

CITY OF ORCHARD LAKE VILLAGE

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

NOVEMBER 4, 2015

Chair Valvona called the Regular November Meeting of the City of Orchard Lake Village Planning Commission to order at 7:00 p.m. on November 4, 2015 at City Hall, and led the Pledge of Allegiance.

ROLL CALL

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

ABSENT: None

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

GUESTS: Mayor Beach, Councilmember Finkelstein, Jennifer Oram and Robert Monczka.

Chair Valvona requested a motion to add the Volunteer Recognition as the first item on tonight's meeting agenda.

A MOTION WAS OFFERED BY COMMISSIONER SUTSCHEK AND SECONDED BY COMMISSIONER KRAUSE TO ADD THE VOLUNTEER RECOGNITION AS THE FIRST ITEM ON THE AGENDA FOR NOVEMBER 4, 2015 PLANNING COMMISSION MEETING.

MOTION CARRIED 9-0

VOLUNTEER & EMPLOYEE RECOGNITION

Mayor Beach indicated that at the October's City Council Meeting, Council recognized the volunteers and employees of the City. Three members of the Planning Commission were unable to attend the meeting and receive their certificate.

Mayor Beach recognized the following Commissioners;

- Jeff Dziuba for one term of service on the City Planning Commission
- Joe Sutschek for two terms of service on the City Planning Commission
- Vince Valvona for seven terms of service on the City Planning Commission

Mayor Beach thanked all the Commissioners for dedicating their time and service to the community.

OCTOBER 6, 2015 PLANNING COMMISSION MEETING MINUTES APPROVAL

Director of City Services McCallum mentioned that a few revisions were made to the October 6, 2015 meeting minutes. These revisions were made by Commissioner Sonnevile and were applied to the draft minutes. The Commission received a new copy of the draft minutes for review and approval.

Chair Valvona asked Director of City Services McCallum to go over the revisions. Director of City Services indicated that the revisions were as follows;

- Page one - adding Commissioner Sonnevile's name under present for the Roll Call
- Page one - adding quotation before "attached accessory structure" and delete the brackets
- Page one - adding quotation before detached and is planned only 5ft. apart and delete the brackets
- Page 4, third paragraph - delete "to" and add "if" after "more clarification".

Chair Valvona added a few corrections to the October 6, 2015 Meeting Minutes. The corrections were as follows;

- Page two, first paragraph - replace "Planning Commission" with "City Council"
- Page three, fifth paragraph - add "Special Use" after additional
- Page five, second paragraph - delete "must meet" and add "must comply with" before the height requirement
- Page five, seventh paragraph - replace "interior" with "exterior"

Commissioners agreed to make the changes.

A MOTION WAS OFFERED BY VICE CHAIR WADE AND SECONDED BY COMMISSIONER KRAUSE TO APPROVE THE OCTOBER 6, 2015 PLANNING COMMISSION MEETING MINUTES WITH REVISIONS.

MOTION CARRIED 7-2, Commissioners Birrell and Pedell did not attend October's meeting

LAND DIVISION PROPOSAL - 3878 SUNSET BLVD-CHERFOLI

Mr. Robert Monczka indicated that he purchased property located at 3856 Sunset Blvd. adjacent to 3878 Sunset Blvd. Mr. Monczka stated that Mr. Cherfoli is the owner of 3878 Sunset Blvd, the property contains three lots, lot 25-27.

Mr. Monczka mentioned that he made an agreement with Mr. Cherfoli to purchase lot 27 and combine it with his property at 3856 Sunset Blvd. to accommodate a new single family home. Mr. Monczka indicated that all parcels resulting from the lot split will comply with the minimum requirements of the Zoning Ordinance.

Mr. Monczka is seeking the approval of the Planning Commission to split lot 27 from 3878 Sunset to be combined with 3856 Sunset.

A MOTION WAS OFFERED BY VICE CHAIR WADE AND SECONDED BY COMMISSIONER KRAUSE TO APPROVE THE LOT SPLIT FOR 3878 SUNSET BLVD WITH CONDITION;

1- TO COMBINE LOT 27 TO 3856 SUNSET BLVD

MOTION CARRIED 9-0

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

Commissioner Sonneville indicated that Section 12.02 (D), food service, only talks about drive-in type businesses, where Section 12.03 (B) talks about drive-in and drive-thru. Commissioner Sonneville suggested drive-thru be added to Section 12.02 (D) to make it consistent with Section 12.03 (B).

Vice Chair Wade clarified that Section 12.02 of the Ordinance talks about principal permitted uses where Section 12.03 of the Ordinance talks about permitted uses after special use approval.

Commissioner Sutschek stated that Section 12.03 (B) indicates drive-in restaurants or drive-thru establishments serving food and/or beverages. Commissioner Sutschek suggested changing the language into “drive-in restaurants or drive-thru establishments include those that serve food and/or beverages”.

Commissioner Sutschek indicated that changing the language will include drug stores in Section 12.03 (B)

City Planner Doozan indicated that banks and drug stores are listed in Section 12.02 (A) and Section 12.02 (G) which are considered principal permitted uses. Commissioners decided not to change Section 12.03 (B).

Commissioner Magnell mentioned that Section 12.05 (C) talks about new or expanding land use in Zone 6 which abuts directly upon residentially zoned, and that it required protective screening. Commissioner Magnell indicated that the two current gas stations in Orchard Lake abut directly upon residentially zoned and don't have protective screening.

Chair Valvona indicated that one of the stations was grandfathered and the other station is across from a residential zone. Commissioner Sutschek added that abutting means physically touching and not across from.

Commissioner Magnell suggested deleting 12.05 (D) prohibiting awnings since some of the businesses within Orchard Lake already have awnings. Commissioner Birrell agreed.

Commissioner Sonneville suggested adding (,) before the word “height” in Section 12.07.

Commissioner Birrell indicated that when the gas station requested the modification to the special use to allow the sale of beer and wine, the Planning Commission denied the request. Commissioner Birrell asked why the Commission decided to rescind the Section of the Ordinance that prohibits the sale of beer and wine in automobile station services.

Commissioner Sutschek indicated that City Council granted the approval to the gas station to allow the sale of beer and wine beverages and City Council also requested that the Planning Commission rescind this Section of the Zoning Ordinance.

Commissioner Birrell indicated that the restriction was added for the welfare of the residents and not based on the State Law only. Commissioner Birrell does not support rescinding of this section of the Zoning Ordinance.

A MOTION WAS OFFERED BY VICE CHAIR WADE AND SECONDED BY COMMISSIONER KRAUSE TO APPROVE THE PROPOSED ZONING ORDINANCE AMENDMENT, ARTICLE 12, SECTION 12.03, SUB-SECTION A, WITH REVISIONS TO SECTIONS 12.05 (A), 12.05 (D) AND 12.07.

MOTION CARRIED 8-1, Commissioner Birrell opposed

A MOTION WAS OFFERED BY COMMISSIONER SUTSCHEK AND SECONDED BY COMMISSIONER KRAUSE TO SET THE PROPOSED ZONING ORDINANCE AMENDMENT, ARTICLE 12, SECTION 12.03, SUB-SECTION A, WITH REVISIONS TO SECTIONS 12.05 (A), 12.05 (D) AND 12.07 FOR PUBLIC HEARING.

MOTION CARRIED 9-0

PROPOSED CHANGES TO THE ZONING ORDINANCE REGARDING INSTITUTIONAL USES

AND

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

City Planner Doozan indicated that he had met with the Mayor, Chairman of the Planning Commission and Director of City Services McCallum regarding various land uses that are located in various residential zones that don't comply with the zoning regulations.

City Planner Doozan indicated that the City Ordinance is written for residential use and not for other types of use that is located in a residential zone. The solution is to create a category of uses called Institutional Uses and develop a set of standards for institutional uses to make them conforming and allow them to expand in a reasonable manner.

Commissioner Sutschek asked for the reason of adding the word "established" to Section 2.02, Definitions. City Planner Doozan indicated that established refers to something that has been around and has a history.

Commissioner Pedell suggested adding "A" into Section 8.02 on page 2. Commissioners agreed. Commissioner Pedell also added "A" to Section 9.02 and Section 10.02 on page 3. Commissioners agreed.

Commissioner Pedell corrected the Section number on page 4, changed Section 9.03 into 10.03 for “add the following special use”

Chair Valvona stated that setback requirements should not be the same for all institutional uses. Chair Valvona indicated that the height of the building should be considered for the setback requirements.

City Planner Doozan stated that he will summarize the requirements to have the front yard setback and the waterfront setback be subject to the requirements for the zoning district in which the use is located. The side yard setback will be 30 ft. except where the building height exceeds 35 ft.; then a greater setback will be added.

Commissioner Sonnevile questioned the number of signs allowed and how it will apply to St. Mary School. City Planner Doozan indicated that street frontage means a public street and not private street. City Planner Doozan will add the word “public” to number of signs allowed.

Chair Valvona commented that it is very important to identify what is considered an integral part of the principal building, such as attached garages, porte cocheres or accessory buildings, when attached by a roof to the principal building.

Chair Valvona expressed concern regarding the height requirements for accessory buildings that are an integral part of the principal building. City Planner Doozan indicated that an accessory structure that is considered an integral part of the principal building should meet the height requirement of the principal building.

Chair Valvona asked if there is regulation that requires the height of the accessory building to be compatible with the principal building. City Planner Doozan indicated that he can modify the language of #3 in Section 4.15 (F) to read as follows: “the roof pitch shall be compatible with the roof pitch on the principal building.” Thus, this will regulate the accessory building.

Chair Valvona suggested replacing the word “interior” with “exterior” in Section 4.15 F2 and Commissioner Sonnevile suggested deleting the word “and” after (15) feet.

Chair Valvona and Commissioner Pedell suggested renaming the title of Section 4.15 F into “maximum height of accessory buildings and structures which are not an integral part of the principal building.” Commissioners agreed.

Discussion Only

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, COMMISSIONER KRAUSE MOVED TO ADJOURN THE MEETING AT 9:43 P.M. VICE CHAIR WADE SECONDED THE MOTION.

MOTION CARRIED 9-0

VINCE VALVONA
CHAIRMAN

RHONDA MCCLELLAN
CITY CLERK

NY

11/20/2015