

**CHARTER TOWNSHIP OF OXFORD
PLANNING COMMISSION REGULAR MEETING**

NOTICE AND AGENDA

Date: Thursday, March 27, 2025

Time: 6:30 p.m.

Place: Oxford Township Meeting Room, 300 Dunlap Road, Oxford, MI 48371

1. Call to order
2. Respects to the flag
3. Noting of roll
4. Approval of the agenda
5. Conflicts of Interest/Ex-Parte Contact
6. Approval of Minutes – Planning Commission Regular Meeting – March 13, 2025.
7. Public comment on items not scheduled for Public Hearing or on this agenda.
8. Commissioners' Comments
9. Unfinished Business: Master Plan
10. New Business: Planning Commission Training conducted by Carlisle Wortman Assoc. & The Kelly Law Firm
11. Communications and/or Committee Reports
 - A. Economic Development Committee
 - B. Ordinance Review Committee
12. Planner/Engineer Reports
13. Adjournment

The Charter Township of Oxford will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting/hearing. Individuals with disabilities requiring auxiliary aids or services shall contact the Charter Township of Oxford by writing or calling Curtis W. Wright, Township Clerk at 248-628-9787, ext. 108 as soon as possible to allow the Township sufficient time to have available the aids and services.

Korey Bailey, Chair Planning
Commission Charter Township
of Oxford 300 Dunlap Road
Oxford, MI 48371
(248) 628-9787

CHARTER TOWNSHIP OF OXFORD PLANNING COMMISSION REGULAR MEETING
THURSDAY, MARCH 13, 2025

A regular meeting of the Charter Township of Oxford Planning Commission was held Thursday, March 13, 2025 at the Oxford Township Meeting Room, 300 Dunlap Road, Oxford, Michigan 48371.

The meeting was called to order by Chair Bailey at 6:30 p.m.

RESPECTS TO THE FLAG

NOTING OF THE ROLL

Members Present: **Robert Turner, Don Wloszek, Korey Bailey, David Wagner, Ryan Austin, Mark Blankenship, Patti Durr**

Members Absent: None

Also Present: Township Planner Matteo Passalacqua, Township Engineer Jim Sharpe, Recording Secretary Danielle Smith, one OCTV camera operator, and two attendees.

APPROVAL OF AGENDA

Commissioner Wloszek moved, Commissioner Blankenship seconded, to approve the Charter Township of Oxford regular Planning Commission agenda for Thursday, March 13, 2025 as amended, adding item 9c. Ordinance Review Committee Appointment.

Ayes: 7 Nays: 0 Absent: 0

Motion Carried.

CONFLICTS OF INTEREST/EX-PARTE CONTACT

APPROVAL OF MINUTES

Planning Commission Regular Meeting – February 27, 2025

Commissioner Wloszek moved, Commissioner Durr seconded, to approve the minutes of the regular Planning Commission meeting for February 27, 2025 as presented.

Ayes: 7 Nays: 0 Absent: 0

Motion Carried.

PUBLIC COMMENTS ON ITEMS NOT SCHEDULED FOR PUBLIC HEARING OR ON THE AGENDA

Public comment began at 6:33 p.m.

There being no public comment, public comment ended at 6:33 p.m.

COMMISSIONERS' COMMENTS

Commissioner Wloszek shared that he would send his feedback regarding the master plan to Planner Passalacqua early next week since he was unable to attend the February 27, 2025 planning commission meeting.

PUBLIC HEARINGS AND ACTION

A. Rezoning of Parcels 04-26-353-028 and 04-26-353-029

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This is a petition to rezone Parcel No. 04-26-353-028 (970 South Lapeer Road) and Parcel No. 04-26-353-029 (990 South Lapeer Road) from O, Office to C-2, General Commercial.

Comments from Township Consultants and Staff

Township Planner Passalacqua discussed the Carlisle|Wortman review letter dated February 13, 2025, and was available to answer any questions of the Commission regarding the application.

Township Engineer Sharpe discussed the Sharpe Engineering review letter dated January 31, 2025, and was available to answer any questions of the Commission regarding the application.

Chair Bailey reviewed the order of proceedings.

Fire Marshal Frantz' review letter dated February 3, 2025 was included in the meeting packet.

Presentation by the Petitioner

Jim Butler, PEA Group, 1849 Pond Run, Auburn Hills, MI 48326 presented the petition and was available to answer any questions of the Commission.

Open Public Hearing

Commissioner Wagner moved, Commissioner Durr seconded, to open the public hearing at 7:14 p.m.

Ayes: 7 Nays: 0 Absent: 0

Motion Carried.

Close Public Hearing

There being no public comment, Commissioner Turner moved, Commissioner Durr seconded, to close the public hearing 7:15 p.m.

Ayes: 7 Nays: 0 Absent: 0

Motion Carried.

Review of Correspondence

The Commission received no correspondence.

Commissioner Discussion

The Commission discussed the application.

Commissioner Wloszek moved, Commissioner Blankenship seconded, to recommend approval of the rezoning request for 970 and 990 South Lapeer Road (Parcel Nos. 04-26-353-028 and 04-26-353-029) from O, Office District to C-2, Community Business District, based on the findings of fact outlined in Section 18.6 of the Zoning Ordinance as set forth in the discussion of the Planning Commission on the record, which confirm that the request meets the eligibility requirements for rezoning.

Roll Call:

Ayes: Blankenship, Durr, Turner, Wagner, Austin, Wloszek, Bailey

Nays: None

Absent: None

Motion Carried.

B. Zoning Ordinance Text Amendments as follows:

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THURSDAY, MARCH 13, 2025

- Article 2 with definitions relating to “Domestic Pets” and “Farm Animals.” Deleted definitions include “Exotic or Wild Animal.”
- Article 2 with definitions to comply with the Child Care Licensing Act amendments of 2022. Amended definitions include “Child Family Day Care Home” and “Child Group Day Care Home.” Added definitions include “Private Home” and “Increased Capacity.”
- Article 3 to make Automobile Convenience Marts special land uses in the I-1, Light Industrial, and I-2, General Industrial zoning districts.

Chair Bailey reviewed the order of proceedings.

Comments from Township Consultants and Staff

Township Planner Passalacqua discussed the draft amendments as included in the meeting packet and was available to answer any questions of the Commission regarding the application.

Presentation by the Petitioner

Township Planner Passalacqua represented the petitioner, the Charter Township of Oxford.

Open Public Hearing

Commissioner Wagner moved, Commissioner Durr seconded, to open the public hearing at 7:28 p.m.

Ayes: 7 Nays: 0 Absent: 0

Motion Carried.

Close Public Hearing

There being no public comment, Commissioner Wagner moved, Commissioner Durr seconded, to close the public hearing at 7:28 p.m.

Ayes: 7 Nays: 0 Absent: 0

Motion Carried.

Review of Correspondence

The Commission received no correspondence.

Commissioner Discussion

The Commission discussed the application.

Commissioner Wagner moved, Commissioner Blankenship seconded, to recommend for approval the zoning ordinance text amendments to update including Article 2 with definitions relating to “Domestic Pets” and “Farm Animals.” Deleted definitions including “Exotic or Wild,” with the condition that the playful personalities text is removed. A recommendation to approve Article 2 with definitions to comply with the Child Care Licensing Act amendments of 2022. Amended definitions include “Child Family Day Care Home” and “Child Group Day Care Home.” Added definitions include “Private Home” and “Increased Capacity,” and the updates to Article 3 to make Automobile Convenience Marts special land uses in the I-1, Light Industrial, and I-2, General Industrial zoning districts.

Roll Call:

Ayes: Bailey, Wloszek, Austin, Wagner, Turner, Durr, Blankenship

Nays: None

Absent: None

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Motion Carried.

C. Ordinance Review Committee Appointment

Commissioner Wagner moved, Commissioner Blankenship seconded, to appoint Commissioner Durr to the Ordinance Review Committee.

Roll Call:

Ayes: Blankenship, Durr, Turner, Wagner, Austin, Wloszek, Bailey

Nays: None

Absent: None

Motion Carried.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

COMMUNICATIONS AND/OR COMMITTEE REPORTS

Economic Development Committee

None.

Ordinance Review Committee

Commissioner Wagner shared that the funding for the Ordinance Review Committee (ORC) workplan did not pass at the township board level. The ORC met earlier today to start revising the workplan to make it more palatable.

PLANNER/ENGINEER REPORTS

Engineer – Sharpe Engineering

Engineer Sharpe provided a brief update regarding ongoing and upcoming projects.

Planner – Carlisle|Wortman

Planner Passalacqua provided a brief update regarding ongoing and upcoming projects.

ADJOURNMENT

Commissioner Wagner moved, Commissioner Blankenship seconded, to adjourn the meeting at 7:53 p.m.

Ayes: 7

Nays: 0

Absent:0

Motion Carried.

Korey Bailey, Chair

Don Wloszek, Secretary

Date approved:

/ds



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Oxford Township Planning Commission
FROM: Megan Masson-Minock, AICP, Principal
Matteo Passalacqua, Associate Planner
DATE: March 20, 2025
RE: Draft Master Plan

Please find attached a revised draft Master Plan with the edits we discussed at your meeting on February 27, 2025. We have made the following updates:

- Added highlights from the 2024 survey on page 11.
- Changed “build out” to “buildout” throughout the document.
- Fixed formatting issues.
- Added Future Land Use and Vacant Land Comparison Table to page 90.
- Changed text on pages 24, 33, 55, 57, 88, 91, 92 based on Planning Commission feedback.
- Changed Map 14 to Map 15 text on page 71.
- Removed text on page 119 based on Planning Commission feedback.
- Updated Priority Safety Paths map and removed the priority differentiation.
- Updated Open Space and Greenway Plan map.

Please come to your March 27, 2025 meeting prepared to vote on whether or not to send the Master Plan draft to the Township Board for consideration at their April 9th regular meeting. If the Planning Commission votes to send the draft Master Plan to the Township Board, the Township Board shall review the draft and then vote to either send the draft to adjacent communities for a statutory 63-day review period or send the Master Plan draft back to the Planning Commission with guidance on revisions.

Respectfully,

CARLISLE/WORTMAN ASSOC., INC
Megan Masson-Minock, AICP
Principal

CARLISLE/WORTMAN ASSOC., INC.
Matteo Passalacqua
Community Planner

Benjamin R. Carlisle, *President* John L. Enos, *Vice President* Douglas J. Lewan, *Principal*
David Scurto, *Principal* Sally M. Elmiger, *Principal* R. Donald Wortman, *Principal* Craig Strong, *Principal*
Paul Montagno, *Principal*, Megan Masson-Minock, *Principal*, Laura Kreps, *Principal*
Richard K. Carlisle, *Past President/Senior Principal*

Oxford Township Planning Commission Training

MARCH 27, 2025

AGENDA:

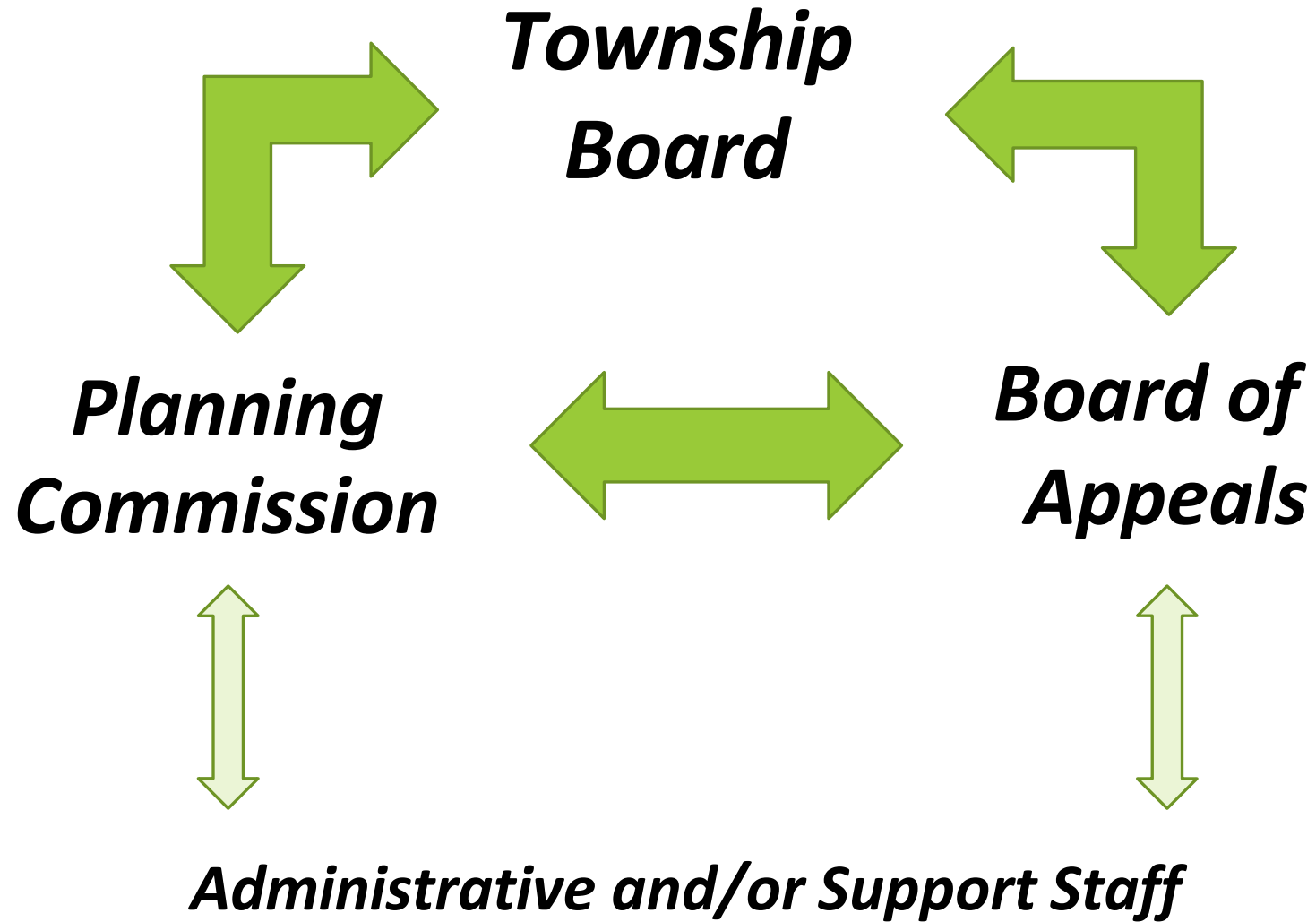
Roles/Responsibilities

Making Effective Decisions &
Findings

Risk Management

Roles & Responsibilities

LAND USE DECISIONS DO NOT OPERATE IN A VACUUM



LAND USE DECISIONS DO NOT OPERATE IN A VACUUM

Legislative Body

- Appointments
- Ordinance Adoption
- Site Plan/Zoning Reviews
- Budgets / Personnel
- Master Plan
- Other Policy Decisions

Planning Commission

- Master Plan
- Zoning Ordinance
- Site Plan/Zoning Reviews

Board of Appeals

- Variances
- Appeals
- Interpretations
- Other Duties

Administrative and/or Support Staff

Statutory Authority

Planning

Planning Enabling Act

Public Act 33 of 2008

(MCL 125.3801et seq)

Zoning

Zoning Enabling Act

Public Act 110 of 2006

(MCL 125.3101 et seq)

Statutory Authority

Additional Legal Constraints

- Federal Laws
- State Laws
- Case Law (Federal & State)
- Attorney General Opinions
- Other Local Ordinances

Approvals

Non-Discretionary

- a) Zoning Administration
- b) Site Plan

Discretionary

- a) Special Land Use
- b) Planned Unit Development
- c) Amendments



Questions

ROLES & RESPONSIBILITIES



Making Effective Decisions

AND FINDINGS

Elements of Effective Decisions



Expect complete
information



Be prepared



Conduct Orderly
Meetings



Deliberate
properly



Document
decisions

Preparation

- Conduct site visit
- Avoid “ex parte” contacts
- Review materials
 - Planner and other professional reports
 - Application and plans
 - Ordinance requirements
- Ask questions

General Meeting Rules

- Keep order
- Stay on subject
- Eliminate misunderstanding of outcomes
- Maintain fairness during deliberation

Deliberation Process

RULES FOR SPEAKERS

- Degree of formality
- Comments through the Chair
- Limit speaking time
- Limit number of times speaking
- Spokesperson

RULES FOR DECISION MAKERS

- Comments through the Chair
- Deliberate in the open
- Express opinions
- Use ordinance standards for decisions

Decisions and Motions

- A motion is a formal proposal by a member
- Types of motions include MAIN and SECONDARY
- Main motion brings subject to the floor and are amendable and debatable
- Secondary motion modifies a main motion and may be amenable and debatable
- Common secondary motions: Amendment and recess

Debate: Limits

- Chair must recognize speaker
- Limit time of speaking to give others time to contribute
- Cannot speak or carry on side conversation while another is speaking
- Common modifiers to speaking order
 - Maker of motion speaks first
 - No member permitted to speak twice until each member has the opportunity to speak

Debate: Protocol

- Stick to subject
- Debate issues and not personalities
- Use formal speech such as “Mr. Smith” and not “Joe” or “Madam Chair” and not “Betty”
- Motion to limit or extend limits on debate possible
- Motion to immediately close debate possible

Meeting Etiquette



FACE OF THE TOWNSHIP



RESPECT EACH OTHER
AND THE PUBLIC



TREAT ALL FAIRLY



KEEP ACTIONS SIMPLE
AND UNDERSTANDABLE

Delays

- Appropriate
 - Incomplete application
 - Extensive changes necessary to comply with ordinance standards
 - Applicant requests delay in writing
 - When necessary information from an agency or the applicant has not been received
- Not appropriate
 - When receipt of another agency permit can be handled as a condition
 - Minor changes to the plan are required which will not affect site layout and can be handled as a condition

Motions

- Phrase motions carefully to withstand scrutiny by a court
- Ensure everyone is clear on motion
- Reference relevant sections of ordinance and reports
- Conditions may be imposed on any zoning decision, except rezoning

Motion Musts

- Site plan name and number
- Date of plan (including revision dates)
- The result (approved, approved with conditions, denied, postponed)
- Findings supporting action(s) taken
- Any conditions (with timetables, if applicable)
- Who will verify conditions are met (if applicable)

Motion Dissection

Commissioner Turner moved,
Commissioner Wagner seconded,
to recommend denial to the Oxford
Township Board of Trustees for a
rezoning from C-1 (local
commercial) to RM (multiple
family) for parcel numbers 04-21-
200-002 and 04-21-200-005 based
upon a finding that the Applicant
does not meet all factors relevant
to the petition pursuant to Sec.
18.3 of the Township Zoning
Ordinance.

—————→ *Decision*

—————→ *Approval Type*

—————→ *Property*

—————→ *Concluding Finding*

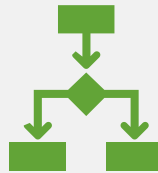
Rezoning Number?

CONDITIONS

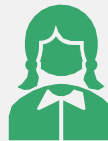
May be attached to any affirmative decision

Must be reasonable and bear a relationship to the review standards

General Zoning Principles



Decisions should be supported by evidence



Experts provide an invaluable service

General Zoning Principals



RIGHT TO CONTROL LAND IS
NOT ABSOLUTE



RIGHTS OF THE PUBLIC
WEIGHED WITH THE RIGHTS
OF INDIVIDUALS



ZONING ORDINANCE MUST
BE FAIR & REASONABLE

General Zoning Principles

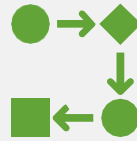


A good Master Plan is a good defense in zoning litigation.



Zoning ordinances should not exclude otherwise lawful uses, with exceptions

General Zoning Principles



Procedure matters



Require applicants seeking zoning relief to follow procedure



Deal with zoning issues in a prompt manner



Zoning decisions are made in open meeting



Do not express an opinion regarding a pending zoning decision until all the facts have been received in open meeting

General Zoning Principles



Questions

DECISIONS & FINDINGS

The background features a blurred image of a white pen writing on a document. A line graph is visible, with a solid line and a dotted line. The number '5' is on the left, and '2.47' is on the right. The overall scene is in grayscale.

Risk Management



Risk Management

- You CAN'T avoid litigation
- You CAN manage risk & liability exposure by:
 - Using consistent rules and procedures
 - Treating everyone fairly and consistently
 - Avoiding conflicts of interest
 - Keeping accurate and complete records

Risk Management: Conflict of Interest

Identification

- You are the applicant
- Relative
- Business associate
- Close ties
- If you have to ask...

Procedure

- State nature of conflict
- Request to abstain from discussion and voting
- Must be approved by the body
- Minutes should reflect abstention and reason

Risk Management

- Zoning must provide a reasonable use.
- The use need NOT be the most profitable.
- Support your decisions with findings based on review standards.
- Follow proper procedures.
- Case law: In state and federal courts is still emerging.

The background of the slide is a light-colored surface covered with numerous small, light-brown wooden blocks. Each block has a dark grey question mark printed on its top face. The blocks are scattered across the entire page, creating a textured, repetitive pattern.

Questions

RISK MANAGEMENT

A solid, vibrant green horizontal bar spans the width of the slide at the bottom, providing a visual anchor and contrast to the light background above.



THE
KELLY
FIRM

MEETING DECORUM

PUBLIC HEARINGS, MOTIONS, EX PARTE
CONTACT, THE OMA, AND MORE!



Why Does Procedure Matter at a Public Meeting?



Tips For a Successful Public Meeting

The Chair controls the flow of the meeting, including announcing business to come before the Board and recognizing members entitled to the floor.

The Board should be familiar with and follow your Bylaws. When in doubt, follow Robert's Rules of Order.

Always maintain control and decorum. Usually this is the responsibility of the Chair, but all members should assist.

Follow appropriate procedures for passage of motions and amendments to motions. Ensure intent is clear in language of motions.

Board members should refrain from commenting during public comment, avoid back and forth.

Any Board or chair response should be after public comment is closed.

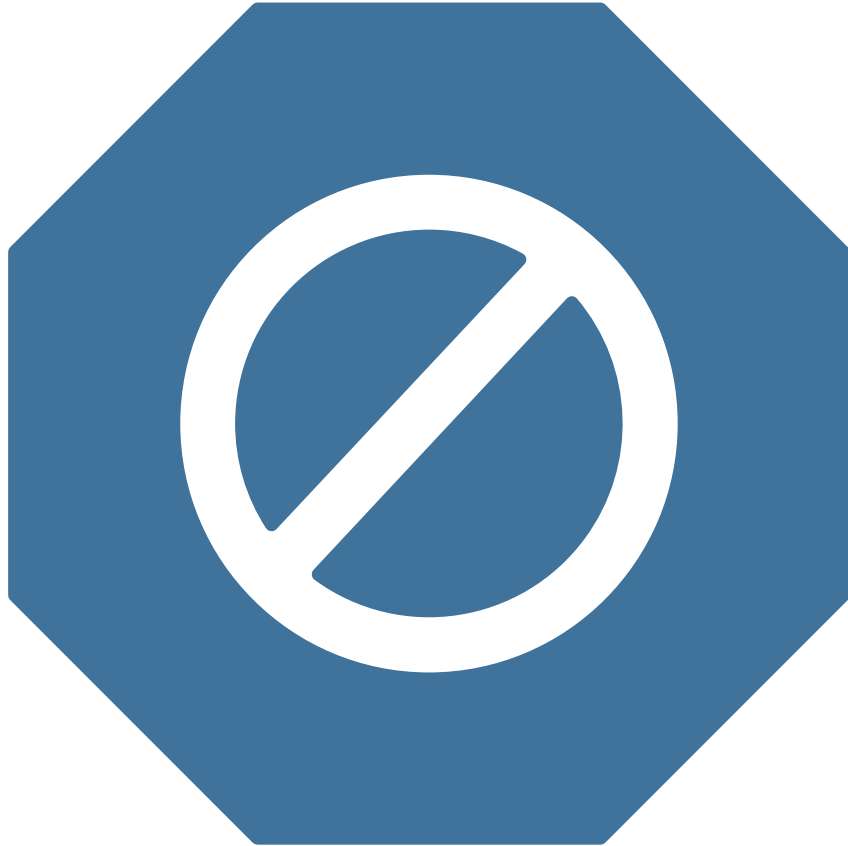


OAG Opinions on Public Comment Rules

Issues Boards and Commissions can address by Bylaws:

- Length of time that members of the public may address the Board.
- Designation of the time for public participation during a certain part of the agenda.
- The OMA prohibits a public body from placing conditions on the attendance of members of the public at an open meeting. The right of a person to address a public body may, however, be reasonably controlled by rules recorded by the public body. It is reasonable to require a person to identify himself for purposes of public comment.

OAG Opinion 1977-78 5183



The Board May Not...

- Limit the subject or issues that the speaker wants to address.
- Require exhaustion of administrative procedures before allowing a person to speak.
- Prevent a person from talking about a confidential or closed session topic.
- Require as a condition of attendance that a person register and/or provide his or her name as a condition to attending a meeting.

Public Hearing Vs. Public Comment

PUBLIC HEARING

PUBLIC COMMENT

- Formal meeting to gather input, information, and opinions from the public regarding a specific matter or proposal.
- Required by law for certain types of land use decisions, such as zoning changes, development plans, or special permits.
- During a public hearing, the Planning Commission members listen to presentations from the applicant or their representatives and allow members of the public to provide testimony or express their views on the matter at hand.
- The Planning Commission considers the input received during the public hearing when making their decision.

- The public has no right to address the commission during its deliberations on a particular matter outside of the public comment period.
- Discretion under the OMA when to schedule public comment during the meeting.
- Public comment is a less formal opportunity for members of the public to express their opinions, concerns, or suggestions on any topic relevant to the Township Planning Commission's responsibilities.
- Not limited to a specific proposal or agenda item. They can occur during regular meetings of the Planning Commission or at designated times set aside specifically for public comment.

Procedure to Pass and Amend a Motion

To Pass a Motion:

- ❖ Board Members have the right to make motions during a meeting almost any time no other business is pending. The chair recognizes the member.
- ❖ The member states the motion.
- ❖ Another member seconds the motion.
- ❖ The members debate the motion.
- ❖ The chair restates the motion, and the members vote.
- ❖ The chair announces the result.

To Amend a Motion:

- ❖ Board member would make the following motion: “I move to amend the motion on the floor.” This also requires a second.
- ❖ After the motion to amend is seconded, a majority vote is needed to decide whether the amendment is accepted.
- ❖ A vote is taken on the amended motion.

What is Included in a Motion?



Motions that are passed in violation of the Township's adopted procedures are likely to be upheld by the Court but will be interpreted based upon the *intent* of the Board, based on the language included in the Motion.



Does not include Board discussion.



It only includes the language of the motion voted on.



The Open Meetings Act

1976 PA 267

Intent of the Act

“To strengthen the right of all Michigan citizens to know what goes on in government by requiring public bodies to conduct nearly all business at open meetings.”



A Meeting is Subject to the OMA if...

- A public body (including committee, subcommittee) meets with a quorum present.

- To deliberate towards or render a decision** on something on something on which a vote by the public body is required and by which a public body effectuates/formulates public policy.

**The OMA defines "decision" to mean "a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy." MCL 15.262(d).

The OMA & Ex Parte Contact

- "[a]ll decisions of a public body shall be made at a meeting open to the public," and that, with limited exceptions, "[a]ll deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public." MCL 15.263(2) and (3).
- Basic idea is that all members and all people that are interested enough to be at the meeting can hear all sides of an issue and can add to or respond to what has been said:

“Parties at the hearing before a governing body are entitled to an opportunity to be heard, to an opportunity to present and rebut evidence, to a tribunal which is impartial in the material, having had no prehearing or *ex parte* contacts concerning the question at issue”

– *Fasano v. Board of County Commissioners of Washington County*



Permissible Reasons to go Into Closed Session

A public body may meet in a closed session only for one or more of the following permitted purposes specified in section 8 of the OMA:

- (1) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, or staff member, if the named person requests a closed hearing.
- (2) For strategy and negotiation sessions connected with the negotiation of a CBA if either negotiating party requests a closed hearing.
- (3) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- (4) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation.
- (5) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential.
- (6) To discuss a written legal opinion or memorandum with the Township Attorney or to consider material exempt from discussion or disclosure by State or Federal Statute.

Procedures to Go Into Closed Session

- A closed session must be conducted during the course of an open meeting.
- a public body may go into closed session upon a motion duly made, seconded, and adopted by a 2/3 roll call vote of the Board.
- The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.
- Motion should be made to end the closed session with a majority vote needed for approval.
- When the Board has concluded its closed session, the open meeting minutes should state the time the public body reconvened in open session and any votes on matters discussed in the closed session must occur in an open meeting.

Use of e-mail or other electronic communications during an open meeting

Email, texting, or other forms of electronic communications among members of a board or commission during the course of an open meeting that constitutes deliberations toward decision-making or actual decisions violates the OMA, since it is in effect a "closed" session.

See *Esperance v Chesterfield Twp*, 89 Mich App 456, 464; 280 NW2d 559 (1979) and OAG, 1977-1978, No 5262, p 338 (January 31, 1978).



Questions?
