

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, OCTOBER 18, 2017

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, October 18, 2017 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Justin Dunaskiss, Chairman	Don Walker, PC Rep. to ZBA
Don Gross, Vice Chairman	Scott Reynolds, Commissioner
John Steimel, BOT Rep. to PC	Neal Porter, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:

Joe St. Henry, Secretary

CONSULTANTS PRESENT:

Doug Lewan (Township Planner) of Carlisle/Wortman Associates, Inc.
Jim Stevens (Township Engineer) of OHM
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Lynn Harrison

1. OPEN MEETING

Chairman Dunaskiss opened the meeting at 7:00pm.

2. ROLL CALL

As noted

3. MINUTES

A. 10-4-17, Planning Commission Regular Meeting Minutes

Moved by Vice Chairman Gross, seconded by Commissioner Walker, to **approve** the 10-4-17, Planning Commission Regular Meeting Minutes as presented. **Motion carried unanimously**

4. AGENDA REVIEW AND APPROVAL

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds, to **approve** the agenda as presented. **Motion carried unanimously**

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. CONSENT AGENDA

None

7. NEW BUSINESS

None

8. UNFINISHED BUSINESS

A. PC-2016-34, Township Initiated Text Amendment to Zoning Ordinance #78, Schedule of Regulations

Planning & Zoning Director Girling presented.

Regarding footnote x – this footnote relates to determining the placement of a structure or a sign on a lot as it pertains to the front setback. Planning & Zoning Director Girling noted that once the Planning Commission comes up with a conclusion on this language, it will be added

to Article II – Definitions and then it can be removed from the Schedule of Regulations. She reminded the Commissioners that right now footnote “x” is only referenced in the Schedule of Regulations and nowhere else in the Zoning Ordinance. In the packet was suggested language for “x” - where it talks about measuring the front setback from the future road right-of-way, to change that be inserting the words “or public easement”.

- The Commissioners then discussed the situation with the Baldwin Road widening project and that there might be a problem with this proposed language. The proposed definition refers to using the Master Right-Of-Way Plan For County Roads in our Master Plan per MDOT and RCOC however that plan may show a road with a future right-of-way that may never be expanded – therefore why would the Township require a property owner to set their structure so far back? Planner Lewan commented, however, that when they review a site plan they use the road right-of-way shown on the plans. They do not refer to the future road right-of-way plan in the Master Plan. He noted, too, that there is language in the Master Plan that indicates Orion Township doesn’t necessarily agree with the future right-of-way plan in all cases.

Engineer Stevens explained the current situation with Baldwin Road. The Master Right-Of-Way Plan For County Roads in the Master Plan shows Baldwin road at 150 ft. The issue arises with the actual road design and the acquisition of property. The acquisition is no longer right-of-way, in most cases it is “highway easement”. The other issue is that the “highway easement” line that is acquired is based on how the road is designed. It could be set further back than 75 ft. from the center line of the road - those two lines (the actual center of the road and the future road) are not always going to coincide. Most interpretations would determine that where the “highway easement” line is at, that’s where the measurement would be taken from.

He added that when attorneys get involved, especially in a condemnation, the question that comes up is where to measure a property owner’s setback from? The “highway easement” line acquired sometimes ends up being slightly different than the future right-of-way line. Actually in most cases now a “highway easement” line may not physically be the property right-of-way that is dedicated over. The property lines remain the same but the road entity (MDOT or RCOC) owns an easement. Vice Chairman Gross clarified that easement is still owned by the property owner but the road entity has a “highway easement”.

Trustee Steimel suggested that reference should be made to our Master Plan in the Zoning Ordinance - that there is map in the Master Plan. However he suggested that Master Plan map not reference that it is MDOT’s or the Road Commission’s master right-of-way plan; that it be given a different title or header.

Planning & Zoning Director Girling clarified that everyone was in agreement that the language they come up with tonight for footnote “x” will become or added to the definition under Building Front Setback or Setback and that language was what was attached to the packet information.

Trustee Steimel said however he would like to strike from that language reference to the Road Commission of Oakland County (RCOC) and MDOT.

Planning & Zoning Director Girling then clarified that what Trustee Steimel was suggesting was that the next time the Planning Commission updates the Master Plan, to change the title of that map and if there are any roads we disagree with what

MDOT or RCOC is calling for the width to be, the Planning Commission changes it to what it believe it should be.

Planning & Zoning Director Girling then noted that when a site plan is submitted, it should be clearly labeled if it is the road right-of-way on that plan is future.

Planning & Zoning Director Girling also mentioned that with this definition, the sign ordinance may need to be amended.

Engineer Stevens went on to talk about the Baldwin Road widening and that 150 ft. is appropriate however the road design may not necessarily follow the center line especially because of the addition of roundabouts – the quirk here is the future right-of-way line versus the easement line that is actually acquired.

Engineer Stevens said regardless if the road is shifted east or west, the center line would still be 75 ft. from wherever the road ends up. Planner Lewan agreed but in those cases where we don't know what that new right-of-way is going to be, they can only go by the center of the current road.

- The Commissioners discussed the fact that the setback for signs, 20 to 25 ft., can sometimes be outrageous. Trustee Steimel noted at one time signs were allowed to be in the road right-of-way with an acknowledgment that if the sign had to be moved for any reason, it would be done at the expense of the property owner.

Planning & Zoning Director Girling asked then, do we want to strike “signs” from this definition, leave those at the current road right-of-way and then add a stipulation in the Sign Ordinance? That the setback shall be measured from the current road right-of-way and if that road is ever expanded, the sign would have to be moved. She then asked Engineer Stevens what the average depth was between the current road right-of-way and future road right-of-way? Engineer Stevens responded that it would depend on the width of the future right-of-way.

Planning & Zoning Director Girling asked the Commissioners if they were ok with language being added to the Sign Ordinance pertaining to whose responsibility it would be should a sign end up in a road right-of-way and need to be moved?

Outdoor Storage -

- It was noted that under Required Conditions in the GB district, Outdoor Storage was explained and in the Use Matrix it indicated outdoor storage as a principal or a special land use and referred to subsection 27.19. Subsection 27.19 gave the exact same criteria that was in the individual zoning district. Planning & Zoning Director Girling suggested striking the language from the zoning district and leaving the reference to subsection 27.19.

The sheet provided in the packet was for GB-2 (prior to the zoning consolidation) which said you could have outdoor storage, etc. but nowhere did it get into it being a principal use. Was there discussion at one time that in the GB district, outdoor storage was a principal use? Now in the consolidated GB section under Other Uses, outdoor storage can either be a principal or accessory use in accordance with subsection 27.19. Are we saying that someone could take a GB parcel and put outdoor storage on it and nothing else? The Commissioners concurred that if anything, outdoor storage should only be an accessory use.

When asked, Planning & Zoning Director Girling said that GB-1 did not allow outdoor storage at all. Somehow is got built into the GB Use Matrix. The Use Matrix says you can have it as a principal or accessory use and also in footnote "I" it clearly says there can be a principal use of storage by right based on how many feet it is from residential whether by right or with a special land use. It was agreed that outdoor storage should not be allowed as a principal use in GB and to add the language from GB-2 as it was written on page 15-3, subsection 15.04, B. Planning & Zoning Director Girling offered to look at all the other districts as they might apply to this same situation and report back.

Regarding the need to correct the charts for RB, GB and LI that list similar uses but list them as "P", Permitted by Right, should also be listed as "S", Special Use; therefor P/S. It was decided to strike this reference in the Use Matrix as the paragraph that proceeds the actual matrix says the same thing and refers uses of a similar nature to those in the matrix in accordance with section 27.02 (E).

Regarding RM – it was noted that this is one of two districts that the Commissioners have not looked at yet. The other was MHP (Mobile Home Parks).

- Outdoor storage will be brought back.
- Article VII – Landscaping E.2 pertaining to a landscape greenbelt. After discussion, it was decided to leave it as is.
- There was discussion about combining RM-1 and RM-2, it was decided that it should be done at some point.
- It was agreed that the language in E.2, page 7-10, in the Building Setbacks subsection to add the word "residential" before the words "PUD plan".
- Planning & Zoning Director Girling asked the Commissioners to look over the RM-1 and RM-2 Use Matrix as it was recently created from existing text so that the district layout is consistent with the layout of the other districts.

Regarding MHP (Mobile Home Park) –

- Planning & Zoning Director Girling asked the Commissioners to look it over. Again the Use Matrix was created to be consistent.

Regarding IC –

- In Section 19.03 D.5 it agreed to add the second paragraph from item 2. General Requirements a. Location to this subsection.
- It was noted that the maximum structure area of 4,000,000 sq. ft. was removed from the graph in section 19.04 and the maximum and minimum sizes were noted in the Use Matrix.

Regarding RFY –

- Whatever is determined for outdoor storage will be added here.
- There was discussion that this district could eventually be eliminated.
- Planner Lewan noted that Rail Freight Yard and Facilities were not Permitted by Right in the Use Matrix yet that is the title of the district. After discussion, it was decided to leave it as it is – as a Special Use.

Regarding SP-1 (Special Purposes 1) –

- Planning & Zoning Director Girling noted that the uses were put into a Use Matrix.

Regarding REC-1 –

- There was discussion regarding special land uses under Accessory Land Uses in the matrix. As it reads there can be a “display and sale of sports equipment or products that are related to the principal use” and/or “eating facilities serving food and beverages for consumption...” as a special land use. Planning & Zoning Director Girling questioned why those are listed under Accessory Land Uses as a Special Use – should these be labeled something different? It was suggested coming up with a percentage of the building for these uses so that it would become out of control. It was felt that it should be necessary for someone to go through the special land use process for these types of uses. It was decided to leave it as it is but to label it as Accessory Land Use with a Special Use.
- As previously addressed, the distance between a property line and parking, to add the dimension of 10 ft.
- A Use Matrix was added. Planning & Zoning Director Girling asked the Commissioners to look it over.

REC-2

- It was agreed to make everything similar as to what was discussed for REC-1.

Regarding P (Parking) –

- As previously addressed, the distance between a property line and parking, to add the dimension of 10 ft.
- Letter “F” talks about Signs however nowhere else in the Zoning Ordinance do we really talk signage, people are referred to the Sign Ordinance. Although there is no criteria in the Sign Ordinance for the Parking zoning district and it was also noted that there actually are no Parking districts noted on the Zoning Map. To be consistent it was suggested to strike items 1 and 2 from letter “F” and Planning & Zoning Director Girling would add those to her notes to be added to the Sign Ordinance. The Commissioners agreed.

Trustee Steimel asked Planner Lewan if most communities have a Schedule of Regulation in their zoning ordinance? Planner Lewan said yes, most do. Trustee Steimel then said he wants to add a preamble to the Schedule of Regulations that states where a zoning district differs from the Schedule of Regulations, the zoning district language takes precedents.

Trustee Steimel then asked Planner Lewan if it is a better practice to remove a zoning district that isn't being used, example P (Parking), or to leave it in the ordinance for definition purposes? Planner Lewan said it would be better to remove it and not have it all. There has been litigation in some communities that have a zoning district in their zoning ordinance but not on their zoning map. Planning & Zoning Director Girling then asked if she should remove the Parking district from the ordinance. The Commissioners said yes, however Planning & Zoning Director Girling said she will make sure there isn't anything zoned P before removing it from the ordinance.

9. PUBLIC COMMENTS

None

10. COMMUNICATIONS

None

11. COMMITTEE REPORTS

None

12. PUBLIC HEARINGS

None

13. CHAIRMAN'S COMMENTS

"Go Green"

14. COMMISSIONERS' COMMENTS

Trustee Steimel commented that he enjoyed some of the presentations he attended at the Planning Conference and apologized for having to leave early. He noted most beneficial was the presentation on upcoming things such as Air B & Bs. He said also likes it when the conference has a panel that you can ask questions of however there wasn't one this year.

Commissioner Reynolds commented that he was in the office last week and spoke to Fire Marshal Williams a little bit about "Minimum Clear Space Around Structures" and some of the concerns that were discussed at the Planning Commission.

15. ADJOURNMENT

Moved by Commissioner Porter, seconded by Commissioner Walker, to adjourn the meeting at 8:38pm. **Motion carried unanimously.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

November 15, 2017

Planning Commission Approval Date