



Planning Commission
March 4, 2012 Minutes for Regular Meeting & Public Hearing
(public hearing minutes follow regular minutes below)

REGULAR MEETING MINUTES:

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, April 4, 2012 at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT

Doug Zande, Chairman	Carol Thurber, Vice-Chairwoman
John Steimel, Trustee, Rep. to PC	Don Walker, Commissioner
Justin Dunaskiss, Commissioner	Chris Barnett, Commissioner

PLANNING COMMISSION MEMBER ABSENT

Dick Christie, Secretary

CONSULTANTS PRESENT

R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc.
Beth McGuire, Township Zoning/Planning Administrator

OTHERS PRESENT

Logan Thurber Phoebe Schutz

1. **OPEN MEETING:** Chairman Zande called the regular meeting to order at 7:00 p.m.
2. **ROLL CALL:** Secretary Christie was absent.
3. **MINUTES:** Moved by Commissioner Steimel, supported by Commissioners Dunaskiss and Barnett to approve the 03-07-12, regular meeting minutes and the 03-07-12, PC-2012-01, Verizon Wireless public hearing minutes as presented. **Motion carried 6-0** (Christie was absent).
4. **AGENDA REVIEW AND APPROVAL:** Moved by Commissioner Steimel, supported by Commissioner Barnett to approve the agenda as amended to add agenda items: 1)Agenda item 8,C, PC-2012-01, Verizon Wireless Monopole Tower Special Land Use extension request; and, 2)Agenda item 8,D, Possible cancellation of the April 18, 2012 regular meeting. **Motion carried 6-0** (Christie was absent).
5. **BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY:** None.
6. **CONSENT AGENDA:** None.
7. **NEW BUSINESS:** None.

Chairman Zande recessed the regular meeting and opened the PC-2011-22, Text Amendment to Zoning Ordinance No. 78, Temporary Use Permits Public Hearing at 7:05 p.m.

REGULAR MEETING MINUTES, CONTINUED...

Chairman Zande closed the PC-2011-22 public hearing and opened the PC-2011-23, Text Amendment to Zoning Ordinance No. 78, Recreational Vehicle Parking Public Hearing at 7:08 p.m.

Chairman Zande closed the PC-2011-23 public hearing and reconvened the regular meeting at 7:10 p.m.

8. UNFINISHED BUSINESS

A. PC-2011-22, Text Amendment to Zoning Ordinance No. 78, Temporary Use Permits

Mr. R. Donald Wortman (Township Planner), of Carlisle/Wortman Associates, Inc., noted that he and Ms. McGuire discovered a few more minor text amendments that should be considered. The first one deals with Section 30.01,F,1 that talks about notification of property owners within 300 feet shall be notified at least five days in advance. Technically now, in accordance with P.A. Act 110, that is now to be at least fifteen days in advance. So, that needs to be updated. That is a minor amendment, so we don't need another public hearing on that one.

Ms. Beth McGuire, Zoning/Planning Administrator, commented regarding email correspondence from the Township Attorney, dated March 15, 2012*. She then noted that perhaps the Township Attorney didn't understand that we wanted to get rid of the 90-day time limit, because beforehand we had a 90-day time limit and we had to repeatedly send people back to the ZBA and the point that Trustee Crane was making was that as long as we can annually administratively verify that these things are not violating what was originally permitted by the ZBA, why put the time frame in the ordinance.

Commissioner Barnett inquired, what about his other comment where it has to be related to the principal use?

Ms. McGuire noted that it is in the definition, however, members could add that into the text if they feel it is necessary.

Members agreed to add to the end of the definition of Outdoor Display and Sales to say that the outdoor display and sales shall be related to the existing principal use of the property. Also, to change the five days to fifteen days regarding the notification of property owners as stated above.

Moved by Vice-Chairwoman Thurber, supported by Commissioner Dunaskiss, regarding case PC-2011-22, Text Amendment to Zoning Ordinance No. 78, Temporary Use Permits, **to recommend adoption to the Township Board of Trustees** with the following revisions: 1)modify Section 2.01, Definitions, Outdoor Display and Sales, to add a sentence at the end of the definition that states, "*Outdoor display and sales shall be related to the existing principal use of the property*"; and, 2)modify Section 30.11,F,1, in the fourth paragraph, to change the five-day notification of property owners to fifteen-day notification of property owners within 300 feet of the proposed site for the open-air business to be consistent with P.A. 110 of 2006 and the updated P.A. 33 of 2008. Roll call vote was as follows: Walker, yes; Barnett, yes; Dunaskiss, yes; Steimel, yes; Thurber, yes; Zande, yes. **Motion carried 6-0** (Christie was absent).

REGULAR MEETING MINUTES, CONTINUED...

B. PC-2011-23, Text Amendment to Zoning Ordinance No. 78, Recreational Vehicle Parking

Mr. R. Donald Wortman (Township Planner), of Carlisle/Wortman Associates, Inc., noted that there is an inconsistency in Section 27.04,C in the fourth bullet down, and he suggested deleting the whole sentence since it is no longer necessary, because it is covered in the bullet below that. Also, in the fifth bullet, delete the words, "which are less than 20,000 square feet in size".

Commissioner Steimel commented that he is in favor of the 10-foot side yard setback from the lot line, but does not believe that there needs to be an additional 10-foot setback from the structure as the Fire Chief suggested.

Commissioner Dunaskiss noted that he would like to have a 5-foot side yard setback rather than 10 feet.

Commissioner Walker noted that his primary concern is the safety issue and when the Fire Chief says that the side yard setback should be 10 feet, he agrees with that so that the fire trucks could gain access to the back yard when necessary in an emergency.

Moved by Commissioner Barnett, supported by Chairman Zande regarding case PC-2011-23, Text Amendment to Zoning Ordinance No. 78, Recreational Vehicle Parking, **to recommend adoption to the Township Board of Trustees** with the following revisions to Section 27.04,C: 1)to delete the entire fourth bullet, which starts with "For lots within the R-1, R-2, or R-3 zoning districts..."; and, 2)to modify the fifth bullet by removing the text from the first sentence that says "which are less than 20,000 square feet in size". Roll call vote was as follows: Barnett, yes; Dunaskiss, yes; Steimel, yes; Thurber, yes; Walker, yes; Zande, yes. **Motion carried 6-0** (Christie was absent).

C. PC-2012-01, Verizon Wireless Monopole Tower Special Land Use and Site Plan Extension Request, Northwest Corner of Baldwin and Waldon Roads

Chairman Zande noted that the Petitioner has requested additional time to acquire the additional information as requested by members.

Ms. Beth McGuire, Zoning/Planning Administrator, referenced her memo to members dated April 4, 2012, regarding the extension request* as well as the letter received from Pyramid Network Services, LLC, dated April 3, 2012*, regarding Verizon's request for additional time and that it would not be counted against the period for a decision by the Township required under Federal law and the Federal Communication Commission regulations. The Township's Attorney has advised that the motion state that the applicant agrees that the additional number of days not be counted against the 150-day deadline that is specified in the Federal Telecommunications Act (FTA).

Moved by Commissioner Barnett, supported by Vice-Chairwoman Thurber regarding case PC-2012-01, Verizon Wireless Monopole Tower Special Land Use and Site Plan, with the subject site being located at the northwest corner of Baldwin and Waldon Roads, Sidwell #09-20-351-011, to **grant** the request for a 60-day extension to submit the additional information that was requested by the Planning Commission at our regular meeting on March 7, 2012. This extension is in response to the applicant's letter date stamped received by the Township on April 3, 2012* and is subject to the applicant agreeing, which they did in the letter, that the additional time requested not be counted against the 150-day deadline that is

REGULAR MEETING MINUTES, CONTINUED...

specified in the Federal Telecommunications Act. Roll call vote was as follows: Dunaskiss, yes; Steimel, yes; Thurber, yes; Walker, yes; Barnett, yes; Zande, yes. **Motion carried 6-0** (Christie was absent).

D. Possible Cancellation of the April 18, 2012 Regular Meeting

Moved by Commissioner Steimel, supported by Commissioner Barnett to cancel the April 18, 2012 regular meeting due to the lack of agenda items. Roll call vote was as follows: Steimel, yes; Thurber, yes; Walker, yes; Barnett, yes; Dunaskiss, yes; Zande, yes. **Motion carried 6-0** (Christie was absent).

9. PUBLIC COMMENTS: None.

10. COMMUNICATIONS: None.

11. COMMITTEE REPORTS: None.

12. PUBLIC HEARINGS: None scheduled at this time.

13. CHAIRMAN'S COMMENTS: Chairman Zande welcomed Commissioner Walker to the Planning Commission and wished all a Happy Easter and Passover. He also congratulated Mrs. Sandra Dyl on her retirement from the Planning Commission and wished her well.

14. COMMISSIONERS' COMMENTS:

Commissioner Barnett complimented the Recording Secretary on the thorough minutes that she does for the Planning Commission.

Commissioner Walker noted that he is glad to serve on the Planning Commission.

Vice-Chairwoman Thurber wished everyone a Happy Easter.

Commissioner Steimel suggested that Planner Wortman attend the Township Board of Trustees meeting when the recreational vehicle parking text amendment goes before them.

Planner Wortman noted that he would be happy to review the case with Commissioner Steimel before that meeting takes place.

Commissioner Dunaskiss wished everyone a Happy Easter.

15. ADJOURNMENT: Moved by Commissioner Barnett, supported by Commissioner Dunaskiss to adjourn at 7:51 p.m. **Motion carried 6-0** (Christie was absent).

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**PUBLIC HEARING MINUTES FOR PC-2011-22, ZONING ORD. AMENDMENT,
TEMPORARY USE PERMITS:**

The Charter Township of Orion Planning Commission held a public hearing on Wednesday, April 4, 2012 at 7:05 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT

Doug Zande, Chairman	Carol Thurber, Vice-Chairwoman
John Steimel, Trustee, Rep. to PC	Don Walker, Commissioner
Justin Dunaskiss, Commissioner	Chris Barnett, Commissioner

PLANNING COMMISSION MEMBER ABSENT

Dick Christie, Secretary

CONSULTANTS PRESENT

R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc.
Beth McGuire, Township Zoning/Planning Administrator

OTHERS PRESENT

Logan Thurber Phoebe Schutz

Chairman Zande opened the PC-2011-22, Text Amendment to Zoning Ordinance No. 78, Temporary Use Permits Public Hearing at 7:05 p.m.

Mr. R. Donald Wortman (Township Planner), of Carlisle/Wortman Associates, Inc., noted that this proposed text amendment was referred to the Planning Commission last Fall by the Zoning Board of Appeals (ZBA) regarding certain issues that they had pertaining to open-air businesses, outdoor sales, and administrative aspects of temporary use permits. He then overviewed the revisions that have been made as discussed by members. The first section that was changed was the proposed modification to the definitions and that is for open-air businesses, which includes businesses such as seasonal sales like Christmas trees, pumpkins, etc. The other one is outdoor display and sales and those would be incidental sales typically associated with outdoor sales areas and commercial facilities. In addition to the definitions, Section 30.11 is proposed to be changed and this deals with the temporary uses. Specifically, which was suggested by Trustee Crane, that administrative approval be issued for certain temporary uses such as outdoor displays. This would include areas of less than 10% of the building area or not more than 1,000 square feet. The ZBA will still be able to review and approve open-air businesses. This was more of an administrative aspect, but is a clarification on the two types of businesses that are typically involving outdoor display and sales areas.

Chairman Zande offered time for public comments. None were given.

Chairman Zande closed the PC-2011-22 public hearing at 7:08 p.m.

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**PUBLIC HEARING MINUTES FOR PC-2011-23, ZONING ORD. AMENDMENT,
RECREATIONAL VEHICLE PARKING:**

The Charter Township of Orion Planning Commission held a public hearing on Wednesday, April 4, 2012 at 7:08 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT

Doug Zande, Chairman	Carol Thurber, Vice-Chairwoman
John Steimel, Trustee, Rep. to PC	Don Walker, Commissioner
Justin Dunaskiss, Commissioner	Chris Barnett, Commissioner

PLANNING COMMISSION MEMBER ABSENT

Dick Christie, Secretary

CONSULTANTS PRESENT

R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc.
Beth McGuire, Township Zoning/Planning Administrator

OTHERS PRESENT

Logan Thurber Phoebe Schutz

Chairman Zande opened the PC-2011-23, Text Amendment to Zoning Ordinance No. 78, Recreational Vehicle Parking Public Hearing at 7:08 p.m.

Mr. R. Donald Wortman (Township Planner), of Carlisle/Wortman Associates, Inc., noted that this proposed text amendment involves parking of recreational vehicles and what is proposed is a modification to this section of the zoning ordinance, which will allow the parking of recreational vehicles in the R-1, R-2, and the R-3 zoning districts. One change is that the parking would have to be restricted to no less than 20 feet from the edge of the road and there is also provision that establishes a 10-foot side yard requirement. This amendment would open it up more for these zoning districts and allow front yard parking of recreational vehicles in greater areas of the Township.

Chairman Zande offered time for public comments. None were given.

Chairman Zande closed the PC-2011-23 public hearing at 7:10 p.m.

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