

CITY OF ORCHARD LAKE VILLAGE

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

JULY 7, 2015

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

ROLL CALL

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

ABSENT: None

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

GUESTS: Mayor Beach, Mayor Pro Tem McIntyre, Dan Whalen, David Barczys, Mark Yaldo, Najib Yaldo, and Dustin Altschvl.

JUNE 2, 2015 PLANNING COMMISSION MEETING MINUTES APPROVAL

A MOTION WAS OFFERED BY COMMISSIONER KRAUSE AND SECONDED BY COMMISSIONER DZIUBA TO APPROVE THE JUNE 2, 2015 PLANNING COMMISSION MEETING MINUTES.

MOTION CARRIED 9-0

PUBLIC HEARING, SHELL STATION - 4100 ORCHARD LAKE ROAD (MODIFICATION OF SPECIAL USE APPROVAL)

Chair Valvona mentioned that back in 1993 City Council granted a Special Use Approval for construction of the gas station subject to many conditions and one was to prohibit the sale of beer and wine; in 2009 Mr. Yaldo, owner of the gas station, requested the special use approval modification at that time to sell beer & wine and it was denied by the Zoning Board of Appeals.

Mr. Yaldo indicated the State did not allow gas stations to sell beer, wine, and liquor at the time that he built the gas station. A few years ago, the State changed the law and allowed gas stations to sell beer and wine with restrictions. Mr. Yaldo is seeking modification of special use to allow him the sale of beer and wine.

At 7:06 PM Chair Valvona opened the Public Hearing

Mrs. Beach stated that there are a few gas stations that sell beer and wine in the City of Keego Harbor. She has spoken with Keego Harbor Police Chief and was informed that no problems occurred due to the sale of beer and wine. Mrs. Beach indicated that as a resident of the City, she supports Mr. Yaldo's request.

Mr. McIntyre suggested to the Planning Commission that they add a condition if they wish to grant Mr. Yaldo's request with the condition being that left turns are prohibited exiting the station on the north side to west bound Pontiac Trail between certain hours to prevent traffic accidents. Mr. Yaldo agreed with Mr. McIntyre.

Mr. Yaldo indicated that selling beer and wine will help him to increase and expand his business. He has been in the retail business for over thirty years and he is currently holding three liquor licenses without any problems.

Mrs. Beach also mentioned that the City approves renewal of business licenses annually and if there are issues with any business, City Council can deny the renewal.

No additional public comments.

7:14 PM Chair Valvona closed the Public Hearing

Chair Valvona indicated that the Planning Commission can recommend approval, denial, or approval with conditions to City Council. City Council has the final vote on this matter.

Commissioner Sutschek indicated that the City Zoning Ordinance, Section 12.03 prohibits the sale of beer and wine in gas stations. Commissioners Sutschek and Sonneville believe that the City should rescind this section of the Ordinance that prohibits the sale of beer and wine in gas stations then consider the modification of a special use approval for the Shell Gas Station located at 4100 Orchard Lake Road.

Vice Chair Wade asked if Commission wished to table the request, would there be any cost to the applicant. Director of City Services indicated that there would be no additional cost to the applicant.

Chair Valvona stated that it does not matter what the Ordinance requires, there is still a restriction on the property that the applicant is seeking to waive.

Vice Chair Wade indicated that no matter what the vote is today on this matter, City Council has the final say.

Mr. McIntyre mentioned that City Council values all decisions made by the Planning Commission.

Commissioner Magnell stated that the Shell Gas Station is located across from an upper class residential area that pays higher property taxes and allowing the sale of beer and wine will have an impact on the value of the properties.

Commissioner Dziuba believed that the applicant's request has no negative impact and he will support lifting the beer and wine restriction.

Chair Valvona and Vice Chair Wade supported lifting the restriction on the property and recommended City Council to modify the Zoning Ordinance, Section 12.03 that prohibits the sale of beer and wine in gas stations.

Commissioner Sonneville has no problems with selling beer and wine at the Shell Gas Station, but believe that the Ordinance should be rescinded first before considering lifting any restrictions.

Commissioner Birrell indicated that there are nearby businesses that currently sell beer and wine and does not believe it is necessary for Shell to obtain the beer and wine license. Mrs. Beach indicated that the City cannot favor businesses.

A MOTION WAS OFFERED BY VICE CHAIR WADE AND SECONDED BY CHAIR VALVONA TO RECOMMEND TO CITY COUNCIL THE APPROVAL OF LIFTING THE RESTRICTION OF NO BEER & WINE SALES FOR THE SHELL GAS STATION LOCATED AT 4100 ORCHARD LAKE ROAD AND TO RECOMMEND TO CITY COUNCIL THE MODIFICATION OF THE CITY ZONING ORDINANCE, SECTION 12.03.

MOTION FAILED 4-5, Commissioner Magnell, Pedell, Birrell, Sonnevile, and Sutschek opposed

ORCHARD LAKE ST. MARY'S SITE PLAN APPROVAL (BOAT HOUSE ADDITION)

David Barczys, Architect for Orchard Lake St. Mary's indicated that Orchard Lake St. Mary's revised the site plan addressing all the Planning Commission concerns at the last meeting. Mr. Barczys mentioned that three sets of small windows were added higher up on the proposed building, exterior lighting was added at three locations, 8ft. arborvitae trees were added to the landscaping, and handicap parking spaces were also addressed. Mr. Barczys stated that the existing building will be power washed, sealed and repainted.

Commissioner Pedell asked if there are other accessory structures on the campus in addition to the boat house. Commissioner Pedell indicated that in Zone 4, the City Zoning Ordinance allows one accessory structure per site with 10ft separation from the main building. Commissioner Pedell mentioned that the proposed building will be located 5ft. from the existing building which does not meet the Ordinance requirements.

Chair Valvona indicated that only detached accessory structures must be 10ft. away from the main building. The Ordinance also allows attached accessory structures which can be placed less than 10ft. from the main building. Director of City Services McCallum indicated that the intent of the ordinance provision relative to detached and attached accessory building is for lot coverage purposes.

Commissioners Pedell and Birrell believe that the proposed building is considered a detached and is planned only 5 ft. apart the existing building. Chair Valvona mentioned that if it is an attached accessory structure then there is no need for a height variance.

Vice Chair Wade mentioned that some of the proposed trees are being planted on the County Right-of- Way, and suggested having a landscaping maintenance agreement so that the landscaping will be maintained by Orchard Lake St. Mary's School and not the County.

Commissioner Magnell indicated that while she loves the Rowing Team and thinks they should have everything they need to stay competitive, Commissioner Magnell is opposed to the exterior of the structure. Commissioner Magnell stated that the proposed addition is surrounded by residential properties and should not look like an industrial building and should be softened to blend with the location. Commissioner Magnell stated that Orchard Lake St. Mary's School should be a good neighbor and always be cognizant of their neighbors and their interests.

A MOTION WAS OFFERED BY COMMISSIONER PEDELL AND SECONDED BY COMMISSIONER MAGNELL TO DENY THE ST. MARY'S BOAT HOUSE ADDITION SITE PLAN FOR THE FOLLOWING REASON; EXPANDING BUILDING SIZE ON A LAKE FRONT PARCEL, THIS INCREASES THE NON-CONFORMITY.

MOTION FAILED 3-6, Commissioner Birrell, Sutschek, Krause, Dziuba, Chair Valvona and Vice Chair Wade opposed

Commissioner Sutschek stated that Orchard Lake St. Mary's is a school that is located in a residential zone. The school has numerous buildings on campus and in this situation, it is hard to determine which building is a principle building and which building is an accessory building. The City Ordinance was designed for single family homes. Commissioner Sutschek believes that the new proposed building is part of the school campus and not an accessory structure. Commissioner Sutschek indicated that St. Mary's request is reasonable and will benefit the students.

Commissioner Krause is in favor of the proposal and appreciated St. Mary's School for revising the site plan to incorporate all Planning Commission concerns from the previous meeting.

Commissioner Dziuba is in favor of the proposal and mentioned that the new addition will help to clean up the site by storing boats and equipment inside and help to secure them.

Chair Valvona mentioned that the new proposed building is being constructed further away from the residential properties and does not have a negative impact on Indian Trail residents. It will improve the existing appearance. Chair Valvona is in favor of the proposal.

A MOTION WAS OFFERED BY COMMISSIONER SUTSCHEK AND SECONDED BY COMMISSIONER BIRRELL TO APPROVE WITH CONDITIONS THE PROPOSED SITE PLAN FOR THE BOAT HOUSE ADDITION FOR 3535 COMMERCE ROAD. THE CONDITIONS ARE;

- 1- A 28.5 FOOT FRONT SETBACK VARIANCE IS OBTAINED FROM THE ZONING BOARD OF APPEALS**
- 2- A 4 FOOT HEIGHT VARIANCE IS OBTAINED FROM THE ZONING BOARD OF APPEALS**
- 3- A VARIANCE FOR ADDITIONAL SIGNAGE TO BE INSTALLED ON THE BUILDING IS OBTAINED FROM THE ZBA.**
- 4- TO SUBMIT REVISED PLAN PRIOR TO COMMENCEMENT OF CONSTRUCTION, PLAN MUST INCLUDE THE CONDITIONS LISTED ABOVE.**

MOTION CARRIED 5-4, COMMISSIONER MAGNELL, SONNEVILLE, AND PEDELL AND VICE CHAIR WADE OPPOSED

OTHER BUSINESS

Mayor Beach recommended to the Planning Commission to ask the Director of City Services McCallum or the City Planner Doozan prior to the meeting for further clarification.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, COMMISSIONER PEDELL MOVED TO ADJOURN THE MEETING AT 9:00 P.M. COMMISSIONER KRAUSE SECONDED THE MOTION.

MOTION CARRIED 9-0

VINCE VALVONA
CHAIRMAN

RHONDA MCCLELLAN
CITY CLERK

NY
7/10/2015