

CITY OF ORCHARD LAKE VILLAGE

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

AUGUST 4, 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 August 4, 2015 at City Hall, and led the Pledge of Allegiance.

ROLL CALL

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

ABSENT: Commissioners Sonnevile and Birrell

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

GUESTS: Mayor Beach and Carl Yauk

CHAIR VALVONA STATED THAT COMMISSIONER SONNEVILLE REQUESTED TO BE EXCUSED FROM TONIGHT'S MEETING.

A MOTION WAS OFFERED BY VICE CHAIR WADE AND SECONDED BY COMMISSIONER DZIUBA TO EXCUSE COMMISSIONER SONNEVILLE FROM ATTENDING TONIGHT'S PLANNING COMMISSION MEETING.

MOTION CARRIED 7-0

JULY 7, 2015 PLANNING COMMISSION MEETING MINUTES APPROVAL

Vice Chair Wade mentioned a change on the minutes; the word "shall" should be "shell".

Commissioner Pedell indicated that under the Shell Gas Station discussion, the minutes refer to alcohol where the applicant was referring to beer and wine sales. Commissioner Pedell suggested changing the word "alcohol" to "beer & wine".

Commissioner Pedell also suggested the following modifications to the July 7, 2015 Planning Commission Meeting Minutes;

Page (1)-Public Hearing - Shell Station Discussion

- delete "the same proposal" in the first paragraph and replace it with "a special use approval modification".
- add "a" before few gas stations and add "the" before Keego Harbor in the first paragraph after the Public Hearing was opened.
- delete "with the condition being" in the second paragraph after the Public Hearing was opened, and add "on the north side" before "to WB Pontiac Trail".

Page (2) Public Hearing - Shell Station Discussion

- delete "is" before currently holds and add "s" to the word "hold" in the first paragraph.
- add "additional" before "cost to the applicant" in the third paragraph after the Public Hearing was closed.
- Change Zoning Ordinance, Section 12.3 into Section 12.03 in the eighth paragraph after the Public Hearing was closed.

Commissioner Magnell indicated that her comments regarding Orchard Lake St. Mary's site plan approval were not added to the minutes from July 7, 2015. Commissioner Magnell requested to add the following to the July 7, 2015 Planning Commission Meeting Minutes- Orchard Lake St. Mary's site plan discussion:

"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."

Commissioner Pedell indicated that there are few more corrections to the meeting minutes and suggested tabling the approval for revisions.

A MOTION WAS OFFERED BY COMMISSIONER PEDELL AND SECONDED BY COMMISSIONER KRAUSE TO TABLE THE JULY 7, 2015 PLANNING COMMISSION MEETING MINUTES APPROVAL FOR FURTHER REVISIONS.

MOTION CARRIED 4-3 (Chair Valvona, Vice Chair Wade and Commissioner Sutschek opposed)

PUBLIC HEARING - ZONING ORDINANCE AMENDMENT - WIRELESS COMMUNICATION FACILITIES, SECTION 4.40

Chair Valvona opened the public hearing at 7:22 p.m.

No public comments.

Chair Valvona closed the public hearing at 7:23 p.m.

Commissioner Magnell questioned the security bond and the financial responsibilities of the cell tower and asked if there is a dollar amount set for that.

Director of City Services McCallum indicated that the Planning Commission addressed this issue and revisions were made to the ordinance. These revisions were reviewed and approved by the City Planner and the City Attorney.

Commissioner Dziuba pointed out that the financial responsibilities of the Wireless Communication Facilities are addressed on page 7 of section 4.

Commissioner Magnell expressed concern regarding the safety of the towers in case of abandonment. Director of City Services McCallum indicated that this falls under building maintenance code and would be handled by the City Code Enforcement Officer.

Chair Valvona re-opened the public hearing at 7:40 p.m.

Carl Yauk, resident of Harbor Vista, requested clarification for shared towers. Commissioner Krause indicated that there are no shared towers. The tower is owned by one company or individual and sub-leased to different companies.

Chair Valvona closed the public hearing at 7:41 p.m.

A MOTION WAS OFFERED BY COMMISSIONER PEDELL AND SECONDED BY VICE CHAIR WADE TO APPROVE SENDING THE ZONING ORDINANCE AMENDMENT, WIRELESS COMMUNICATION FACILITIES, SECTION 4.40 TO CITY COUNCIL FOR FIRST READING AT THE AUGUST 17, 2015 REGULAR CITY COUNCIL MEETING.

MOTION CARRIED 7-0

FIRE DEPARTMENT PERSONNEL AT THE PLANNING COMMISSION MEETINGS

Director of City Services McCallum indicated that the Tri-City Fire Board met and there was a discussion regarding business expansion in the City of Sylvan Lake. The business received approval from the building department but when the Fire Department reviewed the plans, they discovered that the plans did not meet the fire code and it will be costly for the business owner to comply with the requirements. This issue had created a problem with the business owner.

Director of City Services mentioned that during that meeting, it was suggested to the Assistant Fire Chief to have a representative from the Fire Department attend the Planning Commission meetings for each of the communities. He stated that the intent of the discussion was to send the meeting agenda to the Fire Department and if there is a matter on the agenda that related to the Fire Code at a Planning Commission level, then the Fire Department will send a representative to attend the meeting and answer all the questions or concerns.

Director of City Services McCallum indicated that a copy of the Planning Commission Meeting Agenda will be emailed to the West Bloomfield Fire Department prior to the meeting.

Discussion only.

PLANNING COMMISSION MEMBERS DUTIES

Chair Valvona stated that at the previous Zoning Board of Appeals Meeting, four Planning Commission Members attended the meeting which constitutes the maximum number allowed without constituting a quorum. During the meeting, three Planning Commission Members spoke in opposition to one of the variance request cases.

Chair Valvona expressed that he was not pleased with this action and indicated that the Planning Commission should speak as one voice, and that the majority of the Planning

Commission spoke in favor of the variance request and recommended approval by the Zoning Board of Appeals.

Commissioner Krause asked whether a Commissioner can attend the ZBA Meetings and speak as a resident and not as a Commissioner. Chair Valvona responded that a Commissioner can attend as a resident but in this case the Commissioners introduced themselves as members of the Planning Commission and not as residents of the City.

Chair Valvona believes that the vote for denying the variance request was influenced by the comments from the three members of the Planning Commission. Chair Valvona indicated that a notice of the ZBA was mailed to all residents within a one thousand foot radius of the property and not a single resident was against it.

Commissioner Pedell mentioned that he was one of the Commissioners who spoke during the ZBA meeting. Commissioner Pedell indicated that during the meeting, he introduced himself as a resident of the City and also he was asked by Indian Trail residents to speak on their behalf.

Mayor Beach indicated that the Planning Commission is an advisory body just like City Council; the advisory body takes a vote and stands together. The Planning Commission took a vote and advised City Council. It was a close vote, but the majority voted in favor of the petitioner's request.

Mayor Beach, then handed out booklets to the Commissioners from the Michigan Association of Planning which lists the duties and responsibilities of Commissioners.

Commissioner Sutschek indicated that a Commissioner should not attend City Council meetings to argue against a motion that was approved by the Planning Commission. The Planning Commission is a recommending body to City Council. Commissioner Sutschek suggested that if a Commissioner feels strongly about one of the agenda items for a Planning Commission meeting, then the Commissioner should be excused from the discussion of the Planning Commission so they can speak as a resident of the City. Director of City Services McCallum indicated that a Commissioner cannot be excused from a Planning Commission Meeting as it would violate the Zoning Ordinance and the Zoning Enabling Act.

Commissioner Magnell asked what City Council looks for from the Planning Commission before approving a variance. Mayor Beach stated that City Council reviews the draft minutes of the Planning Commission meeting prior to City Council Meeting. Commissioner Magnell stated that in this situation, the draft Planning Commission meeting minutes were not accurate. The Comment she made regarding Orchard Lake St. Mary's School were not included in the draft minutes (See page 2 of August 4, 2015 Meeting Minutes).

Commissioner Sutschek responded that the draft minutes were accurate and shows clearly what the discussion was about. Mayor Beach indicated that along with the draft Planning Commission meeting minutes, Councilmembers also visit the site to review the proposed plans.

Vice Chair Wade stated that he attended the Zoning Board of Appeals meeting, and although he was not against the proposed site plan, he was concerned on the setback variance requested by the applicant.

Commissioner Pedell felt that the Planning Commission approved something that contradicts the Zoning Ordinance. Commissioner Sutschek stated that this is just a matter of opinion. The detached and attached structure requirements are for the residential use. The Orchard Lake

Country Club and the Orchard Lake St. Mary's School both are in residential zone but are considered a special use. The two complexes existed before the Ordinance was drafted. Director of City Services McCallum indicated that the Zoning Ordinance was drafted around these buildings.

Director of City Services McCallum indicated that changes to the Zoning Ordinance, Article 2, Section 2.02, Article 4, Section 4.15 and Article 13, Footnote L - Accessory Building and Structures will be proposed at the next regular Planning Commission Meeting for clarification.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, COMMISSIONER KRAUSE MOVED TO ADJOURN THE MEETING AT 8:30 P.M. VICE CHAIR WADE SECONDED THE MOTION.

MOTION CARRIED 7-0

VINCE VALVONA
CHAIRMAN

RHONDA MCCLELLAN
CITY CLERK

NY
9/28/2015