



MINUTES

REGULAR MEETING OF THE LAKE ORION PLANNING COMMISSION

Tuesday, September 4, 2018

7:30 PM

Lake Orion Village Hall Council Chambers

21 East Church Street

LAKE ORION, MI 48362

(248) 693-8391 ext. 102

1. Call to Order

The Tuesday, September 4, 2018 Regular Meeting of the Lake Orion Planning Commission was called to order in the Lake Orion Village Hall Council Chambers located in the 21 East Church Street, Lake Orion, MI 48362 by Chairperson Dikka M Berven at 7:30 PM followed by the Pledge of Allegiance.

2. Pledge of Allegiance

3. Roll Call and Determination of Quorum

Attendee Name	Organization	Title	Status	Arrived
Dikka M Berven	Village of Lake Orion	Chairperson	Present	
James E Zsenyuk	Village of Lake Orion	Vice Chairperson	Excused	
Scott Reynolds	Village of Lake Orion	Secretary	Present	
Raymond Hammond	Village of Lake Orion	Commissioner	Present	
Henry Lorant	Village of Lake Orion	Commissioner	Present	
Robert Reighard	Village of Lake Orion	Commissioner	Present	
Edward Sabol	Village of Lake Orion	Commissioner	Present	
Kenneth Van Portfliet	Village of Lake Orion	Commissioner	Excused	
Joseph Young	Village of Lake Orion	Administrative Official	Excused	

STAFF PRESENT:

Laura Haw, ACIP, McKenna
 Susan C. Galeczka, Village Clerk
 Susan McCullough, Recording Secretary

4. Approval of Agenda

- A. **Motion to:** approve the Agenda of the September 4, 2018 Planning Commission Meeting as amended: making New Business item #7. and moving Old Business to item #8.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Scott Reynolds, Secretary
SECONDER:	Henry Lorant, Commissioner
AYES:	Berven, Reynolds, Hammond, Lorant, Reighard, Sabol
EXCUSED:	James E Zsenyuk, Kenneth Van Portfliet, Joseph Young

5. Approval of Minutes

- A. Planning Commission - Regular Meeting - Jun 4, 2018 7:30 PM

RESULT:	APPROVED AS PRESENTED [UNANIMOUS]
MOVER:	Henry Lorant, Commissioner
SECONDER:	Edward Sabol, Commissioner
AYES:	Berven, Reynolds, Hammond, Lorant, Reighard, Sabol
EXCUSED:	James E Zsenyuk, Kenneth Van Portfliet, Joseph Young

6. Public Comments on Non-Agenda Items Only

Let the record show no public comments were received on non-agenda items.

7. Old Business

- A. Proposed Zoning Ordinance Amendment 26.95: to Amend Article 19: Administrative Procedures and Standards, Section 19, Article 19.05

1. *Public Hearing*

Chairperson Berven stated that the purpose of the public hearing is to consider Zoning Ordinance Amendment 26.95; to amend Article 19: Administrative Procedures and Standards, Section 19.05, which is a set of review considerations that would be applied to each rezoning application. Rezoning applications would then be reviewed and evaluated based on a uniform set of criteria.

Chairperson Berven opened the public hearing at 7:35 p.m.

Village Clerk Galeczka stated that there were no written communications regarding the proposed amendments.

There being no public comment, Chairperson Berven closed the public hearing at 7:36 p.m.

2. *Planning Commission discussion and recommendation to Village Council*

Village Planner Haw reviewed the memorandum dated August 15, 2018 from McKenna, which detailed the proposed rezoning text amendments.

Proposed Zoning Ordinance Amendment 26.95: to Amend Article 19: Administrative Procedures and Standards, Section 19, Article 19.05

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scott Reynolds, Secretary
SECONDER:	Robert Reighard, Commissioner
AYES:	Berven, Reynolds, Hammond, Lorant, Reighard, Sabol
EXCUSED:	James E Zsenyuk, Kenneth Van Portfliet, Joseph Young

Motion to: Recommend to the Village Council approval of Proposed Ordinance 26.95; an amendment to the Village of Lake Orion Zoning Ordinance; the effect of the proposed amendment is to amend Article 19 Administrative Procedures and Standards by amending Section 19.05 Amendments, set of review considerations that would be applied to each rezoning application. Rezoning applications would be reviewed and evaluated based on a uniform set of criteria. Attachments as follows: 1) Rezoning Provisions Memo_8 15 18; 2) 2018-19 PC Public Hearing Notice_8 10 18; 3) Ordinance 26.95 CLEAN ARTICLE 19 Amend 19 05; 4) Ordinance 26.95 REDLINED ARTICLE 19 Amend 19 05; 5) 2018-04-02 PC minutes re rezoning criteria; 6) 2018-06-04 PC draft minutes re rezoning criteria.

- B. Proposed Zoning Ordinance Amendment 26.94: to Amend Article 19: Administrative Procedures and Standards to Include a Provision for Conditional Rezoning

1. *Public Hearing*

Chairperson Berven stated that the purpose of the public hearing is to consider Zoning Ordinance Amendment 26.94; an amendment to the Village's Zoning Ordinance to amend Article 19: Administrative Procedures and Standards to be expanded to include a provision for conditional rezoning.

Chairperson Berven opened the public hearing at 7:43 p.m.

Village Clerk Galeczka stated that there were no written communications regarding the proposed amendments.

There being no public comment, Chairperson Berven closed the public hearing at 7:44 p.m.

2. *Planning Commission discussion and recommendation to Village Council*

Village Planner Haw reviewed the memorandum dated August 15, 2018 from McKenna, which detailed the proposed conditional rezoning text amendment and the advantages of such a provision for Village redevelopment best practices.

MOTION:

Proposed Zoning Ordinance Amendment 26.94: to Amend Article 19: Administrative Procedures and Standards to be Expanded to Include a Provision for Conditional Rezoning

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scott Reynolds, Secretary
SECONDER:	Raymond Hammond, Commissioner
AYES:	Berven, Reynolds, Hammond, Lorant, Reighard, Sabol
EXCUSED:	James E Zsenyuk, Kenneth Van Portfliet, Joseph Young

Motion to: Recommend to the Village Council approval of Proposed Ordinance 26.94; an amendment to the Village of Lake Orion Zoning Ordinance; the effect of the proposed amendment is to amend Article 19 Administrative Procedures and Standards to be expanded to include a provision for conditional rezoning. Attachments as follows: 1) ConditionalRezoningMemo_8 15 18; 2) 2018-19 PC Public Hearing Notice_8 10 18; 3) Ordinance 26.94 clean ARTICLE 19 AMEND TO ADD SEC 19 08; 4) Ordinance 26.94 REDLINED ARTICLE 19 AMEND TO ADD SEC 19 08; 5) 2018-04-02 PC minutes re conditional rezoning; 6) 2018-06-04 draft minutes re conditional rezoning.

8. New Business

A. PC-18-03 236 S. Broadway Site Plan Review - Proposed Parking Lot

Kevin Mlynarek of Ideal Traits, Inc. has submitted a site plan for a proposed parking lot to be located at 236 S. Broadway.

Planner Laura Haw, McKenna, reviewed correspondence dated 08/28/2018 and stated that the subject site is located on the west side of S. Broadway Street and is zoned the MU, Mixed Use. The site is surrounded by similar MU zoning on the east, west and south. The property to the north is zoned PUD. This parking lot expansion is an accessory use to the principal permitted use in the MU district, per Section 9.02.C. Planner Haw then reviewed the site plan criteria and a number of outstanding items for the Commission's consideration, including, but not limited to, the following

1. The applicant must include the parking calculation on the site plan.
2. The applicant shall provide a shared access agreement/easement to the satisfaction of the Village Attorney.
3. The applicant shall identify any proposed lighting on the interior of the site and its compliance with lighting requirements set forth in Section 15.03.
4. McKenna requests that the Planning Commission consider screening/buffering options along these property lines per Section 15.02.E.

Both the Fire Department and the Department of Public Works have submitted letters of approval for the proposal.

Steve Wagner, P.E., Sharpe Engineering, stated that the proposed project consists of a new 14-space parking lot in an existing dirt parking area. The current paved parking area is sufficient for employee parking but does not accommodate occasional client traffic. There are no building improvements proposed and only minor grading will be required. New landscaping is proposed east of the parking lot along the S. Broadway Street frontage. He stated that parking calculations will be added to the site plan, a shared access agreement is in place and there are no plans for any additional lighting.

MOTION:

PC-18-03 236 S. Broadway Site Plan Review - Proposed Parking Lot

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scott Reynolds, Secretary
SECONDER:	Henry Lorant, Commissioner
AYES:	Berven, Reynolds, Hammond, Lorant, Reighard, Sabol
EXCUSED:	James E Zsenyuk, Kenneth Van Portfliet, Joseph Young

In Case No. PC-18-03, regarding a parking lot located at 236 S. Broadway, Lake Orion, Michigan, a 0.432 acres in size located on the west side of S. Broadway Street a complete description is on file in the Village offices; zoned Mixed Use

The Planning Commission grants final Site Plan Approval based upon the finding the application meets the Zoning Ordinance Site Plan Review criteria per review of the information presented in the August 29, 2018 review letter of McKenna, a copy of which is attached and incorporated as part of these minutes, additional information presented and discussed by the Applicant, the Commission and incorporated into the record, as required by the Zoning Ordinance, and verbal information received at this meeting.

Subjection to the following conditions:

B. Vehicular Access Parking

1. The applicant must include the parking calculation on the site plan, in compliance with Ordinance standards.
2. The applicant shall provide documentation of a shared access agreement/easement to the satisfaction of the Village Attorney. If none exists, such an access easement must be procured.

D. Safety/Privacy: The applicant shall provide proper screening/buffering along the property situation on the Lake Orion Waterbody west of the subject property and the property to the north.

F. Lighting: The applicant shall identify any proposed lighting on the interior of the site and its compliance with lighting requirements set forth in Section 15.03.

This action is based on the following:

1. McKenna Site Plan Review Letter for PC-18-03, for 236 S. Broadway Street (Parcel 09-11-226-034) dated August 29, 2018 consisting of three (3) pages
2. Site Plan Application signed by the Applicant submitted August 9, 2018 consisting of three (3) pages
3. Site Plan dated August 18, 2018 resubmitted August 23, 2018 consisting of one (1) page
4. Orion Township Fire Department Review letter dated August 28, 2018 consisting of one (1) page
5. Department of Public Works Review letter dated August 31, 2018 consisting of one (1) page

B. PC-18-02 212/228 Atwater Land Division

A land division request has been submitted by Jim Cummins for 212 and 228 Atwater. Mr. Cummins proposed to divide two (2) parcels as follow

1. Proposed Parcel 1 (Lot 95 + a portion of Lot 96); and
2. Proposed Parcel 2 (A portion of Lot 96 + Lot 97)

Each parcel is undeveloped. Under a separate request, Mr. Cummins has requested to build a single family residence on Lots 96 and 97 (proposed Parcel 2). The proposed combination that is part of the application packet was approved by Oakland County on 08/07/18; combinations of parcels are reviewed and approved administratively.

Planner Laura Haw, McKenna, reviewed correspondence dated 08/30/2018 and explained that Parcel 1 is zoned RM, Multiple Family and Parcel is zoned RV, Village Single Family Residential. That proposed combination to create a conforming parcel on proposed Parcel 1 will result in the site having both RM and RV zoning designations. Ms. Haw recommended that the Planning Commission recommend approval of the proposed land division to the Village Council, provided the applicant provide documentation which indicates that there are no liens and all taxes and utility bills are up to date, as all other Ordinance requirements and documents have been satisfied/provided.

Jim Cummins, 22102 Edgewood, St. Clair Shores, applicant, stated that he would like to complete this combination in the simplest possible way. He plans to request that Parcel 1 be rezoned to RM, removing the RV designation.

MOTION:

PC-18-02 212/228 Atwater Land Division

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scott Reynolds, Secretary
SECONDER:	Henry Lorant, Commissioner
AYES:	Berven, Reynolds, Hammond, Lorant, Reighard, Sabol
EXCUSED:	James E Zsenyuk, Kenneth Van Portfliet, Joseph Young

Regarding Case No. 18-02 - 212/228 Atwater Land Division Request for Lots 95, 96, and 97 of Assessor's re-plat of Decker's Addition commonly known as 212 Atwater Street (Parcel #09-11-229-011) and 228 Atwater Street (Parcel #09-11-229-015, of which a complete legal description is on file at the Village offices; 212 Atwater zoned RM, Multiple Family and 228 zoned RV, Village Single Family;

Jim Cummins, Applicant requested to divide two (2) parcels from the existing parent parcels for the development of land. Under a separate request, the applicant has requested to build a single-family residence on Lots 96 & 97 and the proposed combination that is part of the application packet was approved by Oakland County on

August 7, 2018. The proposed combination conforming parcel on proposed Parcel 1 will result in the site having both RM and RV zoning designations.

The Planning Commission recommends approval to the Village Council of PC-18-03, proposed land division at 212 and 228 Atwater, as follows:

EXISTING PARCELS LEGAL DESCRIPTION: A PARCEL OF LAND LOCATED IN THE NORTHEAST ¼ OF SECTION 11, T4N, R10E, LAKE ORION, OAKLAND COUNTY, MICHIGAN AND BEING FURTHER DESCRIBED AS FOLLOWS: THE NORTH 160' OF THE EAST 65' OF LOT 95, LOT 96 & LOT 97 OF ASSESSOR'S RE-PLAT OF DECKERS ADDITION CONTAINING 1.12 ACRES OF LAND AND RESERVING ALL EASEMENTS OF RECORD.

PARCEL COMBINATION LEGAL DESCRIPTION PARCEL 2: A PARCEL OF LAND LOCATED IN THE NORTHEAST ¼ OF SECTION 11, T4N, R10E, LAKE ORION, OAKLAND COUNTY, MICHIGAN AND BEING FURTHER DESCRIBED AS FOLLOWS: LOT 96 & 97 OF ASSESSORS RE-PLAT OF DECKERS ADDITION CONTAINING 0.8 ACRES OF LAND AND RESERVING ALL EASEMENTS OF RECORD

PARCEL SPLIT & COMBINATION

LOT 95 LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTHEAST ¼ CORNER OF SECTION 11, T4N, R10E, LAKE ORION, OAKLAND COUNTY MICHIGAN AND BEING FURTHER DESCRIBED AS FOLLOWS: LOT 95 OF ASSESSORS RE-PLAT OF DECKERS ADDITION CONTAINING 0.096 ACRES OF LAND AND RESERVING ALL EASEMENTS OF RECORD

PARCEL 2 DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTHEAST ¼ CORNER OF SECTION 11, T411, R10E, LAKE ORION, OAKLAND COUNTY, MICHIGAN AND BEING FURTHER DESCRIBED AS FOLLOWS: LOT 96 AND LOT 97 OF ASSESSORS RE-PLAT OF DECKERS ADDITION CONTAINING 0.88 ACRES OF LAND AND RESERVING ALL EASEMENTS OF RECORD

COMBINED PARCEL 1 DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTHEAST ¼ OF SECTION 11, T4N, R10E, LAKE ORION, OAKLAND COUNTY, MICHIGAN, AND BEING FURTHER DESCRIBED

AS FOLLOWS: LOT 95 & THE NORTH 160' OF THE WEST 15' OF LOT 96 OF ASSESSORS RE-PLAT OF DECKERS ADDITION CONTAINING 0.294 ACRES OF LAND AND RESERVING ALL EASEMENTS OF RECORD.

PROPOSED PARCEL 2 LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTHEAST ¼ OF SECTION 11, T4N, R10E, LAKE ORION, OAKLAND COUNTY, MICHIGAN, AND BEING FURTHER DESCRIBED AS FOLLOWS: LOT 96 EXCEPT THE NORTH 160' OF THE WEST 15' & LOT 97 OF ASSESSORS RE-PLAT OF DECKERS ADDITION CONTAINING 0.826 ACRES OF LAND AND RESERVING ALL EASEMENTS.

All in accordance with the attached survey prepared by FVPM (Thomas M. Smith, Professional Survey No. 31606) Job No. FV23122 consisting of four (4) pages dated 08-08--*18; Subject Parcel 1 is zoned both RM (Multiple Family) District and RV (Village One Family Residential) District and RM; Parcel 2 is zoned RV (Village One Family Residential) District.

Approve is contingent upon application for rezoning for parcel 1 to RM (Lot 95 and a portion of Lot 96), and provided the Village of Lake Orion receives documentation which indicates there are no liens and all taxes and utility bills are up to date.

C. PC-18-04 Rich & Associates Parking Study Review

Rich & Associates, through Main Street Oakland County and at the request of the DDA, recently completed a parking study for the downtown area. The Village Planners completed a review of the preliminary findings in the draft dated August 2018. Planner Laura Haw, McKenna, reviewed the following Master Plan implications and Zoning Ordinance implications:

Master Plan Implications

Based on the preliminary findings of the report and concurrent with best practices, McKenna recommends the following issues be considered the next time the Village updates the Master Plan:

1. Identify desired mix of land uses in the downtown core -residential/ office/entertainment. This will dictate how parking is developed.
2. Determine preferred locations for shared parking - centralized v. perimeter - to ensure the continuity of the downtown fabric is maintained.

3. Explore redevelopment opportunities for underutilized parking areas.

Zoning Ordinance Implications

Based on the preliminary findings of the report and concurrent with best practices, McKenna recommends the following areas of the Zoning Ordinance be prioritized by the Planning Commission as next steps for text amendments:

1. Parking standards (per use).
2. ADA parking standard best practices.
3. Payment-in-lieu for parking spaces.
4. Shared parking.
5. Non-motorized amenities in the DC district (as part of site plan review).

(Commissioner Van Portfliet arrived at 8:20 p.m. and Village Manager Joe Young arrived at 8:30 p.m., stating that they had been in attendance at the Orion Township Board of Trustees meeting)

Following discussion regarding the Parking Study, Scott Reynolds stated that the ad hoc committee will continue to look at the study and attempt to take steps to improve the parking downtown. Chairperson Dikka Berven thanked the committee for their hard work in tackling this issue. Village Manager Joe Young stated that the Village Council did extend the term of the ad hoc committee.

MOTION:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kenneth Van Portfliet, Commissioner
SECONDER:	Scott Reynolds, Secretary
AYES:	Berven, Reynolds, Hammond, Lorant, Reighard, Sabol
EXCUSED:	James E Zsenyuk, Kenneth Van Portfliet, Joseph Young

Motion to: receive and file the August 2018 Parking Study presented from Rich & Associates.

9. Commissioners' Comments Regarding Planning and Zoning Matters

Ken Van Portfliet suggested that because of concerns raised by some residents, the Commission needs to be cognizant of potential issues with regard to Air BnBs on the lake. He stated that it may be beneficial to find out what other communities do. He also stated that while looking into the parking issues downtown, some consideration should be given to autonomous vehicles. Mr. Van Portfliet also expressed concern with the size of the packet for this meeting, and requested that an attempt be made to make the packets smaller.

Henry Lorant suggested that the Village look into starting a beautification program to initiate pride among the homeowners and business owners in the Village, and suggested perhaps an ordinance be put in place. Robert Reighard agreed, stating that properties need to be maintained. Ken Van Portfliet stated that any ordinance would need to be enforced and the Village needs to pay better attention to its own properties. Dikka Berven stated that sidewalks in front of residences also need to be maintained.

The Commission collectively welcomed Raymond Hammond to the Commission.

10. Next Regular Planning Commission Meeting - Monday, October 1, 2018

Chairperson Berven noted the next regular Planning Commission meeting will be held on Monday, October 1, 2018 at 7:30 PM.

11. Adjournment

Motion to: adjourn the Tuesday, September 4, 2018 regular Planning Commission meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scott Reynolds, Secretary
SECONDER:	Kenneth Van Portfliet, Commissioner
AYES:	Berven, Reynolds, Hammond, Lorant, Reighard, Sabol, Young
EXCUSED:	James E Zsenyuk, Kenneth Van Portfliet

The Tuesday, September 4, 2018 regular Planning Commission Meeting adjourned at 8:59 PM

Scott Reynolds
Secretary

Susan C. Galeczka, CMC CMMC
Village Clerk

Susan McCullough, CMC CMMC
Recording Secretary

Date Approved: October 1, 2018, as presented