned the replacement requirements of trees damaged during the construction process.

Ms. Bonfiglio noted the provisions within the ordinance requiring a one to one replacement of trees damaged during construction.

The staff reviewed the replacement costs incurred by a property owner when required to replace landmark trees at 100 % replacement, noting as an example that a 30-inch tree would be required to be replaced with ten 3-inch trees.

Mr. Foster, 1420 Lakewood, was present in support of the ordinance amendment.

Mr. MacLeish stressed once again the need for individuals' property rights and asked the Commissioners to reconsider the Township's need for the proposed amendment.

Dr. Petinga thanked Mr. MacLeish for his comments. He did note that the appeals process was included within the ordinance language to address many of the concerns noted by Mr. MacLeish.

Ms. Pam Carmichael, 6080 Worlington Road, was present in support of the ordinance amendment. She noted the landmark trees associated with natural beauty roads and the removal of a tree within the Wing Lake Road right-of-way. She questioned the Township's plan for replacement requirements for the removal of this landmark tree.

Mr. Payne noted that the majority of the roads within the Township were Oakland County roads, including Wing Lake Road, thus the trees removed within the right-of-way were not under the authority of Bloomfield Township.

Mr. Dan Azmus, 5425 Bywood, was present in support of the ordinance amendment. He stated that he was adjacent to the lot that was clear-cut at the corner of Wing Lake Road and Quarton Road and did not want to see this take place again in the Township.

There were no further comments or questions from the public and Dr. Goldberg closed the public comment portion of the meeting.

Dr. Goldberg asked for any additional comments or questions from the Commission.

Ms. Stefanos commented that she did not want to create an additional burden for Township residents and asked that the application process be made very user-friendly for residents and developers. She questioned if there was a difference in the cost of having an arborist versus a surveyor perform the tree count / tree survey. She wanted the public to be educated on the process and the requirements.

Ms. McCullough noted that the application fee for the tree permit would be established by a resolution approved by the Township Board of Trustees.

Ms. Stefanos also cautioned the Staff in the processing and enforcement of this ordinance, not wishing to burden the Zoning Board of Appeals with numerous variance requests relative to tree replacement.

Mr. Barnett commented on the clear-cutting of the lot at Wing Lake Road and Quarton Road. He noted that Bloomfield Township was a community that valued its natural resources and took great pride in maintaining the value of its property. Mr. Barnett stated that he felt this ordinance amendment would further protect the natural beauty and character of the Township and also protect its property values. He commended the residents who attended in support of the ordinance amendment and complimented the Staff on their hard work in compiling the data and composing a workable ordinance.

There were no further comments from the Commission and Dr. Goldberg called for a motion.

Motion was made by Barnett, seconded by Mintz and was unanimously supported to forward the draft tree preservation ordinance to the Township Board of Trustees with a recommendation for approval.

YEAS: Goldberg, Stefanos, Barnett, Mintz, Stark, Petinga

NAYS: None

IV. DISCUSSION ITEMS:

A. Items Not on the Agenda

There were no items discussed.

V. GENERAL BUSINESS:

A. Planning Commission Meeting Schedule

The next Planning Commission Meeting was tentatively scheduled for Wednesday, February 18, 2009, due to the observance of Presidents' Day on Monday, February 16, 2009.

VI. ADJOURNMENT:

The Planning Commission Meeting of Monday, February 2, 2009 was adjourned at 8:20 P.M.

Respectfully submitted,

*Patricia McCullough, Director
Planning and Building*

**CHARTER TOWNSHIP OF BLOOMFIELD
PLANNING COMMISSION MEETING**

Wednesday, February 18, 2009

Bloomfield Township Hall

I. ATTENDANCE:

PRESENT: Salz, Stefanos, Barnett, Mintz, Petinga

ABSENT: Goldberg, Stark

Staff Present: Patricia McCullough, Planning and Building Director, Chris Gruba, Assistant Planner, and Robin Carley, Development Coordinator

Ms. Shannon Ozga, Township Attorney, was present.

Mr. Dave Payne, Township Supervisor, was present in the audience.

II. APPROVAL OF MINUTES:

Motion was made and was unanimously supported to approve the Planning Commission minutes of February 2, 2009 as written.

YEAS: Salz, Stefanos, Barnett, Mintz, Petinga

NAYS: None

III. PUBLIC HEARING:

**A. Appeal of Design Review Board Approval for Special Event Permit
(7450 Franklin Road)**

Ms. McCullough reviewed the Design Review Ordinance, within the Township's Code of Ordinances, and the role of the Design Review Board, specifically allowing for their review and approval of Special Event Applications.

Ms. McCullough reviewed her staff report and the supporting documentation that was provided to the Commissioners and submitted to the file. The documentation included:

- Timeline of Events

- September 18, 2008 – Notice of Violation and Photos
- September 24, 2008 – Design Review Board Information
- October 8, 2008 – Design Review Board Information
- October 14, 2008 – Special Event Application and Photos
- October 14, 2008 – Special Event Permit and Photos
- February 18, 2008 – Planning Commission Notice and Application
- Previous Franklin Cider Mill Photos
- Other Area Cider Mill Photos
- Correspondence

A PowerPoint presentation included photographs of the site, specifically the signage and activities that occurred over the Fall Season of 2008. Photographs of two other local Cider Mills were included in the presentation – the Yates Cider Mill and the Rochester Cider Mill. The Special Event Permit that was approved on October 14, 2008 was reviewed, including the signage and activities that were approved and those that were denied.

Ms. McCullough noted that the Township, due a lack of cooperation by Mr. Peltz, the property owner, filed a court action in Oakland County Circuit Court for failure to comply with the conditions of the Design Review Board's Special Event Permit approval.

In response to this action, the attorney for Mr. Peltz filed a letter of intent to appeal the decision of the Design Review Board to the Planning Commission. Ms. McCullough noted that the Planning Commission is the appeal body for rulings of the Design Review Board and the Commission was being asked to either uphold the ruling of the Design Review Board in full or in part or to deny the ruling of the Design Review Board in full or in part.

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

Mr. Barnet questioned the mention of work done inside the building that may require permits, as noted in the Staff report provided to the Commissioners.

Ms. McCullough confirmed that repair and replacement work may have been conducted within the Cider Mill building that may have required building permits and inspections.

Mr. Salz noted that the Cider Mill is actually a non-conforming use in a residential zone district.

There were no further questions or comments from the Commissioners to Ms. McCullough.

Mr. Salz asked for the presentation from the applicant.

Mr. Thomas Ryan, attorney representing the applicant, requested that the item be tabled for a full compliment of the Commission to be present.

Mr. Salz noted that there was a quorum present. He also stated that the applicant could have immediately applied to the Planning Commission following the October 14, 2008 ruling of the Design Review Board.

Mr. Ryan respectfully requested again that the item be tabled but stated he would proceed if the Commission chose to do so.

Mr. Salz stated that the hearing should take place and asked the applicant to proceed.

Mr. Ryan reviewed the history of the operation of the Cider Mill, noting that the building was a historic building with only a front façade facing Franklin Road, thus the need for additional signage. He also commented on the topography of the lot. Mr. Ryan reviewed the activities on the site. He stated one Sunday throughout the Fall Season a community choir / orchestra conducted one performance on site. Two days out of the Fall Season were set aside for charity events, including having Rescue Animals on site. The signage was further reviewed. Mr. Ryan stated that he had accumulated approximately 3500 signatures of those that approved of the signage, noting that not all those that signed were Township residents. The signatures were not provided by the applicant. Mr. Ryan noted that the Special Event was to occur from Labor Day through the Thanksgiving weekend, not through the first week of November, as previously noted by Ms. McCullough.

Mr. Ryan stated that he was requesting the following signage, in addition to the patriotic bunting, as detailed in his submittal to the Township, Exhibits A – F. This submittal was provided to the Commissioners and submitted to the file, noting that Exhibit A was not included with the applicant's submittal package.

Exhibit A, as provided at the meeting, included 8 total wall signs across the front of the building, including the "Franklin Cider Mill" sign.

Exhibit B included 6 menu wall signs under the canopy of the "hot dog" porch.

Exhibit C included 1 sign – one on the back wall to read, "Ye Olds Donut Shop."

Exhibit C1 included 4 signs on the existing stockade fencing and on the railing above the water wheel area.

Exhibit D included 3 additional patriotic buntings on the back of the building.

Exhibit E included 3 directional signs in the parking lot.

Exhibit F included 4 "stay out of the river" signs and 2 "directional" ground signs in the back parking lot.

Mr. Ryan also requested additional sandwich menu board signage – ten in the back and three in the front, to be put out in the morning and taken in at night, that have yet to be presented to the Township.

Ms. Ozga noted that the sandwich board signage was not previously requested or heard by the Design Review Board and thus could not be heard as an appeal by the Planning Commission.

Mr. Salz asked for any questions or comments from the Commissioners to the applicant.

Ms. McCullough noted that dates provided by the applicant, in the Special Event Application Form, signed by Mr. Ryan and dated October 13, 2008 for on-site special event activities included Labor Day through to November 1, 2008.

Ms. Mintz asked how important the moonwalk was to the client.

Mr. Ryan stated that Mr. Peltz would like the moonwalk, due to some of his competitors that have similar activities.

Mr. Mintz also questioned why the “pie” signage was so important.

Mr. Ryan stated that the public did not know that the Cider Mill sold pies, and thus the need to advertise.

Dr. Petinga commented that he felt the excessive number of signs bordered on sign pollution. He stated that the site should be restored to be more compatible with other local cider mills and that the number of signs posted on and around the building was not aesthetically pleasing.

Ms. Stefanos questioned if the outdoor sales were approved.

Ms. McCullough noted that the Design Review Board had the authority to approve outdoor sales through their review and approval of a Special Event Permit application.

Mr. Barnett questioned if the “free coffee” sign that was stapled to the Oakland County “14 Mile Road” signage was being requested. He commented that he loved taking his family to the cider mill and that it was a local landmark and tradition. Mr. Barnett stated that the excessive number of signs took away from the historic nature of the site.

Ms. Stefanos questioned if the Franklin Historical Society had offered any comments.

Ms. McCullough noted that due to the Cider Mill’s location within the Township, the Franklin Historical Society had not been contacted.

There were no further comments from the Commissioners to the applicant.

Mr. Salz opened the public comment portion of the meeting.

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

Mr. Salz asked for any additional comments or questions from the Commission.

Discussion followed as to the total number of signs being requested by the applicant at tonight's meeting.

Ms. McCullough stated that she believed the request heard by the Commission at tonight's meeting included 28 signs. The additional sandwich board signs were not to be considered by the Planning Commission.

Mr. Salz commented that a commercial property in a business zone district would not be allowed this excessive amount of signage and that this property, located in a residential zone district, should thus be more restricted in the number of signs allowed.

Mr. Mintz commented that he felt although the Cider Mill was in a residential zone district, it did not function as a residential piece of property. He commented that the moonwalk should not be approved but perhaps the number of signs approved by the Design Review Board could be amended to allow for more signage.

Mr. Payne noted that the Township has received many complaints from residents and neighbors regarding the number of signs on the Franklin Cider Mill site and its carnival-like atmosphere and appearance.

Mr. Barnett stated that the Design Review Board routinely limited the number of signs for businesses requesting Special Event permits.

There were no further comments from the Commission and Mr. Salz called for a motion.

Motion was made by Barnett, and seconded by Petinga to uphold the ruling of the Design Review Board of October 14, 2008 in full as follows for the Franklin Cider Mill:

Permitted Signage:

- **Original Franklin Cider Mill Sign (white letters)**
- **Open Sign (Hours of Operation)**
- **Mustard – Smokes Beef Stick – Cheeses**
- **Patriotic Banners**
- **One Temporary Sign (not to exceed sixteen square feet)**

Permitted Activities:

- **Carriage Rides**
- **Clowns**
- **Face Painting**
- **Tents**
- **Outdoor Grilles**

Not Permitted:

- **Inflatable Moonwalks**

The Township attorney recommended that the motion should be expanded to include the Commissioner's reason for the motion to uphold the ruling of the Design Review Board in full.

Mr. Barnett amended his motion to include that the ruling of the Design Review Board was appropriate in limiting the number of signs on site and that the Design Review Board acted within its capacity in making its ruling of October 14, 2008. Dr. Petinga seconded the amended motion.

There was no further discussion and Mr. Salz called for a vote on the amended motion.

The motion carried unanimously.

YEAS: Salz, Stefanos, Barnett, Mintz, Petinga

NAYS: None

IV. DISCUSSION ITEMS:

A. Items Not on the Agenda

Ms. McCullough commented to the Commission on her upcoming marriage and name change from Patricia McCullough to Patricia Voelker.

There were no additional items discussed.

V. GENERAL BUSINESS:

A. Planning Commission Meeting Schedule

The next Planning Commission Meeting was tentatively scheduled for Monday, March 2, 2009.

VI. ADJOURNMENT:

The Planning Commission Meeting of Wednesday, February 18, 2009 was adjourned at 8:20 P.M.

Respectfully submitted,

*Patricia McCullough, Director
Planning and Building*

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**CHARTER TOWNSHIP OF BLOOMFIELD
PLANNING COMMISSION MEETING**

Monday, March 16, 2009

Bloomfield Township Hall

I. ATTENDANCE:

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

ABSENT: None

Staff Present: Patricia Voelker, Planning and Building Director, Chris Gruba, Assistant Planner, and Robin Carley, Development Coordinator

II. APPROVAL OF MINUTES:

Motion was made by Barnett, seconded by Stark and was unanimously supported to approve the Planning Commission minutes of February 18, 2009 with one correction as noted by Dr. Goldberg.

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

NAYS: None

III. DISCUSSION ITEMS:

A. Items Not on the Agenda

Ms. Stefanos commented on the fence request that was heard by the Zoning Board of Appeals on March 10, 2009 for the height and location of a commercial fence in a front yard that also contained an electronic current. She commented that the current ordinance language does not address electronic fencing in a commercial zone district and that the Township should explore the possibility of an ordinance amendment to address this issue.

Ms. Voelker stated that this issue would be addressed and noted that the Action List contained within the 2008 Annual Report would be amended to reflect this item as a future goal for the upcoming year.

There were no additional items discussed.

IV. GENERAL BUSINESS:

A. 2008 Planning Division Annual Report

Ms. Voelker briefly reviewed the 2008 Planning Division Annual Report that also served as the Annual Report of the Planning Commission. The report was provided to the Commission for their review. Ms. Voelker noted that the report was divided into two sections, Accomplishments and Goals, and highlighted several portions of the report.

The Commission was informed that the Clearzoning draft was currently being reviewed by the Township Attorney and would return to the Planning Commission for their final review. Public hearings would be required to adopt the new Clearzoning format of the Zoning Ordinance.

Ms. Voelker noted that the Tree Preservation and Protection Ordinance was adopted by the Township Board of Trustees on March 9, 2009, published in the local newspaper on March 15, 2009, and became effective upon publication. The Commission discussed several ways that the ordinance was being advertised through various medias, including the Township's website and newsletters. Ms. Voelker noted that a "Frequently Asked Questions" handout was being created to further educate the public.

The Commission discussed future goals for 2009, including amending the current accessory structures section of the Zoning Ordinance.

Mr. Mintz commented on the definition of "Home Occupations". He cautioned that the Township should work with the Homeowners' Associations to further enhance existing subdivision deed restrictions and be mindful of any possible language that might conflict with existing deed restrictions.

Ms. Stefanos questioned if the Township had addressed the issue of adult group homes. Ms. Voelker noted that her department's staff was continuously addressing the issues of adult group homes and child day care facilities and that the Township Attorney kept the staff apprised of the legal requirements for these facilities.

Mr. Stark questioned if residential structures to contain solar panels and / or vertical shaft wind turbines or vanes would be included in future accessory structure discussions. Ms. Voelker noted that those topics would be included in the accessory structure amendment discussions. The placement of this type of structure on light poles in commercial zone districts was also discussed.

Mr. Barnett commented on the concern expressed by residents regarding the number of rental properties within the Township and the maintenance of those properties. Ms. Voelker noted that the Township currently has a Property Maintenance Ordinance that

has been enforced through the Courts to address the maintenance issues of all Township properties, including rental properties.

Mr. Salz asked for a motion to forward the 2008 Annual Report to the Township Board of Trustees.

Motion was made by Mintz, seconded by Stark and was unanimously supported to forward the 2008 Planning Division Annual Report to the Township Board of Trustees with a recommendation for approval with the suggested revisions.

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

NYAS: None

B. Planning Commission Meeting Schedule

The next Planning Commission Meeting was tentatively scheduled for Monday, April 6, 2009.

V. ADJOURNMENT:

The Planning Commission Meeting of Monday, March 16, 2009 was adjourned at 7:40 P.M.

Respectfully submitted,

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

**CHARTER TOWNSHIP OF BLOOMFIELD
PLANNING COMMISSION MEETING**

Monday, April 20, 2009

Bloomfield Township Hall

I. ATTENDANCE:

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

ABSENT: Salz

Staff Present: Patricia Voelker, Planning and Building Director, Chris Gruba, Assistant Planner, and Robin Carley, Development Coordinator

Mr. Dave Payne, Township Supervisor, was present in the audience.

II. APPROVAL OF MINUTES:

Motion was made by Barnett, seconded by Stefanos and was unanimously supported to approve the Planning Commission minutes of March 16, 2009 as written.

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

NAYS: None

III. CALL FOR PUBLIC HEARING:

A. Reformatted Zoning Ordinance by Clearzoning, Inc.

Ms. Voelker reviewed the staff report and the Clearzoning memo, dated 03-12-09, as provided to the Planning Commissioners and submitted to the file. She noted that the Township Attorney had reviewed the reformatted zoning ordinance and found the language and format to be acceptable as drafted.

The following eight changes to the current ordinance language, as incorporated into the reformatted zoning ordinance and noted in the Clearzoning memo, were reviewed and explained by Ms. Voelker:

- The term “church” has been replaced with the term “place of worship” throughout the Clearzoning ordinance,

- The term “building envelope” has been added to the definitions in the ordinance,
- Footnote (b) to current Ordinance Section 42-527 was deleted per the Township,
- Footnote (l) to current Ordinance Section 42-527 was amended per the Township,
- Footnote (m) to current Ordinance Section 42-527 was amended per the Township,
- Footnote (q) to current Ordinance Section 42-527 was amended per the Township,
- Current Ordinance Section 42-561 (7) was amended per the Township,
- The first paragraph of current Ordinance Section 52-574 was amended per the Township.

Ms. Voelker commented on the user-friendly format of the Clearzoning Ordinance, and thus much more beneficial to the Township’s residents, architects, developers, and builders.

Dr. Goldberg asked for questions or comments from the Commissioners to Ms. Voelker.

Dr. Petinga commented on the detail provided within the format and questioned if another community currently utilizing the Clearzoning format had provided feedback. Ms. Voelker stated that favorable comments had been received from communities that had adopted the Clearzoning format.

Mr. Stark commented that the printed version would not be as helpful as navigating on a website, with the use of the links provided. Ms. Voelker noted that the index and table of contents, when referring to the hard copy, would be utilized in the same fashion as the current ordinance format.

Ms. Stefanos commented on the need for staff to still be available to provide assistance to those not familiar with navigating the zoning ordinance. Ms. Voelker confirmed that staff would always be available to assist the public.

Mr. Barnett noted that the original contract included corrections and revisions as needed with the initial implementation of the ordinance on the website. He complimented the planning staff on its detailed work and noted how far the Township had progressed in a short amount of time with the revisions to the zoning ordinance.

The Commission emphasized the need for assistance to be provided to the public, if necessary, by the planning staff. They also discussed educating the public on the new zoning ordinance format and how to market the “new product”.

Ms. Voelker stated that a PowerPoint presentation would be provided at the public hearing and that a notice of the public hearing would be published in the local newspaper, per legal requirements, and posted on the website.

The Commission also discussed various ways of marketing the new format, including on the homepage of the Township's website, in the Township's newsletter, and on the Township's cable show.

There were no additional comments or questions from the Commissioners and Dr. Goldberg opened the public comment portion of the meeting.

There were no comments or questions from the public and Dr. Goldberg closed the public comment portion of the meeting.

Dr. Goldberg asked for a motion to schedule the public hearing.

Motion was made by Stefanos, seconded by Petinga and was unanimously supported to call for a public hearing on Monday, May 18, 2009, for the proposed reformatting of the Zoning Ordinance by Clearzoning, Inc.

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

IV. DISCUSSION ITEMS:

A. Items Not on the Agenda

Mr. Payne updated the Commissioners on the Township's capital building project, including the proposed occupancy dates of the Township's Senior Center and the DPW Building.

There were no additional items discussed.

V. GENERAL BUSINESS:

A. Planning Commission Meeting Schedule

The next Planning Commission Meeting was tentatively scheduled for Monday, May 4 2009.

VI. ADJOURNMENT:

The Planning Commission Meeting of Monday, April 20, 2009 was adjourned at 7:45 P.M.

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PLANNING COMMISSION
April 20, 2009
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Respectfully submitted,

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

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**CHARTER TOWNSHIP OF BLOOMFIELD
PLANNING COMMISSION MEETING**

Monday, May 4, 2009

Bloomfield Township Hall

I. ATTENDANCE:

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

ABSENT: Mintz

Staff Present: Patricia Voelker, Planning and Building Director, Chris Gruba, Assistant Planner, and Robin Carley, Development Coordinator

II. APPROVAL OF MINUTES:

Motion was made by Goldberg, seconded by Petinga and was unanimously supported to approve the Planning Commission minutes of April 20, 2009 as written.

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

NAYS: None

III. SITE PLAN REVIEW:

A. 2481 Telegraph Road – New Sonic Restaurant – New Construction

Ms. Voelker introduced the proposal for a new Sonic Restaurant to be located on the easterly side of Telegraph Road, north of Square Lake Road. Plans were provided to the Commissioners, including site plans, landscape plans, lighting plans, and elevations. Ms. Voelker reviewed the staff report as provided to the Commissioners and submitted to the file. Traffic circulation and parking plans were reviewed in detail, including the traffic review letter dated April 9, 2009 from Mr. Michael Labadie, the Township's traffic consultant.

The following variances were noted with the plans as presented, requiring review by the Zoning Board of Appeals:

- Front and side parking setbacks,

- Deficient area of the parking lot tree planting beds,
- Secondary wall signage not facing the Telegraph Road frontage,
- Ground sign setback from Telegraph Road.

Ms. Voelker noted that this proposal was the first commercial project to be reviewed under the Township's new tree preservation and protection ordinance. A review letter dated April 22, 2009 from Mr. Michael Dul, the Township's landscape consultant, was provided to the Commissioners and submitted to the file.

MDOT review comments, including traffic control signage, were provided to the Commissioners and submitted to the file.

The Township's Departmental comments were provided, along with the minutes of the April 23, 2009 Design Review Board meeting.

Ms. Voelker stated that the overall height of the light poles, along with the color of the poles, must still be confirmed. Additional signage details were also required.

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

Dr. Goldberg questioned the traffic circulation on site. Ms. Voelker reviewed both the drive through operation and the carport with menu station option of ordering. The carport option included delivery of the food order by a carhop. Also, one could park on site and order from the menu board under the front canopy, with minimal outdoor seating provided. Ms. Voelker noted that there were no interior public operations, except for the public restroom facilities on the interior of the building.

Dr. Goldberg also expressed concern regarding traffic turning into the site, with possible accidents backing up onto Telegraph Road. Ms. Voelker referenced the review comments of the Township's traffic consultant addressing this issue.

Mr. Salz further questioned the interior traffic circulation, noting that there was the possibility for traffic back-ups within the site itself due to the limited space for stacking and on-site circulation.

Ms. Stefanos confirmed that the Township's traffic consultant had also reviewed and approved the on-site circulation as well as the traffic patterns entering and leaving the site.

There were no additional comments or questions from the Commissioners and Mr. Salz asked for the presentation from the applicant.

Mr. Brent Ford was present with his architect, Mr. Bruce Calhoun of Creekwood Architecture. Mr. Ford further reviewed the traffic circulation in detail, highlighting the

comments from his traffic consulting firm, Metro Transportation Group, Inc. Details of the carhop operation were also reviewed for the Commissioners.

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

Ms. Stefanos questioned the overall operations of the Sonic proposal, including the drive-through, walk-up, and carhop servicing. Mr. Ford detailed the service operations. Mr. Ford also highlighted the parking spaces provided on site without menu boards.

Mr. Ford continued with his presentation, noting the revisions made to the plan, per the recommendations of the Design Review Board, including elimination of the illuminated colored end caps on the canopy and the reduction in signage on the building and on the property.

Dr. Goldberg questioned the size and color of the carport menus. Mr. Ford commented on the reduction in the size and number of the menu boards, per the requirements of the Design Review Board.

Ms. Stefanos questioned the signage on site, questioning if there was the possibility of incorporating additional signage within the building, set back from the windows. Ms. Voelker noted that the Design Review Board thoroughly reviewed the signage and recommended the signage as presented to go before the Zoning Board of Appeals for the requested variances.

Mr. Calhoun addressed the proposed location of the ground sign and the landscaping as proposed. He commented that an on-site inspection would be required to determine the exact location of the ground sign as it relates to the proposed landscaping and the visibility of the signage from Telegraph Road.

Mr. Barnett questioned the landscaping requirements and the need for a variance. Ms. Voelker noted that the Township's parking and landscaping requirements, per the newly adopted parking ordinance amendment, called for a minimum of 300 square foot parking islands. Mr. Barnett expressed concern for the need for a landscaping variance with a new site plan proposal.

Mr. Barnett also questioned the ventilation and the possibility of installing equipment that would minimize the cooking smells and fumes affecting the adjacent properties, including the office building immediately to the south. He asked for confirmation that the applicant would address this issue to be in compliance with the Zoning Ordinance. Mr. Barnett complimented the applicant on the design and materials for the proposed building, however, noted that the lot was very challenging for this type of use and expressed serious concerns with traffic circulation and the affect of cooking odors on the adjacent properties.

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Mr. Barnett questioned if the traffic study included the Bloomfield Park. Ms Voelker confirmed that Bloomfield Park data was included with Sonic's traffic study.

Mr. Stark questioned the hours of operation and the proposed lighting on site. Mr. Ford stated that currently they were not proposing a 24 hour operation, however, expressed the desire to possibly readdress this issue in the future to expand the hours of operation. It was noted that the Township's Police Department requested the metal halide lighting and that the photometric plan did show a zero foot candle measurement at the property line.

The existing mature trees on site were noted by the Commissioners. The applicant stated that they would be mitigating the loss of these trees with an amount to be paid to the Woodlands Trust Fund, per the requirements of the Township's tree preservation and protection ordinance.

Dr. Petinga questioned the proposed music on site. Mr. Ford commented that they could control the volume of the music and could eliminate the music on the south side of the site, adjacent to the existing office building, if necessary.

Dr. Petinga expressed serious concerns regarding the traffic circulation on site, noting that the size of the site was too compact for this intense of a use. Mr. Ford commented on the approvals of the traffic consultants. Dr. Petinga also commented on foot traffic from the Golling site to the Sonic site, citing safety and possible crime issues.

Dr. Petinga questioned the amount of litter generated with this type of use. Mr. Ford stated that Sonic has a mandatory policy requiring a property inspection every 15 minutes. He noted that the carhops are also required to monitor the site for cleanliness. The extensive landscaping around the perimeter of the site was also noted in that would assist in preventing litter from blowing off-site.

Ms. Stefanos questioned if the carhops would be on rollerskates. Mr. Form commented that it was up to the discretion of each carhop if they preferred shoes or rollerskates/rollerblades. The uniform of the carhops was described, noting a very tasteful uniform was proposed, including khakis and polo type shirts.

Mr. Salz opened the public comment portion of the meeting.

Mr. Poponea, manager of the office building immediately to the south, noted his main concerns regarding traffic and fumes. Mr. Poponea read his letter dated May 1, 2009 into the record, including his concerns with traffic and fumes. He commented on the fumes from the previous Burger King that was adjacent to his property on the south side. Mr. Poponea's letter was submitted to the file along with information provided to the Commissioners at the meeting regarding exhaust systems.

Mr. Ford once again noted that the traffic concerns had been reviewed and approved by both their consultant from Metro Transportation and the Township's traffic consultant.

He also stated that Burger King was a different type of operation than a Sonic Restaurant and that Burger King actually released the food odors into the air to draw in customers.

Mr. Salz questioned the scope of the traffic study in relation to the adjacent properties. Ms. Voelker noted that Mr. Labadie's review letter was provided to Mr. Poponea. The Commission further reviewed and discussed Mr. Labadie's letter dated April 9, 2009. Ms. Voelker reviewed the Level of Service for this operation.

Mr. Salz commented on the queuing analysis, as reviewed by Mr. Labadie, noting that the proposed storage was adequate to accommodate typical Sonic drive-through service.

Mr. Poponea commented on the frequent back-up from the car wash onto Square Lake Road, noting that when the car wash was originally approved, there were no back-ups proposed.

Dr. Goldberg stated that he trusted Mr. Labadie's review of the proposal. He did state that he was concerned with the fumes and odors from this type of use and recommended that the petitioner consider ways to decrease the odors from his site, possibly with additional filters on his mechanical equipment. Mr. Ford agreed to address this issue with regards to minimizing the cooking fumes and odors emitted from his site.

Mr. Ford commented on Sonic's on-site traffic control plan, noting that it was to be submitted to the Township for review and approval. The traffic control plan was considered public information and would be available to the public.

The drive-through operation was discussed in great detail, with concerns expressed regarding the safety of the clients as well as Sonic's staff.

There were no additional comments or questions from the public and Mr. Salz closed the public comment portion of the meeting and called for a motion.

Motion was made by Stefanos, seconded by Goldberg and was unanimously supported to forward the Sonic site plan proposal to the Township Board of Trustees, subject to the following:

- 1. Compliance with the requirements noted by the Township Departments.**
- 2. Compliance with MDOT requirements.**
- 3. Compliance with the Township Traffic Consultant**
- 4. Verification is required of compliance with the minimum 3-inch caliper trees.**
- 5. The applicant needs to verify the use of metal halide lighting for all fixtures and the color of the light poles and fixtures.**
- 6. Verification of the height of the light poles.**
- 7. Removal of the 2) wall mounted identification signs, b) graphic decorative signs under the canopies, and c) L.E.D. signs over the front windows.**

Direction signage will be reduced in height to grade level and non-illuminated.

- 8. Seeking variances from the Zoning Board of Appeals for**
 - a. Front and side parking setbacks.**
 - b. Deficient area of the parking lot tree planting beds.**
 - c. Secondary wall signage not facing the Telegraph Road frontage.**
 - d. Ground sign setback from Telegraph Road**

The motion included that mitigation may be required for any noxious odor complaints received at any time in the future.

AYES: Salz, Goldberg, Stefanos, Stark

NAYS: Barnett, Petinga

IV. DISCUSSION ITEMS:

A. Items Not on the Agenda

The Commission discussed the vacancies at the shopping center at the southeast corner of Telegraph Road and West Maple Road, including the previous Barnes and Noble site.

Ms. Voelker updated the Commission on the status of the Bloomfield Park project.

There were no additional items discussed.

V. GENERAL BUSINESS:

A. Planning Commission Meeting Schedule

The next Planning Commission Meeting was tentatively scheduled for Monday, May 18, 2009.

VI. ADJOURNMENT:

The Planning Commission Meeting of Monday, May 4, 2009 was adjourned at 8:40 P.M.

Respectfully submitted,

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

**CHARTER TOWNSHIP OF BLOOMFIELD
PLANNING COMMISSION MEETING**

Monday, May 18, 2009

Bloomfield Township Hall

I. ATTENDANCE:

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

Staff Present: Patricia Voelker, Planning, Building and Ordinance Director, Christopher Gruba, Assistant Planner

II. APPROVAL OF MINUTES:

Motion was made by Stark, seconded by Barnett to approve the Planning Commission minutes of May 4, 2009 as written. The motion was carried. Mintz abstained.

AYES: Salz, Stefanos, Barnett, Stark, Petinga

NAYS: None

ABSTAINED: Mintz

III. CALL FOR PUBLIC HEARING:

A. Reformatted Zoning Ordinance by Clearzoning, Inc.

Ms. Voelker demonstrated a working prototype of the Clearzoning program for the Commissioners. She noted that this was the final draft for Clearzoning, which would replace the existing Zoning Ordinance. Clearzoning would greatly improve upon the existing Zoning Ordinance by consolidating information, adding illustrations and being generally more user-friendly. Most of the content of the Ordinance would remain the same, with only a few minor modifications.

Clearzoning would be useful when viewed on the website or in a hard copy format. Ms. Voelker demonstrated the hyperlink option, which would guide users through the Ordinance in an efficient manner. The updated illustrations, including the designation

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PLANNING COMMISSION

May 18, 2009

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property lines, right-of-way lines, setbacks and the included definitions would assist in easier comprehension of the zoning ordinance. Ms. Voelker stated that the hyperlinks have been verified and work properly, to the greatest extent possible.

Ms. Voelker also noted that the Ordinance had been amended based upon the past practices of the Township and the historical action of the Planning Commission and the Zoning Board of Appeals. Ms. Voelker referred to the staff report provided to the Commissioners at the previous meeting. The reformatted ordinance and the listed amendments were reviewed by the Township Attorney, Bill Hampton. Ms. Voelker noted that adoption of the updated ordinance would not reduce the oversight by the Township.

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

Mr. Stark questioned the past practice of taking the average of front yard setbacks for principal structures.

Ms. Voelker noted that based on research of the zoning ordinance, the Township had not acted upon taking a front setback average for principal structures in the past. The Township had routinely enforced the 40 ft. front yard setback requirement for a single-family zone district.

Mr. Stark questioned whether a search function would be included in Clearzoning.

Ms. Voelker stated that Clearzoning currently did not include a search function, but that the hyperlinks and the new format would help users navigate through the Ordinance.

Mr. Salz questioned why a search function was not included.

Ms. Voelker stated that the new format and use of hyperlinks replaced the need for a traditional search function.

Ms. Stefanos questioned whether the definition of a fence would be listed in Clearzoning.

Ms. Voelker stated that the word "fence" would be highlighted in blue letters which indicates that a hyperlink has been created and could be clicked on to provide a definition.

Mr. Salz opened the meeting for public comment. There were no comments from the public.

Mr. Salz noted that he is in favor of the new Clearzoning document and that it has clear definitions with numerous illustrations throughout and is easy to understand.

Mr. Barnett questioned how the public would be informed of Clearzoning.

Ms. Voelker stated that the public would be informed via the available Township resources with the cable studio, website, and in the newsletter, among other mediums.

Mr. Barnett questioned whether a copy would be available to the public at the Township Hall in the Building Division.

Ms. Voelker noted that a copy of Clearzoning would be available to the public and that it would also be available on computers at the counter.

Mr. Mintz questioned whether a summary and a guidebook would be available at the counter.

Ms. Voelker stated that staff would be available to explain and guide patrons through the Clearzoning Ordinance. It was noted that the first few pages of the new Clearzoning ordinance provides an easy how-to guide for using this new format.

Mr. Barnett questioned whether staff would be available in person and over the phone for assistance with Clearzoning.

Ms. Voelker confirmed that staff would be available to answer questions in person and over the phone. She also noted that Chris Gruba and Robin Carley currently guide people through the current Municode zoning format on a regular basis.

Ms. Stefanos questioned whether the contract with Clearzoning would stay open and how changes could be made over time.

Ms. Voelker stated that the Township would be billed per page for changes. This would likely be more economical than being billed per word.

Mr. Salz questioned whether a hard copy of the Clearzoning Ordinance could be printed out for patrons.

Ms. Voelker stated that a hard copy could be printed out, but that patrons would be charged per page.

Mr. Barnett questioned when Clearzoning would be available online.

Ms. Voelker stated that Clearzoning would be available upon adoption by the Township Board and the required legal publication, tentatively scheduled for the middle of June, 2009.

Motion was made by Barnett, seconded by Petinga and was unanimously supported to forward the proposed reformatting of the Zoning Ordinance by Clearzoning, Inc. with amendments to the Township Board of Trustees.

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

IV. DISCUSSION ITEMS:

A. Items Not on the Agenda

There were no additional items discussed.

V. GENERAL BUSINESS:

A. Planning Commission Meeting Schedule

The next Planning Commission Meeting was tentatively scheduled for Monday, June 15, 2009.

VI. ADJOURNMENT:

The Planning Commission Meeting of Monday, May 18, 2009 was adjourned at 7:45 P.M.

Respectfully submitted,

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

**CHARTER TOWNSHIP OF BLOOMFIELD
PLANNING COMMISSION MEETING**

Monday, June 15, 2009

Bloomfield Township Hall

I. ATTENDANCE:

PRESENT: Salz, Stefanos, Barnett, Mintz, Petinga,

ABSENT: Goldberg, Stark

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

Mr. Dave Payne, Township Supervisor, was present in the audience.

II. APPROVAL OF MINUTES:

Motion was made by Petinga, seconded by Stefanos and was unanimously supported to approve the Planning Commission minutes of May 15, 2009 as written.

AYES: Salz, Stefanos, Barnett, Mintz, Petinga

NAYS: None

III. DISCUSSION ITEMS:

A. Home Occupation Requirements

Ms. Voelker introduced the home occupation requirements for discussion by the Planning Commission. She reviewed the history of home occupations throughout the Township, including the operation of several commercial uses from residential zone districts, including home offices for computer software companies and landscape companies. A staff report was provided to the Commissioners along with a sample definition and common standards found in Home Occupation Ordinances from several surrounding communities.

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PLANNING COMMISSION

June 15, 2009

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Mr. Salz commented that the intent was to allow for certain commercial uses in a residential district, as long as there were no nuisance issues to the surrounding properties. He was in favor of adopting an ordinance that would address this issue.

Ms. Stefanos commented that perhaps the ordinance should address seasonal operational commercial uses, such as sales from a home on a limited basis.

Ms. Voelker commented that the Special Event Ordinance could address sales from a home that would significantly impact a neighborhood on a limited basis.

Dr. Petinga commented on the impact that some special events have on a neighborhood, including excessive parking or traffic within a subdivision, as a result of a home enterprise.

Mr. Barnett agreed that parking and traffic circulation issues, relating to public safety, should be addressed within the language of the Home Occupation Ordinance.

Mr. Payne commented that this topic was very timely due to the state of the economy and the financial constraints incurred with leasing commercial properties. He stated that a commercial use within a residential district that met the criteria of the ordinance and did not negatively impact the surrounding neighborhood should be looked upon favorably.

Mr. Salz stated that a distinction should be made between an on-going business out of a home and a bi-annual garage sale or jewelry party.

Mr. Mintz commented on an incident that occurred in his neighborhood that resulted in the subdivision association using their funds to fight the issue in court, based upon their subdivision deed restrictions. Mr. Mintz expressed his approval of the Township pursuing this type of an ordinance to allow commercial activities in a residential district, contingent upon no nuisance issues with the surrounding properties.

Mr. Salz commented once again on addressing the issue of an on-going business operation versus an occasional operation, such as an annual or bi-annual garage sale. He commented that frequency and duration should be addressed.

Dr. Petinga questioned how child day care facilities were addressed and if this should be addressed within this ordinance.

Ms. Voelker commented that there are very strict State Regulations covering day care facilities and that the Township does monitor all adult and child care operations and does issue Special Use Permits, when required.

Mr. Barnett commented that infrequent sales from a home, such as that of a garage sale, should not be considered a commercial enterprise that would be addressed by this ordinance.

The Commission discussed utilizing detached structures for the commercial operation, as opposed to restricting the commercial operation to the main residence or main building.

The Commission discussed retail set-ups within a home, thus allowing for clients to come to the home and shop for merchandise. The number of clients and the frequency of visits to the home were discussed. The Commission also discussed the draft language stating “no goods shall be sold or offered for sale from the home”. They commented that this provision might need to be amended, as long as a nuisance was not created.

Mr. Barnett commented that the ordinance should address the nuisance factor and the impact on the residential neighborhood first and foremost, and not necessarily the frequency. The Commission further discussed safety issues that must be addressed with this ordinance.

Ms. Voelker questioned the Commission on their thoughts regarding allowing employees on site.

The Commission commented that availability of employee parking on-site, traffic circulation issues, and the impact on the neighborhood should be the prevailing determining factor in allowing employees at a home occupation.

The Commission further discussed the maximum total square footage that may be devoted to the commercial enterprise within the residence. Ms. Voelker stated that the standard language within several home occupation ordinances stated that the area used for the commercial enterprise should not exceed 15 % of the total residential building footprint.

Ms. Voelker stated that she would revised the draft language and resubmit to the Commissioners for further discussion.

B. Items Not on the Agenda

Ms. Stefanos questioned the regulations for opening an adult day care facility. Ms. Voelker commented on the State Regulations, and the Township’s requirements for addressing adult day care facilities, noting that the Township could not address care facilities with six (6) adults or less.

Ms. Voelker updated the Commission on the status of the recently adopted Clearzoning Ordinance, noting that it was effective as of today, June 15, 2009, and was now available on the Township’s website.

Ms. Voelker stated that the Zoning Board of Appeals approved the variances for the proposed Sonic Drive-through. She noted that they must submit a traffic management

plan for review and approval by the Township's traffic consultant, prior to being forwarded to the Township Board of Trustees for final site plan review and approval.

The Commission was updated on the status of the Bloomfield Park project.

There were no additional items discussed.

V. GENERAL BUSINESS:

A. Planning Commission Meeting Schedule

The next Planning Commission Meeting was tentatively scheduled for Monday, July 20, 2009. The July 6, 2009 Planning Commission was cancelled due to observance of the 4th of July Holiday.

VI. ADJOURNMENT:

The Planning Commission Meeting of Monday, June 15, 2009 was adjourned at 8:40 P.M.

Respectfully submitted,

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

**CHARTER TOWNSHIP OF BLOOMFIELD
PLANNING COMMISSION MEETING**

Monday, July 20, 2009

Bloomfield Township Hall

I. ATTENDANCE:

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

ABSENT: Stark

Staff Present: Patricia Voelker, Planning, Building and Ordinance Director, Christopher Gruba, Assistant Planner, and Robin Carley, Development Coordinator

Mr. Salz noted that Dave Payne, Township Supervisor, was present in the audience.

II. APPROVAL OF MINUTES:

Motion was made by Petinga, seconded by Goldberg and was unanimously supported to approve the Planning Commission minutes of June 15, 2009 as written.

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

NAYS: None

III. SITE PLAN REVIEWS:

A. 42557 Woodward Avenue – CAVA Medical Building – Site Improvements

Ms. Voelker reviewed the proposal for site improvements and minor exterior changes to the existing office building on the northwesterly corner of Woodward Avenue and Roswell Drive to allow for a group of medical doctors to occupy the current vacant building. The site plan, landscape plan, and building elevations were reviewed, along with the parking study as provided by the applicant. The proposal included revising the parking lot to create additional parking spaces to allow for a medical use, which requires more parking than general office. Ms. Voelker noted that the parking study, as provided by the applicant, was reviewed and approved by Michael Labadie, the Township's traffic consultant. Mr. Labadie's review letter, dated July 2, 2009, was provided to the Commissioners and submitted to the file. Ms. Voelker noted that the newly adopted parking ordinance requirements allowed the Planning Commission to accept the parking

CHARTER TOWNSHIP OF BLOOMFIELD
PLANNING COMMISSION

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study, as approved by the Township's traffic consultant, and therefore would not require a variance from the Zoning Board of Appeals for the required number of parking spaces. The landscaping plan was reviewed by the Township's landscape consultant, Michael Dul, and his review letter, July 8, 2009, was provided to the Commissioners and submitted to the file. The Design Review Board heard this proposal on July 14, 2009, with minutes provided to the Commissioners. The Departmental comments were also reviewed and submitted to the file.

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

Mr. Salz questioned the number of spaces required in Mr. Labadies's report and if the 6 leased spaces would still be required from the adjacent office building.

Ms. Voelker confirmed that Mr. Labadie's letter review letter included the leasing of 6 spaces from the adjacent property owner to the north at 42611 Woodward Avenue.

Ms. Stefanos noted that there was only one curb cut onto Woodward Avenue and also questioned the location of proposed signage, including a possible ground sign.

Ms. Voelker commented that a ground sign might eventually be requested by the applicant, with submittal to the Design Review Board. She noted that numerous offices and businesses located along Woodward Avenue had only one point of ingress / egress.

Dr. Petinga confirmed with the applicant that the project would comply with the requirements noted in the staff report provided to the Commissioners.

There were no further questions from the Commissioners and Mr. Salz asked for the presentation from the applicant.

Mr. Jim Aluia, Executive Director of Cardiology and Vascular Associates (CAVA) stated that based on the doctors' parking studies and requirements, the number of spaces being provided on site would comply with the doctors' parking needs.

Mr. Frank Zychowski, architect with AZD Associates, and Mr. Aaron Kleckner, landscape architect, were also present on this item.

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

Mr. Salz asked if berming could be added along the southerly side of the building, fronting Roswell Drive, due to the adjacent residential home at 2803 Roswell Drive.

Mr. Zychowski stated that fire department access was still needed due to comments from the Fire Marshall, thus berming may not be feasible for the southerly side of the building.

Dr. Goldberg questioned the landscaping along Roswell and in the greenbelt to be created between the west side of the building and the existing masonry wall.

Mr. Kleckner reviewed the landscape plan in greater detail, noting the additional plantings proposed for the site, including the greenbelt along Roswell and the newly created landscape area between the building and the existing masonry wall along the westerly property line.

Mr. Aluia stated that CAVA might not be able to lease “in perpetuity” the additional 6 parking spaces from the property owner to the north. He noted that they are currently negotiating a 5-year lease with an option to extend the lease for an additional 5 years.

Mr. Barnett commended the applicant on his proposal to upgrade the building and the entire site, noting that the issue of the number of parking spaces should be addressed by the Township’s traffic consultant, and if necessary, the Zoning Board of Appeals, for compliance with the ordinance.

Mr. Salz commented that the applicant should comply with the requirements of their parking study, as reviewed by the Township’s traffic consultant.

Mr. Salz opened the public comment portion of the meeting.

There were no public comments.

Mr. Salz closed the public comment portion of the meeting and called for a motion.

Motion was made by Petinga, seconded by Goldberg and was unanimously supported to forward this plan to the Township Board of Trustees with a recommendation for approval, contingent upon compliance with the following seven recommendations:

- 1. Compliance with the requirements noted by the Township Departments.**
- 2. Compliance with the Township Landscape Consultant requirements.**
- 3. Acceptance of the reduced parking requirement for 90 spaces based on the approval of the Parking Study by the Township Traffic Consultant.**
- 4. A lease agreement with 42611 Woodward Avenue for 6 spaces in perpetuity to be recorded in Oakland County**
- 5. Seeking the following variances from the Zoning Board of Appeals:**
 - a. Providing a 9 ft. front parking setback with 25 ft. required.**
 - b. Providing a 1 ft. planting setback along Woodward Avenue with 4 ft. required from the property line.**
- 6. Approval of the 30% of the replacement trees to be evergreen**
- 7. Obtaining a Tree Permit**

If the applicant cannot comply with the aforementioned items, including providing a lease agreement in perpetuity for 6 parking spaces from the adjacent property to the north, they may apply to the Zoning Board of Appeals for a variance in the number of required parking spaces, if deemed necessary by the Township, prior to a public hearing by the Township Board of Trustees for final site plan approval. The Township's traffic consultant is to review any revisions to the parking study submitted by the applicant prior to final site plan approval.

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

B. 2169 Telegraph Road – Best Buy / Bloomfield Town Square – Addition

Ms. Voelker reviewed this proposal for an addition to the rear of the existing vacant tenant space, previously occupied by Circuit City, within the Bloomfield Town Square Shopping Center. The site plan, floor plan, and elevations were reviewed, noting that the Design Review Board and Zoning Board of Appeals previously reviewed the signage and façade improvements to the front elevations, with the minutes provided to the Commissioners and submitted to the file. Ms. Voelker noted that the proposed truck well to the rear of the tenant space was to be screened with a masonry wall and that all rooftop mechanicals would be screened per ordinance requirements. Departmental comments were reviewed and submitted to the file.

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

Mr. Salz questioned the signage for the front of the building, which included the blue wedge.

Ms. Voelker reviewed the Township's definition of signage and noted that the Design Review Board and the Zoning Board of Appeals both determined the "blue wedge" to be considered as part of the corporate logo or image, and thus part of the signage.

Mr. Mintz noted that the Design Review Board and the Zoning Board of Appeals both approved the blue wedge and yellow price tag signage, thus the Planning Commission did not have the authority to alter the signage as approved.

There were no additional questions or comments from the Commissioners and Mr. Salz asked for the presentation from the applicant.

Mr. Rick Rattner, attorney representing the property owner, Acadia Realty, was present with Mr. Jason Arlow, architect for the project. Mr. Rattner complimented Ms. Voelker on her thorough presentation and asked if there were any comments or questions from the Commissioners that he might address.

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

There were no questions or comments from the Commissioners.

Mr. Salz opened the meeting for public comment.

There were no public comments.

Mr. Salz closed the public comment portion of the meeting and called for a motion.

Motion was made by Stefanos, seconded by Mintz, and was unanimously supported to forward this request to the Township Board of Trustees with a recommendation for approval, contingent upon compliance with the requirements noted by the Township Departments.

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

NAYS: None

IV. DISCUSSION ITEMS:

A. Items Not on the Agenda

There were no additional items discussed.

V. GENERAL BUSINESS:

A. Planning Commission Meeting Schedule

The next Planning Commission Meeting was tentatively scheduled for Monday, August 17, 2009. The Commission Meeting scheduled for Monday, August 3, 2009 was cancelled.

VI. ADJOURNMENT:

The Planning Commission Meeting of Monday, July 20, 2009 was adjourned at 8:15 P.M.

Respectfully submitted,

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

CHARTER TOWNSHIP OF BLOOMFIELD

PLANNING COMMISSION MEETING

Wednesday, September 09, 2009

Bloomfield Township Hall

I. ATTENDANCE:

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

ABSENT: Stark

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

Mr. Salz noted that Dave Payne, Township Supervisor, was present in the audience.

II. APPROVAL OF MINUTES:

Motion was made and unanimously supported to approve the Planning Commission minutes of July 20, 2009 with one correction on page 2.

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

NAYS: None

III. SITE PLAN REVIEWS:

A. 3684 W. Maple Road – Village Knoll Medical Building – Site Improvements

Ms. Voelker reviewed the proposal for site improvements for the existing medical office building located behind the existing Village Knoll Shopping center on the northeasterly corner of W. Maple Road and Lahser Road. Existing conditions, including photographs and aerials of the site were reviewed. The proposed site plan and landscape plan were reviewed which included a new curb cut onto Bradway Boulevard, creating a new ingress / egress for the existing medical building. Vehicular traffic circulation and pedestrian traffic patterns were reviewed. A new brick screenwall will be installed to separate the parking area for the medical office building from the balance of the shopping center. A 6 foot wide opening will be created in the wall to allow for pedestrian access only. The Design Review Board heard this proposal on August 27, 2009, with minutes provided to the Commissioners. The Departmental comments were also reviewed and submitted to the file.

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

Mr. Barnett questioned if vehicular traffic would be able to enter from Bradway into the medical office parking lot and continue into the shopping center parking lot.

Ms. Voelker confirmed that the wall opening would only allow for pedestrian access and that the opening was not wide enough to allow for vehicular traffic circulation between the two parking lots.

Ms. Stefanos questioned if there was a shared parking situation that currently existed that would be eliminated with the new wall configuration. She also questioned if there was ample room for truck circulation

Dr. Goldberg questioned the need for the number of existing walls between the shopping center, the medical office, and the Bloomfield Village offices.

Mr. Salz questioned the turning radius for trucks behind the shopping center.

Dr. Petinga questioned the benefit for the addition of a wall and a new curb cut onto Bradway Boulevard.

Ms. Voelker commented that the medical office would be creating their own parking field, separating its traffic from the shopping center traffic. She stated that the Fire Marshall had reviewed the request and determined that the drive aisle at the rear of the shopping center could accommodate truck and emergency vehicle traffic.

There were no further questions from the Commissioners and Mr. Salz asked for the presentation from the applicant.

Mr. Mark Muirhead, Property Manager with Three M Enterprises, Inc., stated that the purpose of this proposal was to create a separate parking field for the medical office, thus separating the delivery truck traffic for the shopping center from the vehicular traffic attempting to park for the medical office. He commented that the number of patients visiting the site each day was approximately 30. He reviewed the history of the shopping center and the addition of the walls to the site. He also commented on the historical significance of the medical office. Mr. Muirhead noted that the proposed opening in the new wall would only allow for pedestrian traffic.

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

Dr. Goldberg questioned the need for the wall.

Mr. Muirhead stated that the wall would prevent cross-vehicular traffic between the shopping center and the medical office parking fields. He stated that the wall would match the existing, including a limestone cap.

Dr. Goldberg questioned if the curb cut for the Village offices could be utilized for the medical office.

Mr. Muirhead stated that there was an approximate 2.5 ft. grade change between the two sites. He also commented that the Village Fire Department would not approve additional pedestrian or vehicular traffic crossing their site.

Mr. Barnett questioned where the two replacement trees would be located.

Mr. Muirhead stated that he was working with the Bloomfield Village Manager to determine placement. He commented that they might be placed on the vacant property owned by the shopping center at the northwest corner of Tuckahoe and West Maple Road.

Dr. Petinga commented on the possibility of shopping center traffic utilizing the Bradway curb cut to bypass the intersection of Maple and Lahser.

Ms. Stefanos questioned if the new curb cut would negatively impact traffic patterns for Bloomfield Village. She also questioned if Detroit County Day and the Bloomfield Village Board had approved of the proposal.

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

Mr. Jim Fielder, 2534 Endsleigh Drive, questioned how student traffic from the Country Day School, including bicycle traffic, would be prohibited from utilizing the opening in the wall. He also noted that if three doctors replaced the three dentists currently occupying the building, the amount of vehicular traffic utilizing the Bradway curb cut would triple in volume.

Mr. Muirhead commented that the number of students that bicycle to the school is minimal, with the majority of the students being driven to school.

Mr. Clinton Hirst, 3636 Tuckahoe Road, was present in objection to the request, commenting on the history of a previous pedestrian entrance in the wall, which was closed off many years ago. He felt a new entrance should not once again be created. He did not feel that the adjacent commercial enterprise should be allowed to impact their residential neighborhood. Mr. Hirst's e-mail comments, dated 09-02-09, were provided to the Commissioners prior to the meeting and submitted to the file.

Ms. Jane Lang-Hirst, 3636 Tuckahoe Road, was present in objection to the request, noting that the resident of Bloomfield Village should not be impacted because the dental patients did not want to navigate the shopping center parking lot. Ms. Hirst's e-mail comments dated 09-07-09 were provided to the Commissioners and submitted to the file.

Mr. Art Atkinson, Bloomfield Village Manager, referenced his letter dated 09-04-09, which was provided to the Commissioners and submitted to the file. He stated that the Village had not performed a neighbor notification prior to the Planning Commission, wishing to first attend the public meeting to hear public comment prior to making a final decision.

Ms. Joy DiCenso, a Bloomfield Village Trustee, stated that she was recently made aware of a previous proposal in 1989 for a similar request that was eventually withdrawn. She commented that she was not comfortable with making a decision without having a full understanding of this proposal and the previous history of this site. She requested that the Commission postpone their decision.

Mr. Hirst commented that the Village Board should not grant approval for a project without public notification of their residents.

Mr. Barnett stated that he could not support this proposal at this time. He stated that the Village residents should be allowed to review the proposal and be offered the opportunity to make comments to their Bloomfield Village Board.

Dr. Goldberg questioned if there was currently pedestrian access from the Village. He also questioned if the wall could be required to remain closed, if the Commission chose to recommend approval to the Township Board of Trustees. He also commented that the Village Board should contact their residents regarding this proposal.

Dr. Petinga concurred with the comments from Mr. Barnett and Dr. Goldberg and stated that he could not recommend approval at this time.

There were no further public comments.

Mr. Salz closed the public comment portion of the meeting and called for a motion.

Motion was made by Barnett and seconded by Goldberg to deny the request based on concerns expressed by the neighbors regarding pedestrian traffic, safety of the residents within Bloomfield Village with the increase in vehicular and pedestrian traffic introduced into the subdivision, and the possibility of a more intense use on the site due to the existing business zoning of the site.

Mr. Mintz commented that the residents within the Village should be allowed an opportunity to review the plan and that perhaps the Commission should maintain a more neutral position and not vote to deny at this time.

Ms. Stefanos stated that she was not in favor of the request due to safety concerns expressed by the residents, including possible loitering issues created with the opening in the wall. She commented that the developer should consider revising his proposal to accommodate the concerns of the neighbors.

Dr. Goldberg commented that he would like to see an opportunity afforded by the Village Association to its residents to review the plans and provide comment. He stated he remained in favor of the motion to deny as submitted.

Mr. Salz commented that the Township properly noticed the residents, per legal requirements, and that the issue of the lack of notification by the Village Association was not a Township issue.

Mr. Barnett respectfully disagreed with Mr. Salz, commenting that the Village Association should have provided an opportunity to its residents to review this proposal prior to the Planning Commission meeting.

Dr. Petinga stated that the Village Association's views weighed heavily in his decision, as that the best interest of the residents within the Village should be the primary concern of the Association. He also commented on the significance of the comments regarding the past closing of the previous opening in the wall.

Ms. Voelker did comment that the Commission had the option to deny without prejudice, thus allowing the applicant to return to the Commission with this proposal at a future date, and after a more thorough review by the Village residents and Association.

Dr. Goldberg offered a friendly amendment to Mr. Barnett's previous motion to deny as submitted, amending the language to state deny without prejudice. Mr. Barnett accepted the amendment to the motion.

Mr. Salz called for a vote on the amended motion to deny without prejudice.

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

NAYS: None

B. 37000 Woodward Avenue – Frank Simon Building – New Mixed-Use Building

Ms. Voelker reviewed this proposal for redevelopment of the site located at the southeasterly corner of Woodward Avenue and Big Beaver for a proposed mixed use building and associated site improvements. A portion of the existing bank, including the

drive-through facilities, will remain on site. Site plans, landscape plans, photometric plans, and elevations were reviewed. Screening of all rooftop and ground mounted mechanicals, and screening of the dumpster was reviewed. A shared parking plan was to be submitted for review and approval by the Township's traffic consultant. The applicant did provide a parking study for the Planning Commission's review. Mr. Michael Labadie, Township Traffic Consultant, provided his review comments in a letter dated 09-02-09. The Township's Landscape Consultant, Mr. Michael Dull, also reviewed the proposal, with his review letter dated 08-21-09, provided to the Commissioners and submitted to the file. The building design and materials, including colored renderings, were provided to the Commissioners. The Design Review Board heard this item on August 27, 2009, with the minutes provided. Departmental comments were also reviewed and submitted to the file.

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

The Commission questioned the name of the building and the proposed restaurant, including proposed signage.

Ms. Voelker stated that the applicant would address the proposed tenants.

Mr. Salz asked for comments from Mr. Michael Labadie, the Township's traffic consultant.

Ms. Stefanos commented on the existing traffic patterns at this site and questioned if a restaurant would generate traffic safety concerns.

Mr. Labadie commented that the majority of the restaurant traffic would be generated after peak traffic volumes, specifically after 6:00 p.m. Mr. Labadie briefly reviewed the concept of shared parking and reviewed his letter dated 09-02-09 that was provided to the Commissioners. He was confident that the applicant would be able to address any traffic circulation issues within the site, including loading and dumpster removal. He also noted that MDOT and RCOC would address any future traffic safety issues on Woodward Avenue and Big Beaver respectively.

There were no additional questions or comments from the Commissioners and Mr. Salz asked for the presentation from the applicant.

Mr. Charles DiMaggio, Sr. Vice-President with Burton Katzman, was present with Mr. Frank Simon, property owner, Mr. Ramadan, restaurateur and owner of "Crave" restaurant in Dearborn, and Mr. Hildebrand, architect with Gillett and Associates. Mr. DiMaggio reviewed the specifics of the site, including the first floor plan designating the Chase Bank to remain and the proposed space to be occupied by the restaurant. He commented on the staging process for construction of the bank, including the need to maintain the existing portion of the bank with the safety deposit boxes. The dumpster

location and truck traffic circulation issues were addressed by the applicant, noting that there were several viable solutions. Mr. DiMaggio commented on the landscape review, noting that they would comply with all the requirements and suggestions offered by Mr. Michael Dul, the Township's landscape consultant. The applicant stated that they would try to save the 24-inch maple tree called out in the review letter, however, feared that construction on the site would severely damage the root system. The property owner was prepared to replace the tree if needed. Traffic circulation issues would be further addressed, including truck turning radiuses. Mr. DiMaggio discussed the proposed building materials and commented that the façade portion of the building in which the restaurant was to occupy may undergo further revisions, thus requiring a possible future review by the Design Review Board. The need for the height variance was discussed, noting that the proposed height of the restaurant ceiling was creating the overall height issue.

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

Dr. Goldberg questioned where the resident parking was located and who would park in the linear lot at the rear of the site.

Mr. DiMaggio commented that the resident parking would be located under the building and that employees and valet parking would most likely occupy the rear parking lot.

Dr. Goldberg questioned the ordinance requirements for a 50 % residential component on the third floor and the maximum height requirement of 45 feet.

The Commission further reviewed the revised brick samples provided to the Commissioners, noting that they were trying to maintain a more uniform appearance in the brick façade of the building. The applicant did state that they would be able to match the brick portion of the bank building.

Mr. Barnett complimented the owner, developer, and architect on their perseverance in developing this site and on their proposal now before the Commission.

Mr. Mintz was pleased with the concept plans before him and commented that this project was what he had envisioned when the Planning Commission recommended the mixed-use overlay district to be incorporated in the Master Plan Update.

Mr. Salz asked for the presentation from the restaurateur.

Mr. Kalual Ramaden, owner of Crave Restaurant in Dearborn, reviewed the proposed restaurant concept for this site. He stated that his current restaurant had received "Best Sushi Bar" for this area for the past 5 years, and "Best Restaurant" for this area for the past 3 years from a locally circulated magazine. The applicant stated he would be requesting a liquor license.

The Commission discussed the concept of the restaurant, including the proposed floor plan, which included conference room facilities, an open kitchen offering a full menu, a dining room, an outdoor seasonal seating area, and a lounge area. The Commission briefly discussed the liquor license requirements for a restaurant.

Mr. DiMaggio commented on the residential component to this proposal, noting that due to the state of the economy, the residential area may be constructed as rental units, or perhaps as a white box, to be finished at a later date.

There were no further questions or comments from the Commissioners.

Mr. Salz opened the meeting for public comment.

Mr. Jim Danto, owner of the office building at 36880 Woodward, immediately to the south of the proposed site, was present on this matter. He expressed concern regarding the parking situation, questioning if overflow parking would utilize his site. He stated that he was in favor of Mr. Simon's proposal and that they were working on an agreement allowing Mr. Simon to obtain his portion of the interest in the adjacent parking lot.

There were no further public comments.

Mr. Salz closed the public comment portion of the meeting and called for a motion.

Motion was made by Mintz to recommend site plan approval for the new mixed use building proposal, subject to the following conditions:

- 1. Compliance with the requirements of the Township's Departments.**
- 2. Compliance with the recommendations noted in the Township's landscape architect and traffic engineer reports.**
- 3. Seeking approval for the following variances:**
 - a. Building height exceeding the 45 ft. height allowed in the MX Mixed Use Overlay District.**
 - b. Deficiencies in the parking setback along Woodward Avenue and Big Beaver frontages.**
 - c. Deficient residential floor area on the third floor.**
- 4. Acceptance of the reduced parking requirement based on the approval of the Parking Study by the Township Traffic Consultant**
- 5. Seeking Design Review Board approval for signage.**

Dr. Goldberg requested an amendment to the motion to include:

- 6. The applicant to acquire full ownership of the ancillary parking lot.**

The amendment was supported by Stefanos.

Mr. Salz called for a vote on the amendment. The amendment passed unanimously.

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

NAYS: None

Mr. Salz called for a vote on the amended motion. The amended motion was passed unanimously.

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

NAYS: None

IV. DISCUSSION ITEMS:

A. Items Not on the Agenda

There were no additional items discussed.

V. GENERAL BUSINESS:

A. Planning Commission Meeting Schedule

The next Planning Commission Meeting was tentatively scheduled for Monday, September 21, 2009.

VI. ADJOURNMENT:

The Planning Commission Meeting of Wednesday, September 9, 2009 was adjourned 8:55 P.M.

Respectfully submitted,

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

**CHARTER TOWNSHIP OF BLOOMFIELD
PLANNING COMMISSION MEETING**

Monday, October 5, 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

Mr. Dave Payne, Township Supervisor, was present in the audience.

II. APPROVAL OF MINUTES:

Motion was made by Barnett, seconded by Stefanos and was unanimously supported to approve the amended Planning Commission minutes of September 9, 2009.

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

NAYS: None

III. CALL FOR PUBLIC HEARING:

A. Proposed Amendments to the Zoning Ordinance relating Liquor License Requirements

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. Highlights of the proposed amendment include establishing a new definition of “gasoline station” and amending the standards for automobile service stations to specifically prohibit the sale of beer, wine, and other alcoholic beverages.

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

Mr. Stark questioned why the term “gasoline station” was included and defined. It was discussed that the ordinance currently addresses automobile service stations, however, does not currently contain a definition for gasoline stations.

Dr. Goldberg questioned if automobile service stations would be allowed to sell alcohol.

The Commission discussed the difference between the two types of stations, noting that this proposed amendment prohibited the sale of alcoholic beverages at both gas stations and automobile service stations.

Mr. Stark called out two suggested revisions: Punctuation and grammar issues within Section 42-4.23.1.D. of the proposed amendment, and revising the first paragraph of the proposed resolution for clarification purposes.

There were no further questions or comments from the Commissioners and Mr. Salz asked for Ms. Voelker to review the proposed ordinance amendment relating to retail package outlets.

Ms. Voelker reviewed the list and maps provided to the Commissioners relating to the locations of the SDD and SDM liquor licenses within the Township. She commented on the distance from one retail package outlet to another, noting the majority of the locations were in non-compliance. Ms. Voelker then reviewed the distance of the package outlet sales to the closest school, 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.

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

Mr. Salz questioned why the distance of 750 feet was proposed and how this distance compared with the setback requirements of other surrounding communities. He also questioned how the distance was actually measured, citing the Kroger Store at Maple and Lahser to the Detroit Country Day School. A map was reviewed for the Commissioners showing the actual measurement of 916 feet from the front door of the store, along the public thoroughfare, to the closest point of entry to the School.

Ms. Voelker commented that 750 feet was proposed to be consistent with the distancing requirements for regulated uses already contained within the zoning ordinance. She commented that there is great value with maintaining consistency within an ordinance.

Mr. Stark questioned if perhaps density requirements should be included, with the elimination of the dispersal requirements between package sales.

Mr. Payne commented that the number of liquor licenses was controlled by the State of Michigan, based on the population of the community.

Ms. Voelker noted that the Township currently had available both SDD and SDM licenses.

Mr. Mintz commented that the dynamics of the marketplace would dictate the dispersal of the locations selling package liquor.

Mr. Barnett concurred with the statements by Mr. Mintz.

Dr. Petinga questioned the criteria for obtaining an SDD and / or an SDM license.

Ms. Voelker briefly reviewed the State requirements, and the Township's local review process, including review by the Police Department, Clerk's Office and the Planning, Building, and Ordinance Department.

Dr. Petinga commented on the existing Costco Gas Station and the existing Costco Store, which sells liquor.

It was noted that the Costco Store and the Costco Gas Station are two separate stand-alone sites, with two separate addresses. An individual would not be able to purchase alcohol at the Costco gas station.

Ms. Voelker continued with her staff report, noting that the separation between the existing retail package sale locations within the Township was currently non-complaint, save the Wabeek Country Club and Birmingham Country Club. She commented that the limited commercial zone districts within the Township, and their concentrated locations along major thoroughfares within the Township, would allow for a very limited number of retail package sales, per the current ordinance requirements. The proposed amendment eliminates the current requirement of maintaining 2,640 feet between retail package outlets.

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

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

Mr. Salz asked for a motion to schedule the public hearing.

Motion was made by Barnett, seconded by Goldberg and was unanimously supported to call for a public hearing on Wednesday, November, 4, 2009 regarding the proposed amendments to the zoning ordinance relating to liquor license requirements.

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

IV. DISCUSSION ITEMS:

A. Items Not on the Agenda

Ms. Stefanos commented on the City of Birmingham's wind turbine ordinance. She questioned if the Township should revisit their wind energy ordinance to address the latest technology. Mr. Stark concurred with Ms. Stefanos' comments and requested that solar panels also be considered as a future discussion item for the Commission.

The Commission discussed the improvements to Square Lake Road between Woodward Avenue and Telegraph Road, noting that the proposed median improvements, fencing, and safety paths would be a welcome enhancement.

There were no additional items discussed.

V. GENERAL BUSINESS:

A. Planning Commission Meeting Schedule

The next Planning Commission Meeting was tentatively scheduled for Monday, October 19, 2009.

VI. ADJOURNMENT:

The Planning Commission Meeting of Monday, October 5, 2009 was adjourned at 8:00 P.M.

Respectfully submitted,

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

**CHARTER TOWNSHIP OF BLOOMFIELD
PLANNING COMMISSION MEETING**

Monday, October 19, 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 Petinga and was unanimously supported to approve the Planning Commission minutes of October 5, 2009, with one correction.

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

NAYS: None

III. CALL FOR PUBLIC HEARING:

A. Proposed Amendments to the Zoning Ordinance relating to Retail Wine Stores

Ms. Voelker reviewed the proposed amendments relating to liquor license requirements for retail wine stores. She reviewed her staff report that was provided to the Commissioners and submitted to the file. Ms. Voelker commented that the Township was approached by a proposed tenant, Mr. Joe Newmyer, looking to open a retail wine store with wine tastings, in the Bloomfield Market Place Plaza. The shopping plaza is located on the westerly side of Telegraph Road, north of Square Lake Road, and is owned by Mr. Carl Rose. The zoning ordinance currently allows for retail package outlets within this commercial zone district, however, does not allow for consumption on the premises when not associated with a restaurant use.

The purpose of the proposed ordinance amendment is to consider modifications to the B-2 Community Business Provisions and Use Standards to allow for retail wine stores,

including wine tasting on the premises. Following are the highlights of the proposed ordinance amendment:

- Establishes 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
- Allows 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.

The Township's attorney has reviewed the proposed amendment and found the language to be acceptable.

Ms. Voelker requested that the Commissioners call for a public hearing on November 16, 2009, to handle all the proposed ordinance amendments relating to liquor licenses, including the amendments previously reviewed at the October 5, 2009 Commission meeting.

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

The Commission discussed the requirements associated with this type of use, expressing concerns regarding training of employees and controlling consumption on the premises.

Ms. Voelker stated that the proprietor would be required to abide by all the State Laws governing the serving of alcohol. She commented on the thorough reviews by both the State of Michigan and the Township's Police Department regarding the issuance of any liquor license.

Mr. Mintz questioned if the wine shop was for wine sampling only. It was confirmed that this proposal was for wine tasting only, not for any other types of liquor. Mr. Mintz commented that a certified server should be present at all times when serving or tasting was taking place.

The Commission discussed the difference between a Class C license and this proposed ordinance for a retail wine shop with a Tavern license, noting that the food component was not required for the retail wine shop with a tavern license.

Mr. Barnett questioned the size of the pour that would be allowed with this ordinance amendment. Ms. Voelker stated that the size of the pour was not included within this ordinance amendment.

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Mr. Barnett confirmed that the Police Department does strictly enforce the liquor license laws, noting that the Township Board of Trustees is routinely provided with reports of the Police Department's undercover enforcement tactics.

The Commission discussed the difference between SDD, SDM, Class C, and Tavern Licenses and the number of each available within the Township.

Dr. Goldberg stressed that the establishment must be aware of their responsibilities and the legal requirements and enforcement issues with serving liquor.

Dr. Petinga questioned if this would be precedent setting for other retail establishments that currently sell wine. He stated that he did not have any objections at this time for this proposed tenant or ordinance amendment.

Ms. Voelker noted that the ordinance amendment was very narrow in scope as it related only to a specific retail use, a retail wine shop with a Class C / Tavern license, to allow for consumption on the premises.

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

Mr. Joe Newmyer, a Township resident and proposed tenant "The Wine Guy", reviewed his concept for a retail wine shop that included wine tastings. He commented that initially he would be the only person serving the wine, and that he would adhere to any training required at the State or Township level associated with this type of use. Mr. Newmyer stated that any employees that he may hire in the future would also be correctly trained, per legal requirements.

Dr. Petinga questioned the type of training that is currently required for employees that serve alcohol in restaurants within the Township with a Class C license.

Ms. Voelker stated that she would provide answers at the public hearing regarding training of employees serving alcohol.

Mr. Stark suggested that the ordinance language contain a minimum percentage of wine sales required to further clarify the definition of a "retail wine store".

Ms. Voelker commented that she would include a "preponderance of wine sales" requirement within the language of the ordinance.

Mr. Barnett questioned the hours of operation.

Mr. Newmyer stated that he was currently proposing 11:00 a.m. to 7:00 p.m., Tuesday through Saturday, to be closed on Sunday and Monday.

Ms. Voelker commented that a resolution could also be adopted by the Township Board of Trustees that further clarifies the details and requirements of the proposed ordinance requirements.

Dr. Petinga asked for the applicant to provide a detailed concept of his proposal at the public hearing, including the size of the pour and how the consumption would be controlled on site.

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

Mr. Salz asked for a motion to rescind the previous motion of October 5, 2009, calling for a public hearing on November 4, 2009.

Motion was made by Stefanos, seconded by Petinga and was unanimously supported to rescind the motion to call for a public hearing on November 4, 2009 to address the proposed ordinance amendments relating to liquor license requirements.

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

Mr. Salz asked for a motion to call for a public hearing to address all the proposed ordinance amendments relative to liquor licenses requirements and retail wine stores.

Motion was made by Goldberg, seconded by Stefanos and was unanimously supported to call for a public hearing on Monday November 16, 2009 regarding the proposed amendments to the zoning ordinance relating to liquor license requirements and for proposed ordinance amendments relating to retail wine stores.

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

IV. DISCUSSION ITEMS:

A. Items Not on the Agenda

Ms. Stefanos commented on additional “sandwich board” signage at the Plum Market store. Ms. Voelker stated that an Ordinance officer would address the signage tomorrow. There were no additional items discussed.

V. GENERAL BUSINESS:

A. Planning Commission Meeting Schedule

The next Planning Commission Meeting was tentatively scheduled for Monday, November 4, 2009.

VI. ADJOURNMENT:

The Planning Commission Meeting of Monday, October 19, 2009 was adjourned at 8:00 P.M.

Respectfully submitted,

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

rc

CHARTER TOWNSHIP OF BLOOMFIELD PLANNING COMMISSION MEETING

Monday, October 19, 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 Petinga and was unanimously supported to approve the Planning Commission minutes of October 5, 2009, with one correction.

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

NAYS: None

III. CALL FOR PUBLIC HEARING:

A. Proposed Amendments to the Zoning Ordinance relating to Retail Wine Stores

Ms. Voelker reviewed the proposed amendments relating to liquor license requirements for retail wine stores. She reviewed her staff report that was provided to the Commissioners and submitted to the file. Ms. Voelker commented that the Township was approached by a proposed tenant, Mr. Joe Newmyer, looking to open a retail wine store with wine tastings, in the Bloomfield Market Place Plaza. The shopping plaza is located on the westerly side of Telegraph Road, north of Square Lake Road, and is owned by Mr. Carl Rose. The zoning ordinance currently allows for retail package outlets within this commercial zone district, however, does not allow for consumption on the premises when not associated with a restaurant use.

The purpose of the proposed ordinance amendment is to consider modifications to the B-2 Community Business Provisions and Use Standards to allow for retail wine stores,

including wine tasting on the premises. Following are the highlights of the proposed ordinance amendment:

- Establishes 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
- Allows 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.

The Township's attorney has reviewed the proposed amendment and found the language to be acceptable.

Ms. Voelker requested that the Commissioners call for a public hearing on November 16, 2009, to handle all the proposed ordinance amendments relating to liquor licenses, including the amendments previously reviewed at the October 5, 2009 Commission meeting.

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

The Commission discussed the requirements associated with this type of use, expressing concerns regarding training of employees and controlling consumption on the premises.

Ms. Voelker stated that the proprietor would be required to abide by all the State Laws governing the serving of alcohol. She commented on the thorough reviews by both the State of Michigan and the Township's Police Department regarding the issuance of any liquor license.

Mr. Mintz questioned if the wine shop was for wine sampling only. It was confirmed that this proposal was for wine tasting only, not for any other types of liquor. Mr. Mintz commented that a certified server should be present at all times when serving or tasting was taking place.

The Commission discussed the difference between a Class C license and this proposed ordinance for a retail wine shop with a Tavern license, noting that the food component was not required for the retail wine shop with a tavern license.

Mr. Barnett questioned the size of the pour that would be allowed with this ordinance amendment. Ms. Voelker stated that the size of the pour was not included within this ordinance amendment.

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PLANNING COMMISSION

October 19, 2009

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Mr. Barnett confirmed that the Police Department does strictly enforce the liquor license laws, noting that the Township Board of Trustees is routinely provided with reports of the Police Department's undercover enforcement tactics.

The Commission discussed the difference between SDD, SDM, Class C, and Tavern Licenses and the number of each available within the Township.

Dr. Goldberg stressed that the establishment must be aware of their responsibilities and the legal requirements and enforcement issues with serving liquor.

Dr. Petinga questioned if this would be precedent setting for other retail establishments that currently sell wine. He stated that he did not have any objections at this time for this proposed tenant or ordinance amendment.

Ms. Voelker noted that the ordinance amendment was very narrow in scope as it related only to a specific retail use, a retail wine shop with a Class C / Tavern license, to allow for consumption on the premises.

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

Mr. Joe Newmyer, a Township resident and proposed tenant "The Wine Guy", reviewed his concept for a retail wine shop that included wine tastings. He commented that initially he would be the only person serving the wine, and that he would adhere to any training required at the State or Township level associated with this type of use. Mr. Newmyer stated that any employees that he may hire in the future would also be correctly trained, per legal requirements.

Dr. Petinga questioned the type of training that is currently required for employees that serve alcohol in restaurants within the Township with a Class C license.

Ms. Voelker stated that she would provide answers at the public hearing regarding training of employees serving alcohol.

Mr. Stark suggested that the ordinance language contain a minimum percentage of wine sales required to further clarify the definition of a "retail wine store".

Ms. Voelker commented that she would include a "preponderance of wine sales" requirement within the language of the ordinance.

Mr. Barnett questioned the hours of operation.

Mr. Newmyer stated that he was currently proposing 11:00 a.m. to 7:00 p.m., Tuesday through Saturday, to be closed on Sunday and Monday.

Ms. Voelker commented that a resolution could also be adopted by the Township Board of Trustees that further clarifies the details and requirements of the proposed ordinance requirements.

Dr. Petinga asked for the applicant to provide a detailed concept of his proposal at the public hearing, including the size of the pour and how the consumption would be controlled on site.

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

Mr. Salz asked for a motion to rescind the previous motion of October 5, 2009, calling for a public hearing on November 4, 2009.

Motion was made by Stefanos, seconded by Petinga and was unanimously supported to rescind the motion to call for a public hearing on November 4, 2009 to address the proposed ordinance amendments relating to liquor license requirements.

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

Mr. Salz asked for a motion to call for a public hearing to address all the proposed ordinance amendments relative to liquor licenses requirements and retail wine stores.

Motion was made by Goldberg, seconded by Stefanos and was unanimously supported to call for a public hearing on Monday November 16, 2009 regarding the proposed amendments to the zoning ordinance relating to liquor license requirements and for proposed ordinance amendments relating to retail wine stores.

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

IV. DISCUSSION ITEMS:

A. Items Not on the Agenda

Ms. Stefanos commented on additional “sandwich board” signage at the Plum Market store. Ms. Voelker stated that an Ordinance officer would address the signage tomorrow. There were no additional items discussed.

V. GENERAL BUSINESS:

A. Planning Commission Meeting Schedule

The next Planning Commission Meeting was tentatively scheduled for Monday, November 4, 2009.

VI. ADJOURNMENT:

The Planning Commission Meeting of Monday, October 19, 2009 was adjourned at 8:00 P.M.

Respectfully submitted,

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

rc

**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*

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