

CHARTER TOWNSHIP OF OXFORD PLANNING COMMISSION REGULAR MEETING
THURSDAY, MARCH 9, 2023

A regular meeting of the Charter Township of Oxford Planning Commission was held Thursday, March 9, 2023 at the Oxford Township Meeting Room, 300 Dunlap Road, Oxford, Michigan 48371.

The meeting was called to order by Chairman Berger at 7:00 p.m.

RESPECTS TO THE FLAG

ROLL CALL

Members Present: **Jon Nold, Robert Turner, Justin Ballard, Michael Spisz, Tom Berger**

Members Absent: Ed Hunwick, Korey Bailey

Also Present: Township Attorney Brittney Ellis, Township Planner Megan Masson-Minock, Township Engineer Jim Sharpe, Fire Marshal BJ Frantz, Planning & Zoning Coordinator Cheryl Lotan, Recording Secretary Susan McCullough, one OCTV camera operator, the applicants and approximately 30 guests.

APPROVAL OF AGENDA

Commissioner Spisz moved, Commissioner Nold seconded, to approve the Charter Township of Oxford regular Planning Commission agenda for Thursday, March 9, 2023 as presented.

Ayes: 5 Nays: 0 Absent: 2

Motion Carried.

CONFLICTS OF INTEREST/EX-PARTE CONTACT

APPROVAL OF THE MINUTES

Planning Commission Regular Meeting – February 23, 2023

Commissioner Nold moved, Commissioner Spisz seconded, to approve the regular Planning Commission meeting minutes for February 23, 2023 as presented.

Ayes: 5 Nays: 0 Absent: 2

Motion Carried.

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

Public comment began at 7:03 p.m.

There being no public comment on non-agenda items, public comment ended at 7:03 p.m.

COMMISSIONERS' COMMENTS

None.

PUBLIC HEARING(S)

Zoning Ordinance Text Amendment to permit retail Marihuana Retailers to co-locate with Medical Marihuana Provisioning Centers.

The purpose of this public hearing is to receive public comments regarding this petition for zoning ordinance text amendments to permit retail marihuana retailers to co-locate with medical marihuana provisioning centers.

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This amendment pertains to Section 2.2, Definitions; Section 3.4, Sub-Section O, Intent of Districts; Section 3.5, Schedule of Use Regulations; Section 5.35, Marihuana Uses; Section 6.26, Marihuana Regulations.

Attorney Ellis explained that the three existing developers, approved to construct and operate medical marihuana retail facilities in the Township's MP Marihuana Provisioning Overlay District, petitioned the Township Board of Trustees to consider a Zoning Ordinance Amendment to authorize the existing facilities to operate as adult-use marihuana retailers.

Presentation by the Petitioner

Tom D'Agostino, representing Lifted Investments, Mark James, representing Frequency Wellness LLC, and David Rice, representing Kurativ LLC, requested that the Planning Commission recommend approval of the proposed Zoning Ordinance amendment to the Township Board. The petitioners are requesting this change from medical use to adult-use marihuana because of the market conditions related to cannabis sales.

Open Public Hearing

Commissioner Nold moved, Commissioner Spisz seconded, to open the public hearing at 7:06 p.m.

Ayes: 5 Nays: 0 Absent: 2

Motion Carried.

Andy Burbidge, 810 Watersmeet, expressed his support for recreational sales of cannabis.

Marianne Kainz, 149 Stony Lake Drive, expressed concern with the allowance of recreational use marihuana and questioned the legality of the process.

Close Public Hearing

There being no further comment, Commissioner Nold moved, Commissioner Spisz seconded, to close the public hearing at 7:19 p.m.

Ayes: 5 Nays: 0 Absent: 2

Motion Carried.

Comments from Township Consultants and Staff

Township Planner Masson-Minock was available to answer any questions of the Commission regarding the application and the proposed amendments.

Review of Correspondence

The Commission received correspondence from the following, which was read into the record by Chairman Berger:

Patricia Kerin, Director of Oncology & Senior Services, Trinity Health Oakland, dated 02/27/2023 stating her concerns regarding the proposed amendment.

Commissioner Discussion

The Commission discussed the application.

Motion

Commissioner Nold moved, Commissioner Ballard seconded, to recommend approval to the Oxford Township Board of Trustees of the Amendment to Oxford Charter Township's Zoning Ordinance 67A, Sections 2.2; 3.4(O); 3.5(J); and 5.35 (A) through (D).

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Roll Call:

Ayes: Ballard, Turner, Nold, Berger

Nays: Spisz

Absent: None

Motion Carried.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Committee Assignments & Zoning Board of Appeals Liaison (appointment to expire 12/31/2023)

Chairman Berger made appointments to the following Committees:

Economic Development Committee of the Planning Commission (appointment to expire 12/31/2023)

Korey Bailey, Planning Commission Representative
Justin Ballard, Planning Commission Representative
Robert Turner, Planning Commission Representative

Ordinance Review Committee of the Planning Commission (appointment to expire 12/31/2023)

Jon Nold, Planning Commission Representative
Ed Hunwick, Planning Commission Representative
Tom Berger, Planning Commission Representative
Robert Turner, Planning Commission Representative (alternate)

Zoning Board of Appeals (appointment to expire 12/31/2023)

Korey Bailey, Planning Commission Representative

PC 23-001 – 411 North Oxford Road (04-22-246-001). Applicant: Kemp Building and Development, 275 W. Girard Ave., Madison Heights, MI 48071.

The applicant is requesting a preliminary and final site plan review for the renovation of an existing industrial building and expansion and improvements to the existing parking lot of more than 20 percent.

Ian Hurst, Kemp Building and Development, 275 W. Girard Ave., Madison Heights, MI 48071, was available to answer any questions of the Commission.

Planner Masson-Minock presented The Carlisle|Wortman review letter dated February 7, 2023.

Fire Marshal Frantz presented the Oxford Fire Department review letter dated February 23, 2023.

Engineer Sharpe presented the Sharpe Engineering review letter dated February 21, 2023.

No residents spoke during public comment.

Commissioner Nold moved, Commissioner Spisz seconded, to approve the preliminary site plan for PC File No. 23-001, known by project name 411 N. Oxford Road. I'd like to reference in this approval The Kelly Firm letter dated 02/27/2023, Oxford Fire Department letter dated 02/23/2023, Carlisle|Wortman letter dated 03/01/2023, and the Sharpe Engineering letter dated 02/21/2023. Also, I'd like to make reference to the following: 1) Irrigation. We talked about irrigation; 2) We talked about the barrier-free design; 3) We talked about plan to clean up to match the County records, which is covered in some of the

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letters that we have; 4) We talked about the 60' right-of-way line for the future road right-of-way; 5) Referred to the modified fire department, which we have in that letter; 6) Light intensity right-of-way line to 1.0; 7) Light to supply with a dimmer and a timer for the lighting and then we would be looking for the waiver for the parking lot length of 18' would be acceptable.

Roll Call:

Ayes: Turner, Spisz, Nold, Ballard, Berger

Nays: None

Absent: None

Motion Carried.

Commissioner Nold moved, Commissioner Spisz seconded, to postpone the final site plan for PC File No. 23-001, known by project name 411 N. Oxford Road, to Thursday, April 13, 2023.

Roll Call:

Ayes: Nold, Spisz, Ballard, Turner, Berger

Nays: None

Absent: None

Motion Carried.

COMMUNICATIONS AND/OR COMMITTEE REPORTS

Economic Development Committee

None.

Ordinance Review Committee

Chairman Berger provided an update regarding upcoming projects.

PLANNER/ENGINEER REPORTS

Planner – Carlisle|Wortman

Planner Masson-Minock provided a brief update regarding ongoing and upcoming projects.

Engineer – Sharpe Engineering

Engineer Sharpe provided an update regarding ongoing and upcoming projects.

ADJOURNMENT

Chairman Berger adjourned the meeting at 8:25 p.m.

Tom Berger, Chairman

Ed Hunwick, Secretary

Date approved: March 23, 2023

smm