

Village of Bellaire
PLANNING COMMISSION

William Drollinger, Chairman

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

MEETING MINUTES

September 6, 2011

- 1. Call to Order: Chairman Drollinger called the meeting to order at 5:05 p.m.**
- 2. Roll Call Attendance**
 - Present:** Chairman Drollinger, Butch Dewey, Clarence Bennett, Ken Fedraw,
 - Absent:** Robert Shumaker
 - Staff Present:** Janet Koch, Zoning Administrator
 - Also Present:** Dave Fischbach, Don Lash, Jim Richardson, Ken Schmidt, Dennis Spillane, Colette Stanish.
- 3. Approval of Agenda:** The agenda was approved as written.
 - Motion by Dewey, seconded by Bennett, to approve the agenda as written.**
 - Motion carried by unanimous voice vote.**
- 4. Approval of the August 2, 2011 Regular Meeting Minutes:** The minutes were approved as written.
 - Motion by Bennett, seconded by Fedraw, to approve the minutes as written.**
 - Motion carried by unanimous voice vote.**
- 5. Public Comment on Agenda Items:** None presented.
- 6. Zoning Administrator's Report**
 - Motion by Dewey, seconded by Fedraw, to approve the Zoning Administrator's Report as written. Motion carried by unanimous voice vote.**
- 7. Old Business.**
 - a) Forest Home Township deck**

Terry Smith, Supervisor of Forest Home Township, presented the site plan for a boardwalk on the township's property directly south of the Forest Home Township Hall at 321 N. Bridge Street. Drollinger asked the Zoning Administrator if she could approve the site plan. She said the ordinance restricted her from approving anything other than residential construction and expansions that increase existing floor space by 25% or less.

While reviewing the standards, Drollinger asked if any manmade issues would be imposed on the property. Smith said there would not. Dewey asked about fencing. Smith said there will be a split rail fence at the southern boundary of the property to provide some delineation and to provide privacy for the property owner to the south.

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The Planning Commission reviewed the standards cited in Section 10.3 – Site Plan Review Standards, standards A-M, and found that all the standards were either met or didn't apply.

Motion by Dewey, seconded by Fedraw, to accept the site plan as presented with a 48 hour site plan review period for the Zoning Administrator. Motion carried by unanimous voice vote.

b) 638 Willow Drive

Dennis Spillane, co-owner of the property at 638 Willow Drive, appeared in front of the Planning Commission to answer questions. Koch said Mr. Spillane had submitted a preliminary site plan the previous Friday, had submitted the permit application that morning, and submitted the site plan itself at approximately 4:20 p.m., so she hadn't had time to review the site plan.

Drollinger asked Mr. Spillane if there was anything he'd like to say. Mr. Spillane said it was an existing building, that they'd had a surveyor shoot elevations. He said there was an issue regarding water drainage on the roadway, which had been discussed at the last Planning Commission meeting. He reminded the Planning Commission that they'd confirmed it was a private road and that they didn't get involved with disputes regarding a private road. Mr. Spillane presented the site plan, pointing out that existing grades force the water to run west to Beech Street.

Mr. Spillane noted that the plan shows containment around the building to provide an absorption area for roof run-off. In the past, Mr. Spillane said, that had been no designated parking, but now they are creating 7 spaces, including 1 accessible space to the east of the building and another 6 spaces plus 1 accessible space to the west of the building for employee parking. All of these spaces, Mr. Spillane said, are on his property and not in the easement. He said that in the past people had parked in the easement.

Mr. Spillane said there is an access issue with the building to the west, but that he is working out an easement with that neighbor. He added that the site plan's proposed catch basin, while on his property, is in the current roadway. He said at the present time they're not planning on blocking the roadway unless a civil issue is raised.

Drollinger asked what size catch basin was proposed. The applicant said it would be a standard size; that he wasn't going to capture any water outside of his property.

Drollinger said it wasn't an appropriate time to go through a detailed site plan review, since the Zoning Administrator hadn't had time to review the plan. Koch said the Planning Commission could try and go through the standards, that she didn't want to delay the project unnecessarily.

While reviewing the standards, Dewey asked Mr. Spillane how the greenbelts would be constructed. Mr. Spillane said it would be stone over sand with drain tile in some areas. Dewey also asked about the 8' high privacy fence, if it would extend across the entire property. Mr. Spillane said it will run across the front of the building.

Dewey asked how the parking at the west end of the property would be accessed. Mr. Spillane said access would be through the easement.

Looking at Standard H, Drollinger asked if anyone had any concerns about storm water. Koch said she was concerned that the southeast corner of the proposed concrete parking, near the proposed sign, did not have a proposed elevation. Koch asked Mr. Spillane if the proposed grade was going to meet existing grade at that corner. Mr. Spillane said that was the intent.

Drollinger asked about exterior lighting. Mr. Spillane said all that would be installed would be on the building to meet code, and that no parking lot lighting would be installed.

Drollinger asked about loading and unloading of products or equipment. Mr. Spillane said he envisioned the building as daytime use only. Dewey asked about trash. Mr. Spillane said he was working out an agreement with the neighbor to the west to use their existing Dumpster.

Koch noted that the sign permit Mr. Spillane had submitted indicated a 6' x 6' sign. The maximum sign size limitation in the Commercial Zoning District is 32 square feet. Mr. Spillane said the sign size would be reduced.

The Planning Commission reviewed the standards cited in Section 10.3 – Site Plan Review Standards, standards A-M, and found that all the standards were either met or didn't apply.

Motion by Fedraw, seconded by Bennett, to accept the site plan as presented with the storm water run-off as discussed, the change to the sign size, with a 48 hour site plan review period for the Zoning Administrator. Motion carried by unanimous voice vote.

8. New Business

a) Site plan – Coldwell Banker Schmidt addition

Ken Schmidt of Coldwell Banker Schmidt appeared in front of the Planning Commission to present the site plan for a commercial addition to the Coldwell Banker Schmidt building at 114 South Division. Mr. Schmidt said the addition includes new office space and a downstairs bathroom, that the current building only has an upstairs bathroom. The addition also included an exterior ramp for handicap access.

Koch said that the site is all grass to the west of the building, far past where the addition will be sited. She also said that the plan elevations show that the storm water will shed half to the north and half to the south, but that it will all flow west due to the natural fall of the land and that there is a large grass absorption area to the west to handle the additional run-off.

The Planning Commission reviewed the standards cited in Section 10.3 – Site Plan Review Standards, standards A-M, and found that all the standards were either met or didn't apply.

Motion by Dewey, seconded by Fedraw, to accept the application as presented. Motion carried by unanimous voice vote.

9. Discussion: None presented.

10. Communications/Informational: Koch mentioned the current issues regarding the Medical Marijuana Act. In late August, the Michigan Court of Appeals ruled against a medical marijuana dispensary, ruling that the MMMA does not include patient-to-patient sales of marijuana.

In addition, Charles Koop, the Antrim County Prosecutor, stated at a meeting that he did not believe that the act allows for regulation through local ordinances. The Planning Commission was aware of both the court decision and the opinion of the Antrim County Prosecutor.

Drollinger said he didn't see any reason to revoke the recently passed village ordinance.

11. Member/Public Comment: None presented.

12. Adjournment: Meeting adjourned at 5:50 p.m.

Minutes compiled by:
Janet Koch, Zoning Administrator

Approved: _____
William Drollinger, Chair

Date: _____