

**CITY OF ORCHARD LAKE VILLAGE**

**MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**

**OCTOBER 6, 2015**

Chair Valvona called the Regular October Meeting of the City of Orchard Lake Village Planning Commission to order at 7:00 p.m. on October 6, 2015 at City Hall, and led the Pledge of Allegiance.

**ROLL CALL**

**PRESENT:** Chair Valvona, Vice Chair Wade, Commissioners Sutschek, Magnell, Dziuba, Sonnevile, and Krause.

**ABSENT:** Commissioners Pedell and Birrell

**STAFF:** Director of City Services McCallum, City Planner Doozan and Building Department Clerk Yacoub

**GUESTS:** Mayor Beach

**A MOTION WAS OFFERED BY VICE CHAIR WADE AND SECONDED BY COMMISSIONER SUTSCHEK TO EXCUSE COMMISSIONER PEDELL FROM ATTENDING THE OCTOBER 6, 2015 PLANNING COMMISSION MEETING.**

**MOTION CARRIED 7-0**

**JULY 7, 2015 MEETING MINUTES APPROVAL**

Director of City Services McCallum indicated that Commissioner Pedell asked him to relay a revision on page three of the July 7, 2015 minutes to the Commission. The correction is on the fourth paragraph; delete "attached accessory structure since it is only 5 ft" and replace it with "detached and is planned only 5 ft. apart".

Commissioner Sonnevile mentioned a correction on page three, paragraph three, replacing the word "prevision" with the word "Provision"

Commissioner Krause mentioned a correction on page four, third paragraph, replacing the word "outside" with the word "inside".

Commissioner Sutschek indicated that he did not support the sale of beer and wine at a gas station and he asked to have his name removed from page two, paragraph twelve of the minutes.

**A MOTION WAS OFFERED BY VICE CHAIR WADE AND SECONDED BY COMMISSIONER KRAUSE TO APPROVE THE JULY 7, 2015 PLANNING COMMISSION MEETING MINUTES WITH REVISIONS.**

**MOTION CARRIED 7-0**

## **AUGUST 4, 2015 MEETING MINUTES APPROVAL**

Commissioner Magnell indicated that on page four of the minutes, third paragraph from the bottom, where it states that the July 7, 2015 minutes were not accurate, she stated the reason of why it was not accurate and the reason is not indicated in the August 4, 2015 minutes. The comment she made regarding Orchard Lake St. Mary's should be included in the draft minutes of the July 7, 2015 meeting. Commissioner Magnell requested that the reason be added or refer to page 2 of the August 4, 2015 meeting minutes.

**A MOTION WAS OFFERED BY COMMISSIONER KRAUSE AND SECONDED BY VICE CHAIR WADE TO APPROVE THE AUGUST 4, 2015 PLANNING COMMISSION MEETING MINUTES WITH REVISIONS.**

**MOTION CARRIED 7-0**

## **PROPOSED CHANGES TO THE ZONING ORDINANCE, SECTION 12.03, SUBSECTION A-PROHIBITING SALE OF ALCOHOL BEVERAGES FROM AUTOMOBILE SERVICE STATIONS.**

Chair Valvona mentioned that the Zoning Board of Appeals granted the Shell Station a variance to allow the sale of beer and wine. The City Council also voted to lift the restriction that was placed on the Shell Station when the special use was granted back in 1993.

Commissioner Sonnevile mentioned few grammatical errors on Article 12, Section 12.03, Subsection A that need to be corrected.

Commissioner Dziuba asked if the City Ordinance prohibits drive-through service. Mayor Beach indicated that the City allows drive-through. The new Walgreens has a drive-through window.

Commissioner Sutschek indicated that rescinding Article 12, Section 12.03; Subsection A-Prohibiting sale of alcohol beverages from Automobile Service Stations is what is currently before the Planning Commission. If other changes need to be made, then it can be scheduled at the next meeting for further discussion.

**A MOTION WAS OFFERED BY COMMISSIONER SUTSCHEK AND SECONDED BY VICE CHAIR WADE TO RESCIND THE PART OF THE ORDINANCE THAT PROHIBITS THE SALE OF ALCOHOLIC BEVERAGES FROM AUTOMOBILE SERVICE STATIONS IN ARTICLE 12, SECTION 12.03; SUBSECTION A AND SET FOR PUBLIC HEARING AT THE NEXT REGULAR PLANNING COMMISSION MEETING.**

**MOTION FAILED 3-4**

**A MOTION WAS OFFERED BY COMMISSIONER SUTSCHEK AND SECONDED BY VICE CHAIR WADE TO POSTPONE THE MODIFICATION OF ARTICLE 12, SECTION 12.03; SUBSECTION A TO THE NEXT REGULAR PLANNING COMMISSION MEETING FOR FURTHER REVISIONS AND DISCUSSION.**

**MOTION CARRIED 7-0**

**PROPOSED CHANGES TO THE ZONING ORDINANCE REGARDING INSTITUTIONAL USES.**

Chair Valvona indicated that the intent of the proposed amendment to the Zoning Ordinance is to create a new category for Institutional Uses allowed for in the special land use approval (nonresidential use). Chair Valvona stated that the Zoning Ordinance is written for residential uses and doesn't fit the institutional use.

Commissioner Sonnevile asked why colleges were not added to Article XI, Section 11.02, Subsection F; Principal Permitted Uses in Zone 5. City Planner Doozan indicated that Zone 5 is a Commercial Zone and the only reason for the fire station and the school to be listed in Subsection F it is because both are located in Zone 5.

Commissioner Sutschek asked City Planner Doozan to review the changes he made to the Zoning Ordinance.

City Planner Doozan indicated that the changes he made are presented in order by the article number. The articles that are modified are;

- Article II - Definitions
- Article IV-A - Section 4A.07 (D) - Signs for Nonresidential Uses in Residential Districts
- Article VIII - Principal Permitted Uses in Zone 2
- Article IX - Principal Permitted Uses in Zone 3
- Article X - Principal Permitted Uses in Zone 4
- Article XI - Principal Permitted Uses in Zone 5
- Article XI I - Principal Permitted Uses in Zone 6
- Article XIV - Site Design Standards for Permitted Uses After Special Approval

Chair Valvona expressed concern regarding the procedure of site plan approval for special land use. Chair Valvona stated that the initial site plan for special land use must be approved by the Planning Commission and City Council. Chair Valvona believes that there is no need for additional special use approval if the site plan is altered and the use remains the same; such as expanding the boat house for Orchard Lake St. Mary's. The intent of the use remains the same but the initial site plan was altered.

Director of City Services McCallum indicated that when the Orchard Lake Country Club proposed the chemical building, site plan approval was required. The determination was that the proposed chemical building served the function of the golf course, but it was a new construction and it was considered a substantial modification to the existing special use.

Commissioner Sutschek did not agree with Chair Valvona's comment. Commissioner Sutschek stated that in order for special use to be approved, it must meet certain conditions. If a special use is being altered, then site plan approval for special use is needed to ensure that the new location of the proposed special use is in compliance with the special use requirements.

Chair Valvona stated that any proposed projects for special use requires site plan approval for the proposed projects but not for special use approval.

Commissioner Magnell expressed concern regarding the word "service" in public service in Article II, Section 2.02 Definition of Institutional Use and questioned whether the low cost housing will be considered as part of the service. City Planner Doozan replied no. Commissioner Magnell requested more clarification of the definition of public service. Commissioner Dziuba agreed with Commissioner Magnell. City Planner Doozan will clarify the definition of Institutional Uses.

Commissioner Sutschek was concerned about the regulations of the Institutional Use. Commissioner Sutschek questioned the maximum height requirement of two stories; this will not apply to Orchard Lake St. Mary's as there are existing buildings that are higher than two stories. City Planner Doozan indicated that he will revise the maximum height requirement for principal buildings to make an exception for educational use buildings located on a site that is thirty acres or larger.

Commissioner Sutschek also indicated that the setback requirement should be subject to the requirements of the district where the institutional use is located and not limited subject to the requirements for Zone 4. City Planner Doozan will make the change on the setback requirements.

Commissioner Sutschek believes that lot coverage requirements should not be the same for all districts. City Planner Doozan will revise the lot coverage requirements.

The above changes will be presented at the next regular Planning Commission meeting for further discussion.

**PROPOSED CHANGES TO THE ZONING ORDINANCE, ARTICLE 2, SECTION 2.02, ARTICLE 4, SECTION 4.15 AND ARTICLE 13, FOOTNOTE L - ACCESSORY BUILDING AND STRUCTURE.**

City Planner Doozan presented revisions to the Zoning Ordinance regarding accessory buildings and structures. The revisions are:

- Article 2, Section 2.02 Definitions
- Article 4, Section 4.15 - General requirements for detached and attached accessory building/structure
- Article 13, Footnote L - Lot Coverage Requirements

Chair Valvona indicated that these revisions were made to clarify the existing regulations regarding detached and attached accessory buildings and structures.

Chair Valvona believes that not all accessory structures within ten feet from the principal building should be considered attached accessory structures. If the accessory structure is considered an attached structure, then it must comply with the height requirement of the principal building.

City Planner Doozan clarified that all accessory buildings and structures located within ten feet of the principal building are considered attached only for lot coverage calculation purposes.

Chair Valvona indicated that accessory buildings should be considered an integral part of the principal building only if it is connected to the principal building by a common wall or roof. Chair Valvona also indicated that if an accessory building is considered an integral part of the principal building, then it should meet the height requirement and the roof pitch of the accessory structure and should match the roof pitch of the principal building. City Planner Doozan will revise the general requirements for attached accessory buildings.

Commissioner Sutschek questioned the height requirement of one story accessory buildings and structures specifying that the proposed language of the maximum height of accessory buildings and structures indicates that the height of accessory buildings and structures shall not exceed one story or exceed the height of the principal building. This regulation applies to the detached buildings and accessory buildings.

Commissioners agreed that the above height regulation should be for accessory buildings and not structures. Commissioners agreed that accessory structures other than buildings shall have a maximum height of fifteen feet.

Commissioners were also concerned regarding the definition of one story for height requirement. Chair Valvona suggested defining the maximum height for exterior walls to clarify the one story height requirement.

The above changes will be presented at the next regular Planning Commission meeting for further discussion.

### **NOVEMBER PLANNING COMMISSION MEETING DATE CHANGE**

Chair Valvona pointed out that the November 3, 2015 Planning Commission Meeting date should be changed due to the election. Commissioners decided on changing the meeting date to Wednesday, November 4, 2015 at 7 PM.

**ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS, COMMISSIONER KRAUSE MOVED TO ADJOURN THE MEETING AT 9:50 P.M. COMMISSIONER DZIUBA SECONDED THE MOTION.**

**MOTION CARRIED 7-0**

VINCE VALVONA  
CHAIRMAN

RHONDA MCCLELLAN  
CITY CLERK

NY

10/21/2015