

**CITY OF ORCHARD LAKE VILLAGE**

**MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**

**NOVEMBER 5, 2014**

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 5, 2014 at City Hall, and led the Pledge of Allegiance.

**ROLL CALL**

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

**ABSENT:** Commissioner Bradbury

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

**GUESTS:** None

**OCTOBER 7, 2014 REGULAR PLANNING COMMISSION MEETING MINUTES APPROVAL**

Dr. Pedell suggested a minor change on page 2 of the meeting minutes. Commission agreed on the change.

**A MOTION WAS OFFERED BY VICE CHAIR WADE AND SECONDED BY COMMISSIONER SUTSCHEK TO APPROVE THE OCTOBER 7, 2014 REGULAR PLANNING COMMISSION MEETING MINUTES.**

**MOTION CARRIED 8-0**

**AMENDMENT TO ZONING ORDINANCE SECTION 4.40 (WIRELESS COMMUNICATION FACILITIES)**

Director of City Services McCallum indicated that he met with Commissioner Sutschek to address a few concerns that were found on the revised Ordinance. These concerns were emailed to Chris Doozan and changes have been done. Director of City Services McCallum mentioned that he was trying to have Mr. Doozan attend tonight's meeting but Mr. Doozan had another meeting to attend.

Commissioner Sutschek stated that there are still a few errors in the revised ordinance that need to be discussed. Director of City Services McCallum mentioned that Mr. Doozan will be attending December's Planning Commission meeting to address all issues.

Commissioner Magnell expressed concern regarding the security deposit: neither the City Ordinance nor the State Act indicates the amount of the security deposit. Commissioner Dziuba suggested generating a formula to calculate the deposit based on the cost of the tower.

Commissioner Pedell went over the Michigan Zoning Enabling Act, Act 110 of 2006 with the Planning Commission and stated that security deposits should be regulated by the City and not the State.

Vice Chair Wade asked if the tower can be operated without a business license. Director of City Services McCallum replied “no,” that it would be a violation of City Ordinance.

Chair Valvona asked about the height of the existing tower in the City. Director of City Services McCallum indicated that the existing tower has a height of 120 ft. and mentioned that it is unlikely for the City to have another tower.

Commissioner Pedell suggested tabling the discussion for December's Planning Commission Meeting so City Planner Doozan can address all concerns.

**A MOTION WAS OFFERED BY COMMISSIONER PEDELL AND SECONDED BY COMMISSIONER KRAUSE TO TABLE THE AMENDMENT TO ZONING ORDINANCE SECTION 4.40, WIRELESS COMMUNICATION FACILITIES.**

**MOTION CARRIED 8-0**

**DISCUSSION ON MINIMUM SETBACK REQUIREMENTS FOR A/C CONDENSER UNITS AND STANDBY GENERATORS, 4.15 D, 2 (B).**

Chair Valvona stated that City Council requested that Planning Commission review the minimum setback requirements for A/C Condenser Units and Standby Generators, Ordinance 4.15 D, 2(B), due to the amount of variance requests that have been requested from the Zoning Board of Appeals.

Director of City Services McCallum mentioned that this issue has come to the Zoning Board of Appeals, particularly regarding placement of a generator in the side yard setback of residential Zones 2 and 3.

Commissioner Magnell questioned the distance between the generator and the house. Director of City Services McCallum mentioned that contractors follow the manufacturer's specifications upon the installation of the generator.

Chair Valvona suggested adding maximum distance from the house on the Ordinance.

Commissioner Pedell doesn't believe that the Ordinance needs to be modified and recommended leaving it as is.

Commissioner Sutschek asked if there are lot variances that have been requested from the Zoning Board of Appeals. Director of City Services replied that there were not a lot of cases.

**A MOTION WAS OFFERED BY COMMISSIONER PEDELL AND SECONDED BY COMMISSIONER MAGNELL NOT TO CHANGE THE MINIMUM SETBACK REQUIREMENTS FOR A/C CONDENSER UNITS AND STANDBY GENERATORS, ORDINANCE 4.15 D, 2(B).**

**MOTION FAILED 3-5**, Chair Valvona, Commissioners Birrell, Krause, Sutschek, and Dziuba opposed.

Commissioner Sutschek mentioned that City Council asked the Commission to review the ordinance and recommended that the Planning Commission review the Ordinance and have more discussion at the next meeting where the City Planner Doozan will be attending to answer any questions the commission might have. Commission Birrell agrees.

**A MOTION WAS OFFERED BY COMMISSIONER SUTSCHEK AND SECONDED BY VICE CHAIR WADE TO TABLE THE DISCUSSION ON THE MINIMUM SETBACK REQUIREMENTS FOR A/C CONDENSERS AND STAND BY GENERATORS.**

**MOTION CARRIED 7-1**, Commissioner Pedell opposed.

Chair Valvona mentioned that the installed window framing for Walgreens appears to be aluminums and Commission prefers it to be quite darker. The Planning Commission missed this during the Site Plan Review. Chair Valvona suggested adding this matter to the Design Standard Ordinance. Commissioners agreed.

Director of City Services McCallum mentioned that he will draft the Ordinance and it will be added to the December Meeting Agenda.

## **ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS, COMMISSIONER KRAUSE MOVED TO ADJOURN THE MEETING AT 9:01 P.M. COMMISSIONER DZIUBA SECONDED THE MOTION.**

**MOTION CARRIED 8-0**

VINCE VALVONA  
CHAIRMAN

RHONDA MCCLELLAN  
CITY CLERK

NY  
11-24-14