



MINUTES

REGULAR MEETING OF THE LAKE ORION PLANNING COMMISSION

Monday, October 2, 2023

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 Monday, October 2, 2023 Regular Meeting of the Lake Orion Planning Commission was called to order in the Lake Orion Village Hall Council Chambers located in Village Hall at 2.1 East Church Street, Lake Orion, MI 48362 by Vice Chairperson George Dandalides 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
James E Zsenyuk	Village of Lake Orion	Chairperson	Excused	
George Dandalides	Village of Lake Orion	Vice Chairperson	Present	
Henry Lorant	Village of Lake Orion	Secretary	Present	
Larry Dunn	Village of Lake Orion	Commissioner	Present	
Michael Lamb	Village of Lake Orion	Village Council Representative	Present	
Darwin McClary	Village of Lake Orion	Administrative Official	Present	
Jerry Narsh	Village of Lake Orion	Council President	Present	
Edward Sabol	Village of Lake Orion	Commissioner	Excused	
Nick (Stephen) Smith	Village of Lake Orion	Commissioner	Present	

STAFF PRESENT:

- Susan C. Galeczka, Village Clerk
- Sonja Stout, Village Finance Director/Treasurer
- Gage Belko, McKenna, Village Planner

4. Approval of Agenda

- A. **Motion to** approve the Monday, October 2, 2023 regular meeting agenda with the following amendments. add Agenda Item 7.C - McKenna Planning and Zoning Report and renumber the remainder of the agenda, respectively.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Nick (Stephen) Smith, Commissioner
SECONDER:	Henry Lorant, Secretary
AYES:	Dandalides, Lorant, Dunn, Lamb, McClary, Narsh, Smith
EXCUSED:	James E Zsenyuk, Edward Sabol

5. Approval of Minutes

- A. Planning Commission Regular Meeting Minutes - September 5, 2023

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Nick (Stephen) Smith, Commissioner
SECONDER:	Henry Lorant, Secretary
AYES:	Dandalides, Lorant, Dunn, Lamb, McClary, Narsh, Smith
EXCUSED:	James E Zsenyuk, Edward Sabol

RESOLVED: To approve the Planning Commission regular meeting minutes of Tuesday, September 5, 2023, as presented.

6. Public Comments on Non-Agenda Items Only

Matt Phillips, 96 Park Island Drive, requested the Planning Commission and/or the Village change the zoning from multi-family to single family on Park Island Drive from M-24 to the bridge. He stated he did not know the procedures to pursue this request but would like the Village to move forward, noting that every single family on that street wants the zoning to go back to single family residential. Mr. Phillips submitted a petition signed by 52 residents of Park Island Drive, expressing their support to immediately rezone the section of Park Island Drive from the bridge to M24 from Multiple Family Residential to Single Family Residential.

7. Old Business

- A. 146 S. Broadway – Exterior Modifications, Site Plan Review #

Jeff Klatt, Krueger Cloud Architects, 2120 East 11 Mile Rd., and Amandas, Representative for JS Capital Group, 155 Romeo Road, Rochester, Michigan, were present and answered questions from the Planning Commissioners regarding the development at 146 S. Broadway. Mr. Klatt provided a brief overview of the project noting that were seeking approval for a minor façade renovation to the existing building. Noting the building is at the entryway of the downtown, he stated they would like to modernize it and improve the look. He reviewed all views of the building and the materials which will be used, and

noted the following:

- The existing footprint will remain the same
- Only altering the structure of the building, and they are not altering the site
- They will restrict the parking area, and they are not looking to add any additional parking spaces
- They are not altering the entry point to the property.

Mr. Klatt responded to the Planners comments as follows:

- The photometric study has been provided and meets all of the ordinance requirements related to the lighting levels.
- They will include planters as shown in the rendering, and they will add some greenery.
- Masonry wall - north boundary of the property: They do not want to do the wall because they are a nuisance and damaged all the time by cars or snowplows. There are existing walls and an established landscaped area will be installed to help shield the parking.
- Trash Enclosure: The enclosure belongs to their neighbors and is on the neighbor's property. They cannot alter their trash enclosure. They will not need a dumpster based on the amount of trash the business will generate.
- Loading Zone: Parking is tight now, and they do not believe there is a good indication of where those parking spaces and zones can be. They will identify those; however, those are not compliant per the ordinance. Most deliveries will be made before or after business hours and by small delivery trucks.
- Landscape crew will clean up the sight, noting their sites are always meticulously maintained.

Motion was made by Commissioner Smith, seconded by Commissioner Lorant, Regarding PC-03-006, the request for Site Plan Approval for 146 S. Broadway, Exterior Modification, the Planning Commission recommends approval subject to changes and conditions discussed at the October 2, 2023 regular Planning Commission meeting including screening, parking, parking lot striping, dumpster enclosure, and items listed in the engineers' letter dated September 7, 2023 to be reviewed and approved by the Administration.

Motion to amend the Motion on the floor:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Nick (Stephen) Smith, Commissioner
SECONDER:	Darwin D. P. McClary, Commissioner/Administrative Official
AYES:	Dandalides, Lorant, Dunn, Lamb, McClary, Narsh, Smith
EXCUSED:	James E Zsenyuk, Edward Sabol

RESOLVED: To amend the motion on the floor regarding PC-23-006, 146 S. Broadway Site Plan Review to include the conditions as listed in the Planners Review Letter No. 1 dated September 19, 2023, which is incorporated and attached as part of these minutes.

Motion on the floor:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Lamb, Village Council Representative
SECONDER:	Henry Lorant, Secretary
AYES:	Dandalides, Lorant, Dunn, Lamb, McClary, Narsh, Smith
EXCUSED:	James E Zsenyuk, Edward Sabol

RESOLVED: Regarding PC-03-006, the request for Site Plan Approval for 146 S. Broadway, Exterior Modifications, the Planning Commission recommends approval subject to changes and conditions discussed at the October 5, 2023 regular Planning Commission meeting including screening, parking, parking lot striping, dumpster enclosure, and items listed in the Nowak and Fraus, Village engineers letter dated September 7, 2023 and the McKenna, Village Planner's letter dated September 19, 2023, which are both attached and incorporated as part of these minutes, with final review and approval to be made by the Administration.

B. Starboard Orion – Multifamily Housing, Site Plan Review #1

Dominic Mocerì, Mocerì Company, stated they submitted revised plans, noting they wanted to be on the agenda because they feel it is important to consider Section 7.4 Mixed Use text amendment - 15 units an acre. He stated they were approved for 15 units per acre on their previous two submittals noting the precedent had been set and they would like the 15 units per acres still remain for this development.

Dominic Tringali, Mocerì Company, provided an overview of the project noting the original objective was to have commercial on M4 and a buffer between the lake. The site has the old boat house, is very small and unusual, and a unique piece of property which is difficult to buffer. Therefore, they chose to do two residential buildings. They intend to keep the boat house and develop it in the future.

Mr. Tringali reviewed the following:

- Using renderings, provided overview of the site plan.
- Reviewed history of the boat house (beach house), noting the renovation of the boat house will be in the future.
- Reviewed number of boat slips
 - Mystic Cove - 48
 - Constellation Bay - 52
 - Starburst - 23
 - 115 residents and 97 boat slips equating to 17 boat slips short. The additional boat slips will be rented by the residents of the development and not the public.
- Three houses will be constructed on Flint Street which will be sold.
- Reviewed density calculations which include the bottom land, noting that ordinance allows the use of bottom land in the calculation of density if it states the bottom land in the plat.

Discussion commenced on whether the ordinance allows for only residential in the Mixed Use district without commercial on the first floor. Mr. Tringali stated that they do not feel mixed use would work for them and they propose the development be similar to what was approved for their other two developments. He noted that they propose what the community expressed they wanted, including reducing the number of units and eliminating the commercial uses.

Commissioner Lamb mad the motion, to move this project forward with the current density and current general layout, noting the Village planner and Village engineer do not recommend approval at this time subject to the next state of the site plan approval by the planner and engineer and fire department and disregarding the conflict with the Zoning Ordinance. Secretary Lorant seconded the motion.

Commissioner McClary expressed concerns with the motion, noting the Planning Commission cannot change the requirement of an ordinance and only the Village Council can do that. He noted the Board of Zoning Appeals may review provisions of the ordinance and grant variances from the Zoning Requirements, but the Planning Commission cannot.

Commissioners discussed whether or not something is a requirement of the ordinance or the intent of the ordinance, whether the ordinance allows for multi family dwelling units without the commercial component, the requirement for special land use approval, and the overcrowding of the lake and the impact of the additional boat slips.

Jerry Richards, Joslyn, expressed concern with the additional boat slips, overcrowding of the lake, nonresidents using residents' properties to access the lake, residents renting out docks, and the lack of adherence to the rules of the lake.

Commissioner Lamb restated his motion to “approve the submitted plan subject to the appropriate administrative review and procedures and grant the applicant the use of the property as provided despite and ignoring the conflicting languages so that there would not be any confusion.

Commissioners continued to discuss the Planning Commission’s and/or Administration’s power to approve the plan if it is in conflict with the Ordinance. It was noted that the Village Planner recommends the Planning Commission table this until the conflict with the ordinance is resolved.

RESULT:	FAILED [3 TO 4]
MOVER:	Michael Lamb, Village Council Representative
SECONDER:	Henry Lorant, Secretary
AYES:	Henry Lorant, Larry Dunn, Michael Lamb
NAYS:	George Dandalides, Darwin D. P. McClary, Jerry Narsh, Nick (Stephen) Smith
EXCUSED:	James E Zsenyuk, Edward Sabol

RESOLVED: Regarding Starboard Development, to approve the submitted plan for Starboard, Mocerri Company, applicant, subject to the appropriate administrative review and procedures and grant the applicant the use of the property as provided despite and ignoring the conflicting languages so that there would not be any confusion; this approval is not subject to any changes to the Zoning Ordinance.

C. Planning and Zoning Monthly Report - September 2023

Village Planner Belko review McKenna's September 2023 Planning and Zoning Report and responded to questions from the Commissioners.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jerry Narsh, Council President
SECONDER:	Nick (Stephen) Smith, Commissioner
AYES:	Dandalides, Lorant, Dunn, Lamb, McClary, Narsh, Smith
EXCUSED:	James E Zsenyuk, Edward Sabol

RESOLVED: To receive and file McKenna's Planning and Zoning Report for September 2023.

D. MU, Mixed Use District Zoning Amendments – Draft #1

Village Planner Belko reviewed McKenna’s memorandum regarding Article 9. MU - Mixed Use District Draft Amendments, dated September 28, 2023, which is attached and incorporated as part of these minutes to following sections of the Zoning Ordinance - MU - Mixed Use District:

- Section 9.01 Statement of Purpose
- Section 9.02 A.10
- Section 9.03.C.7 - a. b. and c.

Village Planner Belko noted the following:

- Eliminated the provision talking about residential land use as being permitted for and having a density where it is solely dedicated residential land uses.
- For Town houses he proposed that they do not exceed ten dwelling units per acre for multi-family apartment buildings located above the ground floor of a mixed use building with nonresidential uses below not to exceed 15 dwelling units per acre of lot area.

Discussion commenced regarding the unclarity of the language in the Zoning Ordinance and as it relates to the previous agenda item, Starboard Development. The developer has to comply with the current Zoning Ordinance requirements unless they wait until the ordinance is changed. It was noted that addressing the ordinance allowing in the Mixed Use District and all residential development with no commercial will eliminate the confusion.

The Commission requested Planner Belko prepare Mixed Use Amendments based on the discussion at tonight’s meeting.

RESULT:	NO ACTION TAKEN
----------------	------------------------

8. New Business

9. Commissioners' Comments Regarding Planning and Zoning Matters

Commissioner Lamb congratulation Commissioner Smith on the birth of his daughter, the positive changes to the Village, density concerns of the lake and the extension of the facade on Broadway to include the American Legion.

Commissioner Narsh commented on the positive changes in the community and the new development; how we should be welcoming to the new people coming to the Village because they will be future Board and Commission members, going to our restaurants and supporting our community. He stated the Planning Commission is doing a good job making sure everything is being done properly.

Commissioner Dunn stated he agrees with the new facade, noting it will change the look of downtown; commended the Mocerri Group for doing a great job addressing the Commissions concerns and making a commitment to the Village. He noted the Mocerri Group has done a great job with the demotion of the site of their new project and stated he hoped the issues with the Starboard Development Project can be resolved.

Commission McClary stated that Village Council has authorized the use of electronic packets for Council as well as all the Boards and Commissions and noted that he supports the Starboard Project, noting it will be an asset to the community. He stated that we need to make sure that we treat all developers uniformly and consistently and that the Planning Commission is looking out for the best interests of the entire community and is not trying to act on behalf of the developer.

Commissioner Smith stated that the façade proposal will be great for downtown and that he hoped the American Legion would join the project; expressed his appreciation to Mocerri for working with the community and reducing the size of the Starboard Project; and noted he is happy with the Village moving to electronic packets.

Secretary Lorant stated he is happy to hear about the progress of the high school project and how fast that is moving along; stated we have done a good job of cleaning up the lot of the blight in the Village, making it a better place for everyone; stated he the downtown façade project and agrees with getting the American Legion to join the façade project downtown; and stated we have a good committee working hard to take care of the Village.

Vice Chairperson Dandalides inquired if Commissioners can use their own laptops in lieu of the Chrome books provided by the Village for the electronic packets; requested that the request Mr. Phillips brought up during Public Comment be placed on the next Planning Commission Agenda for discussion; and requested the Administration provide the Planning Commission Agenda Packet earlier than Thursday prior to the meeting to allow Commissioners adequate time to review and study the packet.

10. Next Regular Planning Commission Meeting

Vice Chairperson Dandelions stated the next Planning Commission meeting will be held on November 6 @ 7:30 PM.

11. Adjournment

Motion to: To adjourn the Monday, October 2, 2023 regular meeting of the Lake Orion Planning Commission.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Henry Lorant, Secretary
SECONDER:	Nick (Stephen) Smith, Commissioner
AYES:	Dandalides, Lorant, Dunn, Lamb, McClary, Narsh, Smith
EXCUSED:	James E Zsenyuk, Edward Sabol

The Monday, October 2, 2023 regular meeting of the Lake Orion Planning Commission adjourned at 9:41 PM.

Henry Lorant
Secretary

Susan C. Galeczka, CMC CMMC
Village Clerk

Date Approved: November 6, 2023, as presented.