

Village of Oxford Planning Commission Agenda
Tuesday, October 20, 2020 7:00 P.M. – Teleconference ONLY

To Participate in Meeting: Call-in access number (312) 626-6799

Meeting ID: 840 672 2978 - Meeting passcode 202392

Use the following link to join the meeting via the internet

<https://us02web.zoom.us/j/8406722978?pwd=Z3lkL0tiZVYzYzB0VUhMYXIEMmNWdz09>

22 W Burdick Street, Oxford, MI Tel: 248-628-2543

This meeting is being held remotely per Governor Whitmer's Executive Order 2020-154

Public input will be allowed during Item 9, Public Comment. Public may voluntarily state their name and address for the record. In adherence to the Open Meetings Act, this time is for commissioners to hear comments from the public and not to engage in discussion with the public. Each person will be allowed an opportunity to speak for no more than 3 minutes. All comments will be addressed to the Chairman.

1. Call to Order by Chair Justin Ballard at 7:00pm
2. Respects to the Flag
3. Roll Call: Rose Bejma, Jack Curtis, Gary Douglas, Maureen Helmuth, Justin Ballard, Leslie Pielack, Michelle McClellan
4. Approval of Agenda: October 20, 2020
5. Approval of Minutes: October 5, 2020
6. Correspondence:
7. Old Business: **Commercial Vehicles in Residential Areas, and other.**
 - a. New Business: **Expansion of Existing Outdoor Dining to Off Season -Home Grown Brewing Co. LLC, 28 Washington. Parcel ID # PO-045-22-460-002**
 - b. **Meeting Cancellation November 3, 2020-Election Day.**
8. Public Comment:
9. Consultant & Administration Comments:
10. Commissioner Comments:

Oxford Township Planning Commission Update- Jack Curtis:
ZBA update- Rose Bejma:
DDA update- Pete Scholz
11. Adjournment:

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Joseph Madore is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission

Time: Oct 20, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

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One tap mobile

+13126266799,,8406722978#,,,,,0#,,202392# US (Chicago)

+16465588656,,8406722978#,,,,,0#,,202392# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

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Find your local number: <https://us02web.zoom.us/j/8406722978?pwd=Z3lkL0tiZVYzYzB0VUhMYXIEMmNWdz09>

VILLAGE OF OXFORD

PLANNING COMMISSION

REGULAR TELECONFERENCE MEETING MINUTES

Meeting conducted via video/teleconference due to the health concerns of COVID-19

To Participate in Meeting: Call-in access number (312) 626-6799

Meeting ID: 840 672 2978 - Meeting passcode 202392

Use the following link to join the meeting via the internet

<https://us02web.zoom.us/j/83146819142?pwd=Z0Q4dmRvdmVlekV3Sm95Si9JUXdUZz09>

22 W Burdick Street, Oxford, MI Tel: 248-628-2543

This meeting is being held remotely per Governor Whitmer's Executive Order 2020-154

*Planning Commission Members: Justin Ballard, Rose Bejma, Jack Curtis, Gary Douglas,
Maureen Helmuth, Michelle McClellan, Leslie Pielack*

22 West Burdick Street
Oxford, MI 48371

October 6, 2020

7:00 pm

1. CALL TO ORDER

Chairman Justin Ballard called the meeting to order at 7:10 p.m. Technical difficulties were being addressed.

2. RESPECTS TO THE FLAG

3. **ROLL CALL:** Members Present- Ballard, Bejma, Curtis, Helmuth, McClellan, Pielack. Absent: 1, Douglass. Staff Present: Village Manager Joe Madore, Recording Secretary Tere Onica, McKenna Planner Mario Ortega, Fire Chief Pete Scholz.

4. **APPROVAL OF AGENDA: Meeting Agenda October 6, 2020.**

MOTION: by Curtis/Helmuth to approve the agenda as presented.

Roll Call Vote: Ayes, 6. Curtis, Ballard, Bejma, McClellan, Pielack, Helmuth. Nays: 0. Absent: 1, Douglas. Motion carried.

5. **APPROVAL OF MEETING MINUTES: August 18, 2020 Regular Meeting.**

MOTION: by Curtis/Pielack to approve the Village of Oxford Planning Commission August 18, 2020 regular meeting minutes as presented.

Roll Call Vote: Ayes, 6: Helmuth, McClellan, Pielack, Ballard, Bejma, Curtis. Nays: 0. Absent: 1, Douglas. Motion carried.

6. **CORRESPONDENCE:** Email correspondence from Rowe Engineer, Doug Skyliis.

MOTION: by Curtis/Helmuth to receive and file the correspondence into the record.

Roll Call Vote: Ayes, 6. Helmuth, McClellan, Pielack, Ballard, Curtis, Bejma. Nays: 0. Absent: 1, Douglas. Motion carried.

7. **OLD BUSINESS:**

a. **Village Ridge Site Plan Review #5:** Ballard commented on the Response Letter from Alpine Engineering with revised plans dated October 1, 2020. Plan for abandoned sign- Paul Santi will use the foundation and install a new sign. Will have to submit a sign design for review and permit. Shiloh added a note to site plan pointing to sign comment to be approved by village. No occupancy until sign is approved.

Discussion on the need for sewer easement in front of building #3 or a written

understanding that there is a shared lead that is not the village responsibility until it reaches the public utility. Easement line is where village responsibility ends. Better to have a public easement. Lead is the homeowner responsibility. Line belongs to village. Paul Santi -question about sewer stop at building 3. Individual sanitary leads to accommodate building serving 2 units. From unit B to Unit A is about 70 ft. Unit C comes directly to manhole. Unit A and B share a stretch of sewer line.

Comments: Bruce Eck and McKenna feedback, and from Rowe. Irrigation installation addressed. Based on history of site, approval be contingent on helical piers of senior building official.

MOTION: by Curtis/Helmuth to approve the final site plan for Village Ridge Condo, Village of Oxford, MI. with the following conditions:

- 1.) All requirements from the McKenna letter dated 8.11.2020 and Rowe Engineering dated 4.3.2020 are all met.
- 2.) Sewer easement dedicated and recorded for Building No. three (3) from unit A & B that is to be recorded with existing sewer easement.
- 3.) There will be no occupancy of these units until the approved sign is granted through the Planning Commission.

Roll Call Vote: Ayes: 6, Helmuth, McClellan, Pielack, Bejma, Curtis, Ballard,
Nays: 0. Absent: 1, Douglas. Motion carried.

8. NEW BUSINESS:

- a. Ordinance Review 6.1.18 B, Commercial Vehicles in Residential Areas-Village manager reviewed issue of commercial vehicles asking for not so rigid of a measurement and clarification. Mario Ortega sees it as a strict interpretation of ordinance that can be tweaked striking 8' height of cab roof. The ordinance was not intended to be applicable to vans such as those used by DTE or mechanical contractors. Configuration of vehicle can be clarified while ensuring larger unsightly vehicles parked in driveways, blocking streets or emergency vehicles. Mr. Ortega will bring language back to the next meeting and bundle other fixes to the zoning ordinance with minor revisions that are outstanding. Commercial vehicle definition and clarification on roof height with diagram to be included. What best fits the neighborhood keeping safety and well being of residents in mind.

9. PUBLIC COMMENT: None.

Kelly Arkles- Supports commercial vehicles ordinance amendment.

Cheryl Lotan- Name of complex, Village Ridge has also been referred to as Valley Ridge.

Ben Bourgeau-Goyette Mechanical, has commercial vehicle.

Julie Hallock- Thanked commissioners and staff.

10. CONSULTANT AND ADMINISTRATIVE COMMENTS

Onica commented on the interchangeable use of Valley Ridge/Village Ridge. Corrections have been made to documents but Valley/Village has been used multiple times by multiple people in review documents, meeting materials, etc. Onica has gone back through records to fix by removing the references to 'Valley' wherever found.

11. COMMISSIONER COMMENTS:

Oxford Township-Commented on Township Building Department. M-24 will be closed with traumatic changes for traffic in the next 2 weeks. Culvers is breaking ground.

DDA- Focus on M-24 Streetscape project. Light poles are going in. Underground sewer expected to be done Thursday night.

12. ADJOURNMENT:

MOTION: by Pielack/Helmuth to adjourn at 8:01 p.m. All in favor. Motion carried.

Roll Call Vote: Ayes: 6. McClellan, Pielack, Bejma, Helmuth, Curtis, Ballard.

Nays: 0. Absent: 1, Douglas. Motion carried.

Respectfully submitted,
Tere Onica, Recording Secretary

Village of Oxford
Draft Zoning Ordinance Amendment Language

The current ordinance standards are in normal text.
~~Standards proposed to be deleted are in red strikethrough text.~~
The new proposed ordinance standards are in blue italics text.

AMENDMENT A: Remove Tattoo Parlors from Regulated Uses.

Currently the zoning ordinance definition of tattoo parlors is very broad. The definition includes any establishment where the application and placement of ink, either permanently or temporarily, below the skin is conducted. This would also include newer beauty services which provide temporary or permanent make-up or eyebrows to customers. In addition, it is listed as a regulated use which are not currently identified as a permitted or special use in any district. The result is such services could not be established as a principal use in anywhere in the Village. The following proposes removing tattoo parlors from adult regulated uses and permits them in the C-2 district.

ARTICLE 2 • DEFINITIONS

PERSONAL SERVICE ESTABLISHMENT: A business that performs services on the premises for persons residing in nearby residential areas including but not limited to shoe repair, tailoring, beauty parlors, nail salons, or barbershops.

TATTOO PARLOR means a business having as its principal activity the application or placing, by any method, designs, letters, scrolls, figures, symbols, or any other marks upon or under the human skin within or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

SECTION 3.3.1 – TABLE OF PERMITTED USES BY DISTRICT

Chart Key:

- P: Principal Permitted Use
- S: Special Use
- T: Temporary Land Use

Uses	Districts								Additional Standards
	R-1	RM	C-1 Core	C-1 Trans	C-2	I-1	P-1	F	
OFFICE AND SERVICE USES									
Personal service establishments			P	P	P		S		
Tattoo Parlor					P		S		

SECTION 4.1.4 • ADULT REGULATED USES

- A. In the preparation and enactment of this Section, it is recognized that there are some uses which, because of their very nature, have serious objectionable characteristics which have a deleterious effect upon residential, office and commercial areas. Regulation of the locations of these uses is necessary to ensure that the adverse effects of such businesses will not cause or contribute to the blighting or downgrading of the Village's residential neighborhoods and commercial centers. It is the intent of this Section to provide reasonable regulations for the establishment of these uses in a viable, accessible location where the adverse impact of their operations may be minimized.

- B. As used in this Ordinance, the following definitions shall apply to adult-regulated business uses:
1. "Adult Business" means adult book stores, adult movie theatres, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors, nude modeling studios, and tattoo parlors as defined in this Article.
 2. "Adult Book Store" means an establishment having 20 percent of its stock in trade books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material which exceeds twenty (20) percent of the floor area of the establishment.
 3. "Adult Cabaret" means an establishment having as an activity the presentation or display of male and/or female impersonator(s), dancer(s), entertainer(s), waiter(s) or waitress(es), or employee(s), who display specified anatomical areas as defined herein, and which may or may not feature the service of food or beverage.
 4. "Adult Movie Theater" means an enclosed building or room used for presenting motion picture films, video cassettes, cable television or any other visual media, having a dominant theme materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein.
 5. "Adult Novelty Business" means a business which offers for sale of devices which simulate human genitals or devices designed for sexual stimulation.
 6. "Adult Personal Service Business" means a business having as its principal activity a person, while nude or while displaying "Specified Anatomical Areas" (as defined herein), providing personal services for another person. Such business include, but are not limited to, modeling studios, body painting studios, wrestling studios, conversation parlors, and theatrical performances or entertainment.
 7. "Specified Anatomical Areas" is defined as:
 - a. Less than completely and opaquely covered:
 1. Human genitals, pubic region;
 2. Buttocks, anus; and
 3. Female breast below a point immediately above the top of the areola.
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 8. "Specified Sexual Activities" are defined as:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse, or sodomy; and
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
 9. "Sexual Intercourse" includes fellatio, cunnilingus, anal intercourse, or any other intrusion, however light, of any part of a person's body, or of any object into the genital or anal openings of another's body.
 10. "Sodomy" means sexual bestiality.
 11. "Buttock" includes the anus and perineum of any person.
 12. "Massage Parlor" means an establishment wherein private massage is practiced used or made available as a principal use of the premises.
 13. "Massage" means manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating, through the use of physical, mechanical, or other device, of the body of another for a fee.
 14. "Nude Modeling Studio" means any building, structure, premises or part thereof, used primarily as a place which offers as its principal activity the providing of models to displace specified anatomical areas as defined herein for artists and photographers for a fee.
 15. ~~"Tattoo Parlor" means a business having as its principal activity the application or placing, by any method, designs, letters, scrolls, figures, symbols, or any other marks upon or under the human skin within or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.~~
- C. No adult business as defined herein shall be permitted within 1,000 foot radius of an existing adult business. Measurement of the 1,000 foot radius shall be made from the outer most boundaries of the lot or parcel upon which the proposed adult use will be situated.

- D. No adult business as defined herein shall be permitted within a 1,000 foot radius of any school, library, park, playground, movie theater, skating rink, pool hall, coin operated amusement center, licensed group day-care center as defined in Act 448 of Public Acts of 1980, or church, convent, monastery, synagogue, or similar place of worship. Measurement of the 1,000 foot radius shall be made from the outer most boundaries of the lot or parcel upon which the proposed adult use will be situated.
- E. The building and premises shall be designed and constructed so that material depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined in this Ordinance) cannot be observed by pedestrians or from vehicles on any public right of way. This provision shall apply to any display, decoration, sign, show window, or other opening.
- F. No person shall reside in or permit any person to reside in the premises of an adult business.
- G. The provisions of this Article regarding massage parlors, shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social workers and family counselors, who are licensed to practice their respective professions in the State of Michigan, or who are permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State of Michigan *in compliance with Public Act 471 of 2008, as amended*, certified members of the American Massage and Therapy Association, and certified members of the International Myomassethics Federation.

AMENDMENT B: Designate Zoning District for Regulated Uses.

Currently, adult regulated uses are defined, and standards of approval are listed but they are not identified to be located in any zoning district of the Village. This is contrary to established case law and U.S. Supreme Court rulings in which a local municipality must allow such uses the opportunity to be located within its boundaries. The following amendment would require any adult regulated use to receive special land use approval prior to being established in the I-1 zoning district.

SECTION 3.3.1 – TABLE OF PERMITTED USES BY DISTRICT

Chart Key:

P: Principal Permitted Use

S: Special Use

T: Temporary Land Use

Uses	Districts								Additional Standards
	R-1	RM	C-1 Core	C-1 Trans	C-2	I-1	P-1	F	
INDUSTRIAL, RESEARCH AND TECHNOLOGY USES									
Adult Regulated Uses						S			Section 4.1.4

AMENDMENT C: Commercial Vehicles.

As discussed previously, the current commercial vehicle standards prohibit certain types of contractor's vehicles from parking in residential areas. The following would revise the definition and regulations of commercial vehicles.

ARTICLE 2 • DEFINITIONS

COMMERCIAL, VEHICLE: A truck or motor vehicle with cab and chassis and with a stake, ~~rack~~, body, dump body, wrecker body, tanker body or any other body, ~~the mounted height of which exceeds the height of the cab roof more than eight (8) inches.~~ Any truck or motor vehicle which has a commercial license plate and is designed to accommodate a body length in excess of 9 feet. Commercial vehicles shall not include motor homes, *passenger vehicles used by contractors*, or recreational vehicles, but shall include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, semi trucks, tractors and trailers.

SECTION 6.1.18 • COMMERCIAL VEHICLES IN RESIDENTIAL AREAS

- A. **Purpose.** The purpose of restrictions on commercial vehicles is to preserve the health, safety and general welfare of persons and property in areas designed and utilized for single family residential development. The parking of large commercial vehicles are frequently impediments to the ingress and egress of emergency vehicles and equipment, and are frequently unsafe when operated on residential streets. The noise, exhaust emissions and appearance of such *large* commercial vehicles tend to impair the health, safety and general welfare of the people of the Village.
- B. **Residential Parking Prohibited.** No *large* commercial vehicle ~~of any kind~~, shall be parked in a residentially zoned or used area. Provided however, this provision shall not apply to commercial vehicles temporarily parked less than eight (8) hours in a residential area in conjunction with maintenance or service to a residential property. *This provision shall not apply to standard passenger vehicles used by contractor's such as light or medium-duty trucks, box trucks or panel vans when parked on private property where the contractor resides.*
- C. **Presumption of Ownership.** In any proceeding for violation of any parking provision of this section, the person to whom a commercial vehicle is registered, as determined from the registration plate displayed on said motor vehicle, shall be presumed in evidence to be the person who committed the violation charged.
- D. **Examples of Commercial Vehicles.** *The following chart shows examples of light/medium duty vehicles which are permitted and examples of large commercial vehicles that are prohibited from parking in residentially zoned or used areas. The chart is merely to demonstrate examples and is not regulatory in and of itself.*

Light-Medium Duty Vehicle Examples



Large Commercial Vehicle Examples



VILLAGE OF OXFORD
Building Services Department
22 West Burdick, P.O. Box 94
Oxford, MI 48371-0094
248-628-2543

THE VILLAGE OF



OUTDOOR DINING APPLICATION

Check all that apply

- ☐ On Season Fee (April 15 - November 1) \$200.00
☒ Off Season Additional Fee (November 2 - April 14) \$200.00
(Special use approval is required)
☐ Platform Temporary Structure Permit \$85.00

PAID

SEP 24 2020

#4443
VILLAGE OF OXFORD

Please Print

FACILITY INFORMATION

Name of Facility HomeGrown Brewing Co
Address 28 N. WASHINGTON
Date of Site Plan approval _____ Square footage of area to be used _____

Are any changes proposed to the Outdoor Dining facility from the previous year? _____
(If yes, sketch plan approval is required. Contact McKenna Associates at 248-596-0920 for additional information.)

Seating Capacity 20 Will liquor be served? Beer + wine

Are you operating on Public Property of any type? NO
(If yes, a special use approval and license agreement is required.)

Are you operating in an MDOT right-of-way, such as the sidewalk of M-24? NA
(If yes, MDOT approval is required.)

Will a platform be installed in conjunction with your outdoor dining? NO
(If yes, must complete the Platform Temporary Structure Permit.)

Will portable outdoor gas-fired heating appliances (patio type heaters) be used? NO
(If yes, please see attached fire code requirements)

Overall facility hours of operation NO Change
Outdoor dining hours of operation NO Change

APPLICANT INFORMATION

Applicant Name John Powers
Business Address (include city and zip code) 28 Washington St Oxford 48371
Phone 248-891-8290 Fax _____ Email John@HomeGrownBrewCo.com

PROPERTY OWNER INFORMATION / SIGNATURE

Name of Property Owner Dave Parker
Address (include city and zip code) _____
Phone _____ Fax _____ Email _____

SIGNATURE John P. Powers DATE 9-24-2020

APPLICANT: HOMEGROWN BREWING CO, 28 N. WASHINGTON

PURPOSE: PLACING IGLOOS ON EXISTING HOMEGROWN PATIO DURING COLDER MONTHS (APPROX NOV-FEB)

EXISTING USE:

Existing use of the patio is for outdoor dining. The entire patio is fenced with permanent metal fencing and includes an emergency door. The patio currently has 8 round tables with umbrellas and chairs at each table. Hours of operation are: Sunday 11-8, Monday 4-8, Tuesday/Wednesday/Thursday 4-10, and Friday/Saturday 12-11. Number of waitstaff is between 1-3, depending on how full the patio is.

PROPOSED USE:

Proposed use of the patio is for outdoor dining during colder months by utilizing outdoor "igloos" for the purpose of extending the outdoor dining season. The area will remain fenced. Existing patio furniture will be removed with the possible exception of wooden benches. Igloo(s) will be placed on the patio as a non-permanent structure and removed once the regular patio season opens (approx. March). Igloos are intended for one party only of up to 10 people. COVID19 protocol and rules will be followed for occupancy and cleaning between guests. Igloos will be heated using an approved portable space heater, which will be on only during use. Hours of operation shall remain the same. Number of employees will be 1-2.

September 24, 2020

To Whom it may concern,

D & R Orion designates John Powers our agent to apply for a special use permit application, for the property located at 28 N Washington, Oxford MI.

Please let me know if you require additional information or have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'David Parker', with a long horizontal flourish extending to the right.

David Parker

D & R Orion

President

HomeGrown Brewing Co

Special Land Use Application Proposal
For using Igloo on deck for dining
from November 2 through April 15th.

These are temporary structures to be
removed once weather breaks.

Manufacturer

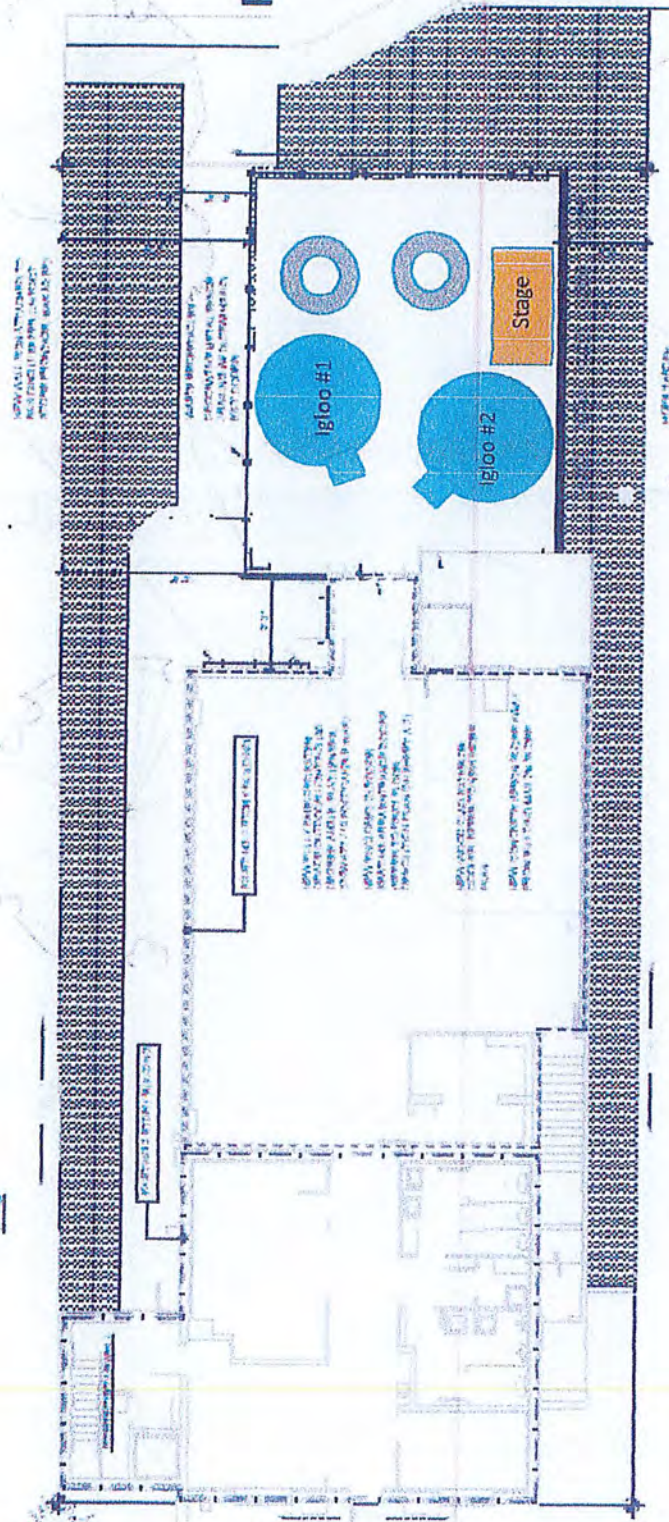
[Greenhouse Garden Supply](http://GreenhouseGardenSupply.com)
greenhousegardensupply.com



North

M 24

Parking lot



PROPOSED SITE PLAN

HomeGrown Brewing Company
28. N Washington St.





MCKENNA

October 13, 2020

Mr. Joseph Madore
Village Manager
Village of Oxford
22 W. Burdick Street
Oxford, MI 48317

Subject: **Homegrown Brewing Co. – Outdoor Seating Review** (*Application Received Sept. 24, 2020*)

Location: **28 N Washington Street – Parcel #04-22-466-002** (*East side of N. Washington Street, south of East Street*)

Zoning: **C-1 Core**

Dear Mr. Madore:

At the request of the Village, we have reviewed the above referenced application. The applicant is John Powers, business operator of Homegrown Brewing Company located at 28 N. Washington Street.

PROPOSED DEVELOPMENT

The site is located on the east side of N Washington Street, south of East Street. It is occupied by an existing 3,800 square foot (SF) two-story commercial building which is currently occupied by the Homegrown Brewing Co. restaurant and brewery. The applicant currently operates outdoor patio seating from April to November between the rear/east façade of the existing building and a rear parking lot to the east. The applicants would like to operate a 1,050 SF November to April seasonal outdoor dining patio in the same location. The entire site is zoned C-1 Core.

OUTDOOR SEATING AREA REVIEW COMMENTS

We have reviewed the plot plan in accordance with the Outdoor Cafés and Seating standards of Section 4.1.45, other applicable standards of the Oxford Zoning Ordinance and sound planning and design principles. We offer the following comments for your consideration.

1. **Seating Area Enclosure.** *Outdoor seating areas shall be required to be enclosed in instances where there is wait staff or alcohol service. For the purpose of this Section, an enclosure*





is a decorative wood or metal railing, or other decorative removable physical delineation approved by the Planning Commission.

The project description and plot plan show the existing seating area is already enclosed with a decorative metal fence. The applicant is proposing to place two 16-foot diameter enclosed geodesic domes and seat one party of up to ten people in each. By using the existing outdoor patio location, the application meets this requirement.

2. Roof or Overhead Structure. *All roofs and other overhead structures must be shown on a site plan.*

The use of the enclosed geodesic domes will allow parties to be shielded from the elements. The applicant has indicated that the geodesic domes will be removed once warmer weather returns. There is no existing permanent roof or overhead structure, and no new permanent structure is proposed.

3. Outdoor Furniture Compatibility. *Tables, chairs, planters, trash receptacles, and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they should complement building colors. During non-business hours, all tables, chairs, umbrellas and other furniture and fixtures must be stored inside the building or properly secured within the enclosure.*

The application has not provided pictures or details of the proposed geodesic domes. They are usually constructed of a metal frame with clear triangle shaped panels. The domes would be heated by an approved portable space heater. The project description states that existing patio seating will be removed with the exception of wooden benches. No details regarding the materials or style of the furniture have been provided. Furniture style and materials information should be provided to ensure compatibility.

4. Off-Season Equipment Storage. *The application shall specify the plans for the storage of tables, chairs, and equipment during the months when the outdoor seating is not in use.*

The application does not state a plan for off-season storage of furniture. The applicant must indicate their plans for off-season furniture storage.

5. Outdoor Area Upkeep. *The outdoor seating area shall be kept clean, litter-free, free of debris, and with a well-kept appearance within and immediately adjacent to the area of tables and chairs. Additional outdoor waste receptacles may be required.*

The outdoor dining must meet this requirement during its ongoing operation.

6. Hours of Operation. *Outdoor seating areas shall be allowed only during normal operation hours of the establishment. In no case shall an outdoor seating area operate between the hours of 11 PM and 7 AM.*

The application indicates the patio will be open during the facility's normal hours of Sundays 11 AM to 8:00 PM, Mondays 4:00 PM to 8:00 PM, Tuesdays to Thursdays 4:00 PM to 10:00 PM, and Fridays and Saturdays 12 Noon to 11:00 PM. The application is in compliance with this requirement.

7. Clear Vision Triangle. *Outdoor seating areas shall not be located within the unobstructed triangular area (clear vision area) of a corner lot, consistent with Section 6.1.11, Clear Vision Area.*



The patio seating will not be located within any clear vision area.

8. **Parking Requirements.** *The capacity of the outdoor seating area shall be provided by the applicant and verified by the Building Official. An outdoor seating area containing 30 or more seats shall be required to provide for the required number of parking spaces consistent with the restaurant parking standard in Section 7.1.9. However, no parking shall be required if the outdoor seating area is located within the parking reduction district per Section 7.1.8.*

The outdoor seating area is located within the parking reduction district, therefore no additional parking is required for the potential 20 customers.

9. **Required Signage.** *A sign must be posted stating "No food or beverages allowed beyond this point." Additional signs associated with the outdoor seating area are prohibited.*

The applicant must install the above required sign prior to operation.

10. **Residential Screening.** *Any outdoor seating areas shall be completely screened from view of all single-family residential properties by an obscuring wall or landscape buffer, unless the outdoor seating area is separated by a public road, public alley, or public parking area.*

The outdoor patio area is separated by a public parking area, therefore no additional screening is required.

11. **Vending Machines Prohibited.** *Vending machines and other similar products shall be prohibited in all outdoor seating areas.*

No vending machines will be located in the outdoor seating area.

12. **Food and Beverage Preparation Prohibited.** *Preparation of food and beverages shall be prohibited in any outdoor seating area. The sale and consumption of alcohol are governed by the Michigan Liquor Control Act and local ordinance. Additionally, such seating areas must include food service in addition to the sale and service of alcoholic beverages.*

Food preparation will take place entirely within the building at 28 N. Washington. Food service in addition to alcohol will be served on site.

13. **Patio Noise and Lighting.** *Details regarding the hours and type of entertainment, music, speakers, lighting, or similar devices used in outdoor seating areas must be identified at the time of site plan review. There shall be no loudspeaker located in conjunction with an outdoor seating area and all other noise including music, speakers, or similar devices shall be controlled so as to not be audible more than ten (10) feet from the outdoor seating area. All lighting must be shielded to prevent glare on adjacent roadways and protect abutting parcels.*

The application material does not indicate the location of any existing or proposed speakers, lights, or other forms of entertainment. The applicant must indicate if any such equipment is existing or proposed for the patio during the November to April time period.



- 14. Heating of Outdoor Areas.** *The outdoor area must be equipped with temporary heaters, with the specific design to be approved by the Planning Commission and Fire Chief.*

The project description states the domes would be heated by an approved portable space heater. Any approval should be contingent upon Fire Chief and building official approval of the proposed heaters and the power or fuel source for the heaters.

- 15. Snow Removal.** *The applicant must designate on the site plan a snow removal area located within the outdoor area or elsewhere on private property and must remove snow after every snowfall exceeding two inches.*

The site plan must be revised to indicate the location of a snow removal area on their private property.

RECOMMENDATION

The proposed outdoor dining will allow the applicant to provide a seating option through the winter months and during a time when indoor seating capacity is reduced. Given the challenges on businesses now due to COVID-19 related social distancing standards, the location to provide some capacity is vital. We recommend the Planning Commission grant approval contingent upon the applicant providing the following information:

- a) Material information for the geodesic dome and furniture to ensure compatibility.
- b) The location of outdoor furniture storage during the off-season.
- c) Applicant installs a "No food or beverages allowed beyond this point" sign prior to operation.
- d) The location of any existing or proposed speakers, lights, or other forms of entertainment.
- e) Revising the site plan to show a snow removal area on private property.
- f) Fire Chief and Building Official approval of any heater source.

Please feel free to contact us with any questions.

Respectfully submitted,

McKENNA

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Principal Planner