

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

***** MINUTES *****

REGULAR MEETING, WEDNESDAY, DECEMBER 4, 2019

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, December 4, 2019 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Justin Dunaskiss, Chairman
Joe St. Henry, Secretary
Don Gross, Vice Chairman
Scott Reynolds, Commissioner

Don Walker, PC Rep to ZBA
John Steimel, BOT Rep to PC
Judy Ryan, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:

None

1. OPEN MEETING

Vice Chairman Gross opened the meeting at 7:00pm.

2. ROLL CALL

As noted

CONSULTANTS PRESENT:

Eric Fazzini, (Township Planner) of Giffels Webster
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Sharon Weger
Debra Walton

3. MINUTES

A. 11-20-19, Planning Commission Regular Meeting Minutes

Moved by Secretary St. Henry, seconded by Commissioner Reynolds to **approve** the above minutes as presented. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

Moved by Commissioner Reynolds, seconded by Trustee Steimel, to approve the agenda as presented. **Motion carried**

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None heard

6. CONSENT AGENDA

None

Chairman Dunaskiss arrived at 7:02pm.

7. NEW BUSINESS

A. PC-2019-50 Determination of Use Miniature Golf

Planner Fazzini gave an overview of their review date stamped November 26, 2019.

Trustee Steimel questioned if the use was already granted?

Planning & Zoning Director Girling replied if it is determined that it should be a use that is not listed it should be added to the ordinance.

Trustee Steimel said that is not true. Sometimes they don't have something listed and then they do a Determination of Use and say that it is close enough to the listed and decide if it is ok. He felt that they had already done that for this site.

Planning & Zoning Director Girling stated that she found no record of it. They pulled all the files and looked at the site plans but found nothing.

Trustee Steimel stated that they have talked about this site a few times.

Chairman Dunaskiss asked if it would be like any other undefined use?

Planning & Zoning Director Girling replied yes; that is what they need to look at to determine if it could go in (REC-2). They could look at it and say based on the other uses it should go into a different zoning district.

Chairman Dunaskiss added regarding Trustees Steimel statement, there are always new things and ideas; do they need to spell out everyone in the ordinance?

Planning & Zoning Director answered that the ordinance does say that if they find a use similar, the Planning Commission makes the determination that it is similar.

Trustee Steimel said correct; and then that is it, they don't have to amend the zoning ordinance.

Planner Fazzini stated that it is appropriate to take this action where there are grey areas, or it is not clear.

Trustee Steimel said that if they don't have an actual Determination of Use it is not a big deal to make a motion.

Planner Fazzini added that even if the code was vague as far as specific uses and was more general like indoor recreation or outdoor recreation use, this still could be a procedure they go through in a case by case basis. They should put it on record, that they are approving this use so down the road or with the next property owner, they have that use approved, especially in cases where there are no improvements at that time.

Planning & Zoning Director stated that she was instructed not to do a text amendment because then they would be going through the publication for nothing. If they had a list of them, then when they had another text amendment they would go ahead and add it, so then they would have it in there. If the directive is not to come up with a list, if a determination is made, then they can change procedure, but that was the procedure that she was taught. When they get to the point where they are pushing a use through, they should go ahead and add it, so they have the ordinance containing everything.

Planner Fazzini stated that townships cannot grant use variances, so a request might come in as a use variance, so this is the appropriate procedure.

Chairman Dunaskiss questioned on this request, it has a long-standing history, if you can shoot arrows and throw around tennis balls which are permitted rights, he felt that putting a golf ball is less dangerous. He did not have a problem with it.

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds, that the Planning Commission **approve** the Determination of Use for a miniature golf course for PC-2019-50, in accordance with article 27.02E; the use **is similar in nature** and/or compatible with the listed or existing uses in the (REC-2) district as identified; the determination does have characteristics that are similar to uses expressly permitted in the district such as daily traffic count, types of merchandise or service provided, types of goods produced, and expected hours of operation; with this facility being in existence for forty years they have a record of the use being similar in nature to other uses such as golf courses, tennis courts, archery ranges; this approval should not impact the continued use of the miniature golf course if and when the driving range is discontinued.

Discussion on motion:

Trustee Steimel questioned if they should include the outdoor batting cages too.

Planning & Zoning Director Girling wanted clarification if this was a use by right or a special land use?

Vice Chairman Gross amended the motion, Commissioner Reynolds re-supported to add the batting cages as well as this is a use by right.

Roll call vote was as follows: Walker, yes; Reynolds, yes; St. Henry, yes; Steimel, yes; Gross, yes; Ryan, yes; Dunaskiss, yes. **Motion carried 7-0**

8. UNFINISHED BUSINESS

None

9. PUBLIC COMMENTS

None

10. COMMUNICATIONS

None

11. PLANNERS REPORTS

Communication from Township Planner Regarding Rural Livability for Seniors. Planner Fazzini briefly went through the 2-page flyer.

12. COMMITTEE REPORTS

None

13. FUTURE PUBLIC HEARINGS

None

14. CHAIRMAN'S COMMENTS

None

15. COMMISSIONERS' COMMENTS

Trustee Steimel commented on the Orion Animal Hospital outside lights do not meet the ordinance. Planning & Zoning Director Girling stated that they will not get their guarantee back until it is fixed.

Commissioner Walker commented on the Orion Library event, Holiday Basket Silent Auction, continues through Saturday.

16. ADJOURNMENT

Moved by Commissioner Reynolds, seconded by Vice Chairman Gross, to adjourn the meeting at 7:21pm. **Motion carried.**

Respectfully submitted,



Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

December 18, 2019

Planning Commission Approval Date