

**CITY OF ORCHARD LAKE VILLAGE**

**MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**

**OCTOBER 7, 2014**

Chair Valvona called the Regular October Meeting of the City of Orchard Lake Village Planning Commission to order at 7:00 p.m. on October 7, 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

**JULY 1, 2014 REGULAR PLANNING COMMISSION MEETING MINUTES APPROVAL**

**A MOTION WAS OFFERED BY COMMISSIONER PEDELL AND SECONDED BY VICE CHAIR WADE TO APPROVE THE JULY 1, 2014 REGULAR PLANNING COMMISSION MEETING MINUTES.**

**MOTION CARRIED 8-0**

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

Chair Valvona commented that the current Wireless Communications Facilities Ordinance, Section 4.40 is not in compliance with the amendment in 2012 to the State of Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended). Commissioners received a letter with a revised ordinance from City Planner Doozan. The new Ordinance has been reviewed by City Attorney Salhaney and he confirmed that the revised ordinance, section 4.40 is now in compliance with the State law.

Commissioner Krause asked if there are available spaces for new towers in the City. Director of City Services McCallum mentioned that there are vacant lots in the City but granting site plan approval for a new tower is hard.

Commissioner Krause questioned how the City monitors tower maintenance and change of ownership. Director of City Services McCallum stated that towers must be in compliance with the City Ordinances and Building Code requirements. A business license must be obtained annually by the owner to operate a tower in the City.

Commissioner Sutschek stated that there is a conflict with Mr. Doozan's letter and the revised ordinance. Mr. Doozan's letter indicates that Class A proposals involve colocation on an existing tower where there will be no increase in the height; where the revised ordinance states that the proposed colocation will not increase the overall height of the wireless communications by more than twenty (20) feet or ten percent (10) of its original height, whichever is greater; this means that the tower can increase the height by fifteen (15) feet (for example) which becomes a conflict with Mr. Doozan's letter.

Commissioner Sutschek also stated that on page 3 of Mr. Doozan's letter, step 4 of D (2) "Special Use Approval" is wrong and must comply with the City Zoning Ordinance.

Commissioner Sutschek preferred to modify the current Zoning Ordinance, Section 4.40 instead of re-writing the section. Commissioner Pedell mentioned that Planning Commission should review the 2012 amendment to the Zoning Enabling Act (Public Act 110 of 2006) before modifying Section 4.40.

Chair Valvona mentioned that a new owner acknowledgement should be added to the revised ordinance under Security.

Commissioner Sutschek mentioned another error on page 2 and 3 of the revised ordinance; Special Land Use Approval, in accordance with Article 15.0 and not Article 6.0.

Commissioner Birrell stated that the sub-section is missing on page 2, B "Authorization to Install Wireless Communication Facilities"

Commissioner Pedell commented that on page 6, under F. Removal, item #5, change the word "posed" to the word "posted". Commissioner Pedell also suggested removing the word "immediately" and add "(30) days maximum" for the removal of site.

Commissioner Birrell mentioned an error on page 7, #4. Security ; the applicant may choose any of the following forms of security: a) Cash, b) Surety Bond should be followed by c) Letter of Credit, and d) an Agreement and not 3) and 4).

Commissioner Pedell questioned item #10 on page 5 regarding maximum height of fencing. Does it mean that someone can place a 2' fence? Or is a 6' fence required?

Commissioner Sutschek suggested sending these changes to City Planner Doozan to review and modify the ordinance and send back to the Planning Commission to be discussed at the November's meeting. Commissioners agreed.

At 7:50 PM Commissioner Birrell asked to be excused from the meeting.

**A MOTION WAS OFFERED BY COMMISSIONER PEDELL AND SECONDED BY VICE CHAIR WADE TO EXCUSE COMMISSIONER BIRRELL FROM THE MEETING.**

**MOTION CARRIED 8-0**

## **NOVEMBER PLANNING COMMISSION MEETING DATE**

Chair Valvona commented that due to the Election on November 4, 2014, Planning Commission Meeting date should be changed. Commissioner decided on changing the meeting date to Wednesday, November 5, 2014 at 7 PM.

## **REGULAR BUSINESS**

Director of City Services McCallum mentioned that the Fence Ordinance might be discussed at the November's meeting.

## **ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS, COMMISSIONER PEDELL MOVED TO ADJOURN THE MEETING AT 8:05 P.M. VICE CHAIR WADE SECONDED THE MOTION.**

**MOTION CARRIED 8-0**

VINCE VALVONA  
CHAIRMAN

RHONDA MCCLELLAN  
CITY CLERK

NY

10-13-2014