

Village of Bellaire
PLANNING AND ZONING COMMISSION

William Drollinger, Chairman

Commissioners: Clarence Bennett, Butch Dewey, Ken Fedraw, Robert Shumaker

MEETING MINUTES

May 4, 2010

1. **Call to Order: Chairman Drollinger called the meeting to order at 5:00 p.m.**
2. **Attendance**
 - Present:** Chairman Drollinger, Clarence Bennett, Butch Dewey, Ken Fedraw, Robert Shumaker
 - Absent:** None
 - Staff Present:** Janet Koch, Zoning Administrator
 - Also Present:** Frank Hayes, Colette Stanish
3. **Additions to the Agenda and Approval of Agenda:** The agenda was approved with the addition of discussion item b) regarding chickens.
 - Motion by Dewey, seconded by Fedraw and Shumaker, to approve the agenda.**
 - Motion carried by voice vote.**
4. **Establishment of Conflict of Interest:** No conflict of interest presented.
5. **Approval of January 5, 2010 Minutes:** The minutes were approved as written.
 - Motion by Shumaker, seconded by Dewey, to approve the minutes. Motion carried by voice vote.**
6. **Public Comment on Agenda Items:** None presented.
7. **Old Business**
 - Status of boathouse** – Chairman Drollinger updated the Planning and Zoning Commission regarding the present status of the boathouse/gazebo at 139 S. Genessee. In January 2010 it was brought to Drollinger’s attention that a permit had been issued to replace deck boards. During the inspection, the building inspector noted that electrical service and drywall was being installed.

At that time Drollinger was under the impression work of this type was not allowed. Antrim County issued a stop work order at his direction and a letter was sent to the property owner on March 19, 2010.

The Village received a letter and a FOIA request from the owner’s attorney on April 12, 2010. The letter states that the Bubars deny using the property as a dwelling and unless the village can prove that it is being used as a dwelling, the attorneys consider the alleged violated resolved. While copying the FOIA information, Koch found reference to a consent order between the Village of Bellaire and the Bubars.This consent order, dated February 21, 2002, allowed the Bubars to provide electrical service to the structure. Drollinger had no knowledge of the consent order due to his

enrollment at the police academy during that time. At this point no further action is being taken by the Planning Commission regarding the issue.

8. New Business

- a) **Broad Street PUD amendment** – Frank Hayes, a partner in Broad Street Development, appeared before the Planning Commission regarding their 10-year old PUD. Currently, there is only one home built on the current Lot 4. Broad Street Development would like to sell the property to a development company who will build an assisted living facility.

This company feels that the Bellaire area could now support a PUD of up to 50 units instead of the current 20. Therefore, Mr. Hayes would like to change the existing PUD to 50 units.

Drollinger asked Mr. Hayes if the goal was to return to the original idea of assisted living for the project, and asked if the PUD in place was designed for condominiums. Mr. Hayes answered yes to both questions.

Drollinger asked if anything had to be done to correct that the property had been registered as condominium sites. Hayes said they'd been told that since the condominium project was just a concept and hadn't happened, that the PUD still stands as a 20 unit assisted living facility. He said developers were considering adding a second floor to the main building or spreading it out past the north portion of the property toward the existing house.

Mr. Hayes said that infrastructure is in place for assisted living in the north end and that, to his knowledge, the infrastructure should be suitable for a 50 unit facility and that if it had to be upgraded, it could be. Drollinger said the parking formula is different for assisted living and would have to be researched.

Shumaker asked if there are enough people to fill 50 units. Mr. Hayes said that the potential developers have conducted surveys and think there's enough interest to sell 50 units. Shumaker asked if the project would be one large building and Mr. Hayes said yes.

The questions of PUD status was raised regarding zoning. Drollinger was unsure if any PUDs exist in the village limits due to the State of Michigan making some recommendations and some state regulation changes regarding zoning. Drollinger wasn't sure of the exact details.

Koch brought the zoning district map into the council chambers which showed the Broad Street Development as Village Commons. A PUD has to be a parcel, Drollinger thought, and so that's why there are individual tax Ids for the individual proposed condominium buildings.

Dewey asked if assisted living was an allowable use in Village Commons. Drollinger said yes, but a PUD allows more flexibility. Mr. Hayes said that Janet Person, the village's previous Zoning Administrator, had extensively discussed setbacks. A setback from the water of up to 50 feet had been discussed. Mr. Hayes said that Broad Street gave the village the right to build a boardwalk along the water's edge.

Shumaker and Drollinger agreed that there'd been a lot of conversation about docks and boat slips for the original PUD.

Drollinger told Mr. Hayes to put together a site plan, present it to Koch for review, and that the Planning Commission would get legal counsel on density. Shumaker said the existing walkway south of the railroad bridge needs to remain, and that he'd like to see it lit as promised. He added that he'd like to see the property developed.

Drollinger asked Mr. Hayes what he'd like to know from the Planning Commission. Mr. Hayes said Broad Street Development didn't know exactly what they needed regarding a site plan. He said he's not in a position to be able to present a site plan that includes a facility. Drollinger told him that they need to show a general structure.

Mr. Hayes asked if it would be possible that the board could look at the property from the viewpoint of a 50 unit PUD. Dewey said there must be a lot of state requirements.

Mr. Hayes asked, if he has an investor who wants to buy the property, what could he tell him? Drollinger said they'd have to look and see if the zoning would support a 50 unit facility. He added that the board is in no position at this time to say that the property can support a 50 unit assisted living facility, that this would be premature on their part.

Drollinger said a variance can always be requested from the ZBA for setbacks.

Mr. Hayes said if a 50 unit facility is built, that it would bring employment to the area. He said that a tax abatement would add greatly to getting the facility built and operating. Drollinger said a tax abatement is not the Planning Commission's decision. Decisions regarding tax issues are up to the village council.

- b) **Duration of temporary signs (Section 3.23.C.8)** – Koch asked about duration of temporary signs. Drollinger said the spirit of the ordinance has to do with the temporary signs put up during hunting season. There had been visibility issues and other problems. Drollinger said there had been a book that people filled out, but that people got tired of coming down and filling it out every 60 days.

Koch said the previous record keeping had been inconsistent. Currently she is issuing temporary sign zoning permits for no fee, but that she's wondering about a time duration. Fedraw said that it makes sense to have some deadline for a temporary sign.

Drollinger asked Koch to check with other areas and see what they're doing with temporary signs. The issue was tabled until the next meeting.

- c) **Garage sale regulations (Section 2.1 – Definitions)** – Koch said she'd had a few phone calls regarding how many garage sales are allowed in the village in one year. Currently, the village's zoning ordinance allows two. Drollinger said it was possible to get a special permit for additional garage sales.

After some discussion, it was decided that the Planning Commission would take no action on the number of garage sales allowed in the village.

- d) **Fee schedule – SUP accessory building (Section 3.5.F)** – Koch told the Planning Commission that the property owners of a vacant parcel (05-46-300-010-00) on South Genessee had asked about building a shed for lawn care tools. Accessory buildings are not allowed on vacant property without a primary

structure unless in support of construction of a primary structure or unless a Special Use Permit is issued.

Koch said she and Drollinger had discussed the issue and agreed that the owners could apply for an accessory building zoning permit contingent upon a primary structure starting construction within two years.

Koch contacted the property owners, who said that though their intent is to build a house within the next couple of years, they can't guarantee this and don't feel comfortable applying for a permit that requires building a primary structure in that time period.

Therefore, the option of applying for Special Use Permit is the more attractive one for the property owners. However, there is no line item on the Fee Schedule for accessory buildings. Koch asked the Planning Commission how much the property owners should be charged for their SUP application.

Drollinger clarified that the \$500 SUP decision meeting fee is for meetings called specially for the SUP application.

Shumaker wanted to be certain that the shed would be limited by size and by specific use. Koch said the permit would be issued very specifically.

After a discussion of adding a line item to the fee schedule, it was decided not to add a new item, but to use the fee of \$75 for an Outside Storage Yard SUP for an accessory building.

9. Discussion

Potential change to zoning ordinance regarding issuance of permits, approvals or contracts to persons indebted to the Village – Cathy Odom, Village Treasurer, had sent on to Koch a possible addition to the zoning ordinance regarding full payment of taxes before a individual or business is allowed to pull permits. Drollinger said he thought it was a good idea and asked for comments. He thought it should be added to the village's zoning ordinance when the next changes are made. The rest of the Planning Commission agreed.

Chickens – Upon request of a village resident, Koch had researched other area municipality ordinances regarding chickens. (Copies of Traverse City's ordinance regarding the keeping of chickens was included in the member's packets.)

Dewey said Traverse City hasn't had any problems and that the Planning Commission should move toward adopting a chicken ordinance. Drollinger agreed and asked if any of the commission members had any problems with it. Koch asked how long Traverse City's chicken ordinance had been in effect and Shumaker said about six months.

10. Communications/Informational

Koch told the Commissioners that the letter informing property owners in Allcott's Addition and within 300' of Allcott's Addition of the road and alley abandonment for the Area Seniors had been sent by the village attorney in preparation for the "friendly" lawsuit.

Koch also asked the Planning Commission to consider the idea of exchanging meeting minutes with the village council to aid in communication between the two bodies. There was general agreement to this proposal. Drollinger said the ZBA should also be made aware of the Planning Commission decisions.

11. Member/Public Comment: Colette Stanish thanked the Planning Commission for considering allowing chickens inside the village limits.

12. Adjournment: Meeting adjourned at 6:17 p.m.

Compiled by Janet Koch, Clerk
Minutes Subject to Approval

Approved: _____

Date: _____