

Village of Bellaire

PLANNING COMMISSION

William Drollinger, Chairman

Commissioners: Butch Dewey, Ken Fedraw, Fred Harris, Robert Shumaker

PUBLIC HEARING MINUTES

September 17, 2013

1. **Call to Order:** Chairman Drollinger called the meeting to order at 5:00 p.m.
2. **Roll Call Attendance**
 - Present:** Chairman Drollinger, Butch Dewey, Ken Fedraw (arrived at 5:02 pm), Fred Harris and Robert Shumaker
 - Absent:** None absent
 - Staff Present:** Janet Koch, Zoning Administrator
 - Also Present:** Mike Wingo, applicant, Jim Barnard, representative of the property owner, Jill Barnard, Herbert & Rose Bechtold, Matthew Pyne, Bud Stanley, Bob Knott and Harvey Bartel of Alden, Mark Edwards.
3. **Welcome to the Public:** Chairman Drollinger welcomed the public to the public hearing.
4. **Opening of Public Hearing:** Chairman Drollinger opened the public hearing and announced that the matter to be heard was a Planning Commission review of a Special Use Permit application request to allow a commercial business offering auto repair, auto detailing, and moving van rentals at 6550 Bellaire Highway, tax ID 05-46-124-019-00.
5. **Determination of a Time Limit for Addressing the Planning Commission:** Chairman Drollinger reserved the right to enforce a three minute time limit, depending on the length of the public comments.
6. **Staff Report:** Chairman Drollinger reviewed the staff report. Harris asked about the phrase "Other unlisted uses as determined by the Planning Commission as similar to any of the above listed uses." This phrase was in the staff report, as one of the listed of uses allowed by Special Use permit. Harris asked what those uses might be. Koch said the uses were listed in the zoning ordinance by zoning district, and that the uses in the R-1 district were limited. The Planning Commission quickly reviewed the listed uses by right and special uses for the Central Business District. Koch reminded the Planning Commission that an approved Special Use permit runs with the land, not the applicant or property owner, that the use will remain with the property until the use is changed.
7. **Compilation of List of Exhibits**
 - a) Application for a Special Land Use permit
 - Motion by Shumaker, seconded by Fedraw, to accept the application as Exhibit A. Motion carried by unanimous voice vote.**

202 N. Bridge Street P.O. Box 557
Bellaire, Michigan 49615

Phone (231) 533-8213

Fax (231) 533-4183

E-Mail: vlgclerk@bellairemichigan.com

- b) Aerial map with property line overlay
Motion by Harris, seconded by Dewey, to accept the aerial map as Exhibit B. Motion carried by unanimous voice vote.
- c) Future land use map
Motion by Fedraw, seconded by Harris, to accept the future land use map as Exhibit C. Motion carried by unanimous voice vote.

8. Presentation by the Applicant, Applicant’s Attorney or Other Agents

Chairman Drollinger noted that Jim Barnard would be representing the property owner. The applicant stated that he would be doing full general repair of automobiles, no tractors, race cars, or motorcycles. He stated that the 8-5 hours would be summer hours only. Hours during the rest of the year would be shorter. The Saturday hours are stated for the applicant’s U-Haul contract. He added that he might extend his hours to 6 pm.

9. Correspondence and/or Persons Speaking in Favor of the Application

Jim Barnard told the Planning Commission that the applicant runs an extremely tidy business.

Harvey Bartel from Alden also spoke in favor of the applicant. He said he’s known the applicant for about a year and stated the applicant has saved him thousands of dollars on a vehicle, adding that the applicant does quality work and is a great person. Bartel also said that the applicant deserves an opportunity to have a new shop with room to expand and increase his business. He thought it would be a benefit to the community.

Koch said there was no correspondence in favor of the application.

10. Correspondence and/or Persons Speaking in Opposition to the Application

Koch said there was no correspondence in opposition to the application.

Rose Bechtold, an adjacent property owner, said she wasn’t speaking for or against the application, but she said the application property is large and that future expansion of the business could be extensive. She submitted an oblique aerial photo of the application property to the Planning Commission. Barnard said the property owner, his daughter, has no intention of renting out the entire property.

Matthew Pyne, an adjacent property owner, was also concerned about future expansion. He also stated a concern about potential leakage from fluids.

11. Rebuttal by the Applicant, Applicant’s Attorney or Other Agents

The applicant said oil, transmission fluids, power steering fluids, and similar fluids are stored in containers and then collected by a company from Central Lake who recycles the fluids. Antifreeze goes into the same type of container.

Shumaker asked how the applicant would collect waste fluids. The applicant said everything drains into a smaller container that sits inside a 55 gallon container. The 55 gallon container would capture anything that leaks from smaller container.

12. Closing of the Public Hearing: the public hearing portion of the meeting was closed at 5:26 p.m.

13. Deliberations: the Planning Commission moved into deliberations, which began with an examination of the general special use approval standards cited in Section 9.4 of the zoning ordinance.

§9.4(A)1. Will be harmonious and in accordance with the general objectives or any specific objectives of the Village of Bellaire Master Plan.

The Planning Commission discussed goals from the master plan. Harris said he was concerned with Community and Economic Development Goal number 7, a goal to “Encourage light factory industries, which do not pollute the air, soil or water nor offend because of noise, odor, or visual impact, to locate in the designated industrial areas,” specifically as it related to noise. Harris was concerned about decibel levels of orbital sanders, impact wrenches, and other similar tools. He stated that the noise rolls downhill and that there are many residences there.

Chairman Drollinger asked the applicant how he would be using these tools. The applicant said he’d be using them inside the structure.

Dewey said another goal of the master plan is the general village goal to “promote a diverse business environment and provide opportunities for new commercial and light industrial businesses.”

Harris said he was supportive of anything that would support commerce, and that another community and economic development goal is to “ensure that industrial developments take place in an environmentally sensitive manner and are harmonious with the existing community.”

The Planning Commission found that the standard had been met. The voice vote was unanimous.

§9.4(A)2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.

The Planning Commission found that the standard had been met. The voice vote was unanimous.

§9.4(A)3. Will not be hazardous or disturbing to existing or future nearby uses.

Chairman Drollinger noted that the Planning Commission had discussed the contents of any fluids from the proposed business and any noise.

Regarding future uses, Koch pointed out the vacant properties and said there could be numerous residences built relatively close to the property in the future.

The Planning Commission determined that any future residence would be more than 300 feet away from the proposed business.

The Planning Commission found that the standard had been met. The voice vote was unanimous.

§9.4(A)4. Will be compatible with adjacent uses of land and will promote the use of land in a socially and economically desirable manner.

Chairman Drollinger stated that he felt this was being done. The commission did not disagree.

The Planning Commission found that the standard had been met. The voice vote was unanimous.

- §9.4(A)5. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.

Dewey asked if the property was being serviced by village sewer and water. Koch said yes, but that service lines would need to be laid.

The Planning Commission found that the standard had been met. The voice vote was unanimous.

- §9.4(A)6. Will not create excessive additional public costs and will not significantly decrease property values of surround properties.

The Planning Commission found that the standard had been met. The voice vote was unanimous.

- §9.4(A)7. Will meet all the requirements and standards of this Ordinance and any other applicable laws, standards, Ordinances, and/or regulations.

The Planning Commission found that the standard had been met. The voice vote was unanimous.

- §9.4(A)8. Shall provide a pedestrian circulation system, which is insulated as completely as reasonably possible from the vehicular circulation system.

The Planning Commission found that this standard was not applicable. The voice vote was unanimous.

- §9.4(A)9. Exterior lighting shall be arranged as to deflect away from adjacent properties, not to impede the vision of traffic along adjacent streets and not unnecessarily illuminate night skies.

Chairman Drollinger said he hadn't seen any indication of new exterior lighting on the site plan. He asked the applicant if any was planned. Barnard said there would be one on the building and a lighted sign. Drollinger noted that a sign would require a sign permit. Koch said any new lighting would have to be deflected.

The Planning Commission found that the standard had been met. The voice vote was unanimous.

- §9.4(A)10. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

It was noted that a structure already exists on the property.

The Planning Commission found that this standard was not applicable. The voice vote was unanimous.

- §9.4(A)11. The proposed use will not create more traffic than presently entering the area and contribute to changing the character of the existing neighborhood.

It was noted that since the property is on the Bellaire Highway, that the number of customers the business expected (noted on the special use permit application as 5-10 daily) will not create more traffic to the area.

The Planning Commission found that the standard had been met. The voice vote was unanimous.

- §9.4(B) As a minimum, or unless specifically modified by the provisions of Section 9.5, the dimensional standards and landscape, buffering and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable articles of this Ordinance.

For uses permitted by right in one district, the standards relating to the district in which the use is permitted by right shall serve as the minimum standards to which the site shall be designed. In such cases where there are conflicting standards, the most restrictive shall apply, unless specifically modified by the provisions of §9.5 or the approving body.

The Planning Commission found that this standard was not applicable. The voice vote was unanimous.

The Planning Commission then reviewed the standards of Section 9.5.10, the specific special use approval standards for vehicle major and minor repair facilities.

- §9.5(10)1. In locations where the use abuts a Residential District or use the Planning Commission may require additional screening or landscaping to minimize any potential adverse effects, such as noise, dust, odor, etc.

The Planning Commission noted that the existing site has numerous trees already screening the building.

The Planning Commission found that this standard was not applicable. The voice vote was unanimous.

- §9.5(10)2. No outside storage of parts and/or materials shall be allowed unless contained with a totally screened area, six (6) feet in height using an evergreen hedge or other natural landscaping, or if specifically approved by the Planning Commission, a solid uniformly painted fence or wall. Any screening materials, landscaping, fence, or wall shall be maintained in good condition.

Chairman Drollinger asked the applicant if a dumpster was going to be on the site. When the applicant said yes, Drollinger told him it would have to be screened. Drollinger asked if any parts or components would be stored outside. The applicant said there would not.

The Planning Commission found that the standard had been met. The voice vote was unanimous.

- §9.5(10)3. No more than six (6) vehicles shall be within the outdoor storage area.

Chairman Drollinger noted that the application stated the business would have a maximum of 10 vehicles at a time, and asked the Planning Commission if they wanted to increase the number of vehicles allowed from 6. Dewey said they needed a limit, but that 6 wasn't enough.

Barnard also pointed out the rental side of the business. The applicant said the number varies, but the highest number of units he'd ever had was

22, but that included rental trailers. The number increases at the beginning of the summer season and decreases toward the end.

The Planning Commission found that the standard had been met, allowing 10 vehicles to be within the outdoor storage area. The voice vote was unanimous.

§9.5(10)4. When located within an integrated group of establishments served by a common parking area, the use shall be located on the periphery to prevent vehicular obstructions or pedestrian movement conflicts and shall be designed to integrate the use with the site plan and architecture of the other establishments.

The Planning Commission found that this standard was not applicable. The voice vote was unanimous.

§9.5(10)5. No outside storage of parts and/or materials shall be allowed.

The applicant indicated that there would be no outside storage of part or materials.

The Planning Commission found that the standard had been met. The voice vote was unanimous.

The Planning Commission then reviewed Section 12.6, which details the conditions that the Planning Commission could reasonably attach to the approval of a special use permit.

Fedraw said he'd like to see a condition under 9.5(10)2. He said that if the applicant removes any trees in the future, that if trees are removed, it will change the business's visual effect. He added that he'd like to see a condition imposed that would cause any trees removed to be replaced. Drollinger asked how that would be worded; Fedraw said it would fall under Section 12.6(A) which states the following:

“...designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.”

Barnard stated that two trees would be removed for the planned building addition.

14. Motion for a Decision

Motion by Dewey, seconded by Shumaker, that the standards of Section 9.4 and 9.5.10 were met, that the application was consistent with the village's master plan, and to approve the Special Use Permit application with the following conditions:

- **No more than 25 moving rental units allowed.**
- **6' high screening to be placed around the dumpster.**
- **Any trees removed will be replaced with like screening trees or hedge.**
- **Outside storage of vehicles for the repair facility shall be limited to no more than 10 vehicles.**
- **All work to be conducted inside the building to reduce the noise.**

Motion carried by unanimous voice vote.

15. Closing Member and/or Open Public Comment: None presented.

16. Adjourn: Meeting was adjourned at 6:00 p.m.

Minutes compiled by:

Janet Koch, Zoning Administrator & Recording Secretary

Approved: _____
William Drollinger, Chair

Date: _____