

CITY OF ORCHARD LAKE VILLAGE
MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

May 6, 2014

Chair Valvona called the Regular March Meeting of the City of Orchard Lake Village Planning Commission to order at 7:02 p.m. on May 6, 2014 at City Hall, and led the Pledge of Allegiance.

ROLL CALL

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

ABSENT: Magnell

STAFF: Director of City Services McCallum

GUESTS: None

OATHS OF OFFICE – COMMISSIONERS SUTSCHEK AND BRADBURY

Director of City Services McCallum administered the oath of office to the reappointed Planning Commission Members Sutschek and Bradbury.

ELECTION OF CHAIRMAN AND VICE CHAIRMAN

Commissioner Valvona asked for the nomination of Chairman and Vice Chairman.

NOMINATION OF VINCENT VALVONA FOR CHAIR: **MOTION BY COMMISSIONER SUTSCHEK, SECONDED BY COMMISSIONER KRAUSE.**

MOTION CARRIED 8-0

NOMINATION OF TED WADE AS VICE CHAIR: **MOTION BY COMMISSIONER SUTSCHEK, SECONDED BY COMMISSIONER KRAUSE.**

MOTION CARRIED 8-0

MARCH 4, 2014 PLANNING COMMISSION MEETING MINUTES APPROVAL
APRIL 15, 2014 SPECIAL PLANNING COMMISSION MEETING MINUTES APPROVAL

Vice Chair Wade mentioned a correction on the April 15, 2014 Special Planning Commission Meeting Minutes, corrected the word “SCity” to “City”.

Commissioner Sutschek mentioned a correction on the motion on page 2 of the April 15, 2014 Special Planning Commission Meeting Minutes. Commissioner Sutschek stated that the motion should read as follows;

A motion was offered by Commissioner Birrell and seconded by Commissioner Pedell to approve the revised landscaping plan for Walgreens based on;

- 1- Plan comply with Oakland County Road Commission request
- 2- Plan has same number of trees as the previous plan
- 3- Revised plan has more shrubs than the original plan

Commissioners agreed on the changes.

A MOTION WAS OFFERED BY VICE CHAIR WADE AND SECONDED BY COMMISSIONER KRAUSE TO APPROVE THE MARCH 4, 2014 PLANNING COMMISSION MEETING MINUTES AND THE APRIL 15, 2014 SPECIAL PLANNING COMMISSION MEETING MINUTES WITH CORRECTIONS.

MOTION CARRIED 8-0

ARTICLE IV-A (SIGN ORDINANCE-FOOTNOTE A) DISCUSSION

Director of City Services McCallum stated that looking at the recent revisions and applying the ordinance to a proposed temporary sign, it was determined that Footnote "A" under Subsection C relating to setback of temporary signs was changed to the new requirements for freestanding permanent signs. Although City Planner Doozan had mentioned the footnote "A" in his review letter, and that most temporary signs may be in the right-of-way, it would not be permissible based on Road Commission Regulations.

Director of City Services believes that footnote "A" was changed in error. He also mentioned that a few years ago footnote "A" was changed so that a simpler method of measuring could be performed for easier enforcement.

Director of City Services McCallum recommend changing back footnote "A" to "*the temporary sign shall be setback a minimum of ten (10') feet from the traveled portion of the road and permission of placement of the sign must be obtained from the property owner abutting the road*".

Commissioners agreed to add the wording "right-of-way" after "abutting the road" in footnote "A".

A MOTION WAS OFFERED BY COMMISSIONER PEDELL AND SECONDED BY VICE CHAIR WADE TO CHANGE FOOTNOTE "A" TO "*THE TEMPORARY SIGN SHALL BE SETBACK A MINIMUM OF TEN (10') FEET FROM THE TRAVELED PORTION OF THE ROAD AND PERMISSION OF PLACEMENT OF THE SIGN MUST BE OBTAINED FROM THE PROPERTY OWNER ABUTTING THE ROAD RIGHT-OF-WAY*" AND TO SCHEDULE A PUBLIC HEARING REGARDING THIS CHANGE AT THE JUNE REGULAR PLANNING COMMISSION MEETING.

MOTION CARRIED 8-0

LOT COVERAGE ORDINANCE DISCUSSION

Director of City Services McCallum stated that at the March Zoning Board of Appeals Meeting there was a ZBA case presented to the Board for a homeowner wishing to construct a second story addition on their existing home in zone 2. The variance requested was in reference to the amount of the lot coverage allowed which is a different amount permitted for a single story

structure vs. a two story structure. The same situation appeared at the April Zoning Board of Appeals Meeting.

Director of City Services McCallum mentioned that at the March City Council Meeting, City Council recommended that the Planning Commission review this provision to determine if any changes are needed to the schedule of regulations for maximum lot coverage. Council also suggested reviewing several surrounding communities' zoning ordinances in reference to their maximum lot coverage requirements.

Commissioner Birrell asked if this was the only two ZBA cases that had lot coverage issues and Director of City Services McCallum commented that we had other cases but not in the frequency we have had lately.

Chair Valvona mentioned that the current lot coverage ordinance keeps all the properties within the same value and scale, Chair Valvona also believes that the current Lot Coverage Ordinance does not need to be modified.

Commissioners discussed and compared the Lot Coverage Ordinance with nearby communities and decided not to modify the current ordinance.

Commissioner Sutschek mentioned that the problem with this ordinance is that the percentage of our lot coverage allowance is below other communities; the ordinance allows 25% lot coverage where other communities' basic allowance is 30%. Commissioner Sutschek stated that adding a second story will not change the foot print of the property; therefore, lot coverage should be the same for one and two story buildings.

A MOTION WAS OFFERED BY COMMISSIONER PEDELL AND SECONDED BY COMMISSIONER BIRRELL NOT TO MODIFY OR REVISE THE CURRENT LOT COVERAGE ORDINANCE.

MOTION CARRIED 7-1, Commissioner Sutschek opposed

RESCINDING SEASONAL FIXTURES ORDINANCE # 4.17B

Director of City Services McCallum commented that over the last two Council Meetings, City Council has been discussing the lack of removal of seasonal docks and fixtures on the waters of Orchard Lake, Cass Lake and Upper Straits Lake. The enforcement has been lax on the ordinance for a couple of reasons: one is because of the challenge of docks being in non-conformity meaning that the docks have been in the water prior to the adoption of the Ordinance, and it is difficult to prove the date of installation; the second reason is the difficulty in gaining access to the lakefront areas to verify that the docks are still in the water after December 1st.

Director of City Services McCallum mentioned that City Attorney Salhaney clarified that the City has no responsibilities if any injuries occur due to the docks, but it is the responsibility of the property owner. Therefore, City Council voted to rescind the portion of the Zoning Ordinance Section 4.17(B). Any changes or deletion of the Zoning Ordinance is required to be processed through the Planning Commission.

Commissioner Sutschek asked for the intent of Section 4.17 (B). Director of City Services McCallum commented that the intent of this section is for safety reasons for the snowmobiles especially at night. During ice movement, the docks can get dislodged or destroyed creating a lot of debris in the water.

Commissioner Dziuba commented that if the City has an ordinance that cannot be enforced it will become a liability on the City along with the property owner. Commissioner Dziuba suggested rescinding Section 4.17(B) of the Ordinance.

Commissioner Pedell commented that if the Planning Commission rescinds Section 4.17 (B) of the Ordinance, it will allow residents to install permanent docks.

A MOTION WAS OFFERED BY COMMISSIONER SUTSCHEK AND SECONDED BY VICE CHAIR WADE TO RESCIND THE ZONING ORDINANCE SECTION 4.17(B) AND SCHEDULE A PUBLIC HEARING AT THE NEXT REGULAR PLANNING COMMISSION MEETING.

MOTION CARRIED 6-2, COMMISSIONERS PEDELL AND BIRRELL OPPOSED

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, COMMISSIONER KRAUSE MOVED TO ADJOURN THE MEETING AT 8:42 P.M. COMMISSIONER DZIUBA SECONDED THE MOTION.

MOTION CARRIED 8-0

VINCE VALVONA
CHAIRMAN

RHONDA MCCLELLAN
CITY CLERK

NY

6-24-14