

Village of Bellaire

PLANNING COMMISSION

William Drollinger, Chairman

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

PLANNING COMMISSION PUBLIC HEARING MINUTES

May 6, 2014

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, Fred Harris, Robert Shumaker
 - Absent:** None absent
 - Staff Present:** Lori Luckett, Zoning Administrator
 - Also Present:** David Hitchcock, Pete McCann, Colette Stanish, John Meeske, Jim and Jill Barnard
3. **Welcome to the Public:** Chairman Drollinger welcomed the public in attendance to the public meeting and advised that this was Ken Fedraw's last meeting.
4. **Opening of the Public Hearing:** Chairman Drollinger opened the public hearing and announced that the matter to be heard was a request to revise the Special Use Permit approved by this Planning Commission on September 17, 2013 to add used motor vehicle sales at 6612 Bellaire Highway, tax identification number 05-46-124-019-00. The summary of standards are incorporated into the Zoning Administrator's report.
5. **Determination of a Time Limit for Addressing the Planning Commission:** Depending on the length of public comment, Chairman Drollinger reserved the right to enforce a five minute time limit.
6. **Staff Report:** The Staff Report on Application for Revised Special Use Permit and Proposed Findings of Fact had been provided to members via email with an additional copy provided at the hearing.
7. **Compilation of the List of Exhibits:** The proposed exhibits listed in the Staff Report and Proposed Findings of Fact, were read into the record by Chairman Drollinger and included the following:
 - Exhibit 1 Village of Bellaire Zoning Ordinance
 - Exhibit 2 Village of Bellaire Zoning Map
 - Exhibit 3 Village of Bellaire Master Plan
 - Exhibit 4 Original Special Use Permit issued September 19, 2013
 - Exhibit 5 Special Use Permit Zoning Application packet including cover letter; letter of support from property owner; Parcel Information; a copy of Article IX Section 9.5.A.; a copy of Dealer License; Municipal Approval and Zoning Approval forms
 - Exhibit 6 Site Plan Drawing
 - Exhibit 7 Aerial Photo Map

Exhibit 8 Current Property Class Map showing Parcel Lines, Minor Watersheds, Water Wells and Topographic Contours

Exhibit 9 Legal Description from Assessment Records

Exhibit 10 Corporate filing and verification of License for Auto Doctor at 6612 Bellaire Highway

Chairman Drollinger requested a motion to accept all of the exhibits, edit the exhibits, or reject the exhibits.

Motion by Dewey to accept Exhibits 1 through 10, supported by Shumaker. The motion carried by unanimous voice vote.

8. **Presentation by Applicant, Applicant's Attorney, or Other Agent(s):** The applicant, David Hitchcock, the owner of Mid-Michigan Motor Sales LLC, addressed the Planning Commission. He advised that Pete McCann, the owner of The Auto Doctor, has been a friend of his for years, and had worked with him at one time as a mechanic. Pete had his own business down state. When Pete moved his auto detailing and repair business to the current leased space, Hitchcock indicated that he saw an opportunity to sell five to six used cars. Hitchcock stated that Pete would work on the cars to make sure they were in good running condition and safe. Hitchcock advised that he would be maintaining his used auto sales business down state and that he would eventually like to move up here. He indicated that he had been selling used cars independently for a little over eight years but that he had been in the car business for many years. He is requesting permission to sell five or six cars at the Bellaire Highway location. Chairman Drollinger asked Luckett if there was anything to add or ask. Luckett inquired about the number of cars to be offered for sale. Hitchcock clarified that the application said six to ten. Chairman Drollinger then asked and Hitchcock acknowledged that his request was for permission to sell up to ten used cars at the site.
9. **Correspondence and/or Persons Speaking in favor of the Application:** Chairman Drollinger asked if there was any correspondence received in favor of the application. Luckett advised that the only correspondence received in favor, a letter from the owner of the property, Jennifer M. Barnard, was included with the packet,
10. **Correspondence and/or Persons Speaking in Opposition to the Application:** Luckett advised that she had received a letter from Herbert and Rose Bechtold, 502 W. Cayuga, RE: Notice of Planning Commission Public Hearing regarding a Special Use Permit Application for 6612 (formerly 6550 Bellaire Highway). She read,

Having a used car lot next door is not what we anticipated when the original Special Use Permit was issues (sic) on September 17, 2013.

We feel that this would substantially decrease the value of our property.

Therefore, we respectfully request that this new Special Use Permit Application be denied.

Very Truly Yours,
Herbert and Rose Bechtold

Chairman Drollinger asked about the location of the used cars to be offered for sale. Luckett directed Planning Commission members to the site plan submitted, Exhibit 6, which showed the proposed location of the cars closer to Bellaire Highway.

- 11. Rebuttal by the Applicant, Applicant's Attorney or Other Agent(s):** There was nothing added.
- 12. Closing of the Public Hearing:** The public portion of the meeting was closed at 5:11 p.m.
- 13. Deliberations:** The Planning Commission moved into deliberations which began with a review of the site plan requirements at Article X, Section 10.2B - Commercial Site Plan - Chairman Drollinger read the requirements into the record.
1. All the data required for a Basic Site Plan, spelled out in §10.2(A) of this Ordinance was included on the site plan submitted.
 2. The parcel's legal description was included in the report
 3. Boundary dimensions of natural features such as woodlot, water bodies, wetlands, high risk erosion areas, slopes over 25%, drainage, and similar features. The site plan and additional maps were included in the report
 4. Area of subject property to be covered by buildings. - This is an existing site no new buildings are proposed. Chairman Drollinger confirmed that no new buildings are proposed.
 5. Location and dimensions of existing and proposed man-made features such as buildings, structures, utility easements, water, storm sewer and sanitary sewer lines, and storm water drainage and retention lines. - This is an existing site. There are no new sewer lines being proposed.
 6. Location and dimensions of all existing and proposed walks, malls, open areas, walls, fences, screen plantings and/or other landscaping. For each new landscape material the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate. - This is an existing site. The original SUP requires screening around the dumpster and that any trees removed will be replaced with like screening trees or hedges. The fence required around the dumpster under the original SUP is to be installed.
 7. Location of curb cuts, neighboring driveways and other vehicular circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes, service parking and snow storage areas. - The existing driveway is shown on site plan, as is the location of parking lot behind the existing building. There are no changes proposed.
 8. Any proposed alterations to the topography and other natural features shall be indicated. - There are no changes proposed.
 9. Any proposed location of connections to existing utilities and proposed extensions thereof. - This is an existing site with established connections.

10. A description of the proposed development. - This is an existing site with a request for an additional use which was described in the application.
11. A vicinity map showing the location of the site in relation to the surrounding street system. - A map was included in the report.
12. Land uses, zoning classification and existing structures in the subject parcel and adjoining parcels. - This information was included in the report.
13. Written statements relative to project impacts on existing infrastructure (such as traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands. - Statements were written in the application. Chairman Drollinger asked if there was additional information to be included. Applicant indicated that there was not.
14. Location, height, and orientation of all signs. - A sign permit for Auto Repair and Auto Detailing has been issued. The location of the sign was clarified and Lockett advised that the sign had been moved back from the original location to meet current requirements.
15. Existing topographic elevations at two (2) foot contour intervals (indicates direction of drainage flow). - A map was included in the report.
16. Locations and elevations of existing water courses and water bodies, including county drains and surface drainage ways, floodplains, and wetlands. - Maps were included in the report.
17. Proposed storm water management plan including design of sewers, outlets, and retention or detention ponds. Sufficient data regarding site runoff estimates and offsite drainage patterns shall be provided to permit review of the feasibility of storm water detention and/or retention as well as the impact on local surface and groundwater. - This is an existing site, the location of storm water sewers were shown on the site plan.
18. Location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan. - This is an existing site and the points for drainage are shown on the site plan.
19. Description and location of any existing or proposed outdoor storage facilities (above ground and below ground storage). - The existing building and dumpster location are shown on site plan.
20. Description and location of on-site wastewater treatment and disposal systems. - Not applicable.
21. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities. - This information is on the site plan.

22. Location of existing and proposed private drinking water wells, monitoring wells, test wells, irrigation wells, or wells used for industrial processes. Village of Bellaire Department of Public Works must sign off on this portion of the plan. - This is an existing site with the water and sewer installed.

23. Site plans for residential projects (multiple family developments and manufactured home parks) shall include the following additional information:

- a. Minimum floor area of dwelling units.
- b. Total number of units proposed.
- c. Number of bedrooms per unit in multiple family developments.
- d. Areas to be used for open space and recreation.

Not applicable.

Article X, Section 10.2.C. Detailed Site Plan -

1. All the data required for a Basic Site Plan, set forth in §8.2(A) of this Ordinance, and for a Medium Site Plan, set forth in §8.2(B) of this Ordinance. - This information is included in the site plan.

2. The proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc. - This is an existing site without additional open spaces, landscaping and buffering features proposed.

3. The location, proposed finished floor and grade line elevations. - This is an existing site. There are no changes to grade line elevations proposed.

4. Site plans for residential developments shall include a density schedule showing the number of dwelling units per acre, including a dwelling schedule showing the unit type and number of each unit type. - This is not applicable.

5. Any proposed roads, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site. - This is an existing site. There are no proposed additional features.

6. Topography information based on USGS datum, or selected on-site elevations. More detailed information may be required where the Commission determines that the site and use warrant a more critical review of topography. - See map included in report and listed as an exhibit.

7. Generalized soil analysis data regarding the soils and their adaptability to the use. More detailed information may be required where the Commission determines that the site and use warrant a more critical review of soils. - This is an existing site with an approved SUP for a commercial business offering auto repair, auto detailing and moving van rentals. The request is to add used auto sales as a permitted use.

8. Soil erosion and sediment control measures, which shall include preventative soil erosion devices or measures, both during and after any site work, related to the

development, when required. - This is an existing site with an approved SUP for a commercial business offering auto repair, auto detailing and moving van rentals. The request is to add another use, which is to sell up to ten vehicles.

Article X, Section 10.3 – Site Plan Review Standards

A. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

The Planning Commission finds:

1. The original site plan drawing as resubmitted shows one ingress/egress point off of Bellaire Highway. The driveway is 15' wide and 200' long. There are no new access points proposed. Exhibit 6

Chairman Drollinger indicated that he believed the standard had been met.

Motion by Dewey, seconded by Fedraw that the standard had been met. The motion passed by unanimous voice vote.

B. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the village.

The Planning Commission finds:

1. There are no sidewalks to the site. This is an existing building and site. The streets, driveway, and vehicular connections are already established as identified in Exhibit 5 and Exhibit 6.

Motion by Dewey, seconded by Harris that the standard has been met. The motion passed by unanimous voice vote.

C. Removal or alteration of significant natural features shall be restricted to those areas that are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning & Zoning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

The Planning Commission finds:

1. The original Special Use Permit required 6' high screening around the dumpster and that any trees removed be replaced with like screening trees or hedges as found on Exhibit 4.

2. The land use surrounding the subject property is as follows:

North – located in Forest Home Township, outside of the village limits, the property is owned by Bellaire Public Schools and appears to contain athletic fields.

South – located in Forest Home Township, outside of the village limits, the property is privately owned and used for residential and some limited commercial purposes.

East – Three, privately owned properties. The properties adjacent to Bellaire Highway are zoned Village Commons, the property to the North is zoned R-1 Residential.

West – Located to the west of the subject property is Semrau Estates. Semrau Estates is zoned Village Commons.

Exhibit 2 and Exhibit 7

3. The Bechtold property lies to the east of the subject property. There is another parcel between the Bechtold property and the subject property.

Motion by Dewey supported by Shumaker that the standard has been met. The motion passed by unanimous voice vote.

D. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.

The Planning Commission finds:

1. There does not appear to be any swales, wetlands, ponds, or swamps on site as indicated on Exhibit 8.

Motion by Harris seconded by Fedraw that the standard has been met. The motion passed by unanimous voice vote.

E. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes. Any buffer required shall be completely solid to the ground level.

The Planning Commission finds:

1. There are no proposed dwelling units within the site plan see, Exhibit 6
2. The lots to the East of the site are R-1, as are the lots to the West. Exhibit 2 and Exhibit 7.
3. The building from which the businesses will operate is partially screened from view.

Motion by Shumaker, seconded by Fedraw that this standard has been met. The motion passed by unanimous voice vote.

F. All buildings and groups of buildings and outside display of property shall be arranged so as to permit necessary emergency vehicle access.

The Planning Commission finds:

1. There is clear ingress and egress off of Bellaire Highway to permit necessary emergency vehicle access. Exhibit 6

Motion by Dewey seconded by Fedraw that the standard has been met. The motion passed by unanimous voice vote.

G. All streets shall be developed in accordance with the Village of Bellaire Standards, Specifications and Regulations for Subdivision Streets and Proposed Public Roads, as appropriate. In addition, sidewalks may be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles.

The Planning Commission finds:

1. This standard is not applicable to the site plan under consideration and was waived by the Planning Commission.

The Planning Commission found that the standard was not applicable. The motion passed by unanimous voice vote.

H. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water and to prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.

The Planning Commission finds:

1. The site plan shows the location of the storm water sewer on Bellaire Highway. Exhibit 6
2. The site plan shows the location of the parking lot that is to be graded and covered with gravel. Exhibit 6

Commissioner Harris inquired whether the drive and parking lot were to be paved. Mr. Barnard indicated that there is currently pavement at the access/egress point off of Bellaire Highway that is currently covered in sand and gravel. There is no additional paving to be installed where the cars will be parked.

Motion by Shumaker seconded by Dewey that this standard has been met. The motion passed by unanimous voice vote.

I. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of building or structures shall be minimized to reduce light pollution.

The Planning Commission finds:

1. There is no exterior lighting shown on the site plan. However, there are motion sensor lights currently on the building.

Motion by Dewey seconded by Shumaker that this standard has been met. The motion passed by unanimous voice vote.

J. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts of public streets shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height and solid to the ground. The finished side of any wall, fence, or other screen shall face adjacent properties.

The Planning Commission finds:

1. The original special use permit required 6' high screening around the dumpster. Which has not yet, but will be done. Exhibit 4
2. The site plan presented shows the location of the dumpster. Exhibit 6

Motion by Fedraw seconded by Dewey that this standard has been met. The motion passed by unanimous voice vote.

K. Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exits from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors.

The Planning Commission finds:

1. There is currently one ingress/egress on site. There are no other access points proposed. Exhibit 6

Motion by Dewey supported by Harris that this standard has been met. The motion passed by unanimous voice vote.

L. Site plans shall conform to all applicable requirements of county, state, and federal statutes and ordinances. Approval may be conditioned on the applicant receiving all other necessary permits before final site plan approval is granted.

The Planning Commission finds:

1. The applicant is required to be licensed by the state of Michigan to sell used automobiles. A copy of the license for his down state location is in the packet. Municipal approval is required for a new location. Exhibit 5

2. A copy of The Auto Doctor, Bellaire LLC filing and Department of State search for repair facilities shows License Number F150953 has been assigned to repair facility. Exhibit 10

**Motion by Shumaker seconded by Dewey that this standard has been met.
The motion passed by unanimous voice vote.**

M. Appropriate fencing may be required around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.

The Planning Commission finds:

1. The parcel is nearly 19 acres. Exhibit 9

2. Currently there is no fencing around the buildings on site.

**Motion by Harris seconded by Shumaker that this standard has been met.
The motion passed by unanimous voice vote.**

Article IX, Section 9.4 - Special Use Approval Standards – General

In addition to compliance with the review standards in Article X §10.5 and with specific standards contained in §9.5 of this Ordinance, the Planning Commission shall require that the following general standards be satisfied before approving any special use:

A. Upon review of each application there shall be a determination as to whether each use on the proposed site conforms to the following standards:

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 finds:

- a. The proposed use on the site is in a harmonious use with what has been there historically, including Ionics, a Bellaire Log Cabin, a gravel pit. The proposed use is harmonious and consistent with what is and has been in the area.

- b. The noise level is no greater with the addition of the proposed use.

**Motion by Harris seconded by Drollinger that this standard has been met.
The motion passed by unanimous voice vote.**

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 finds:

a. The subject property is located in the Village Commons (VC) zoning district. “The intent of this zoning district is to recognize the fact that central portions of the village are not separated into homogeneous land uses. . . . The district recognizes this ‘mixed-use’ characteristic of the Village Commons and is designed to authorize land uses that insure compatibility between residential and more intensive land uses.”. Exhibit A Section 5.3.A

b. This is an existing building and site. The streets, driveway, and vehicular connections are already established. Exhibit 5 and Exhibit 6.

**Motion by Harris seconded by Shumaker that this standard has been met.
The motion passed by unanimous voice vote.**

3. Will not be hazardous or disturbing to existing or future nearby uses.

The Planning Commission finds:

a. Uses permitted by right in the VC district include those in the Single Family Residential District (R-1) and Central Business District (CBD). Likewise, uses permitted by Special Use Permit in the VC district also include those special uses listed in the R-1 and CBD zoning districts. Exhibit 1

b. “New and used Motor vehicle dealers” are a permitted use in the Manufacturing District. Exhibit 1

c. This use is not a listed use by right or by special use in R-1, Central Business or Village Commons districts. Exhibit 1

d. The R-1, Central Business and Village Commons zoning districts make provision for “(o)ther unlisted uses as determined by the Planning Commission as similar to any of the above listed uses.” Exhibit 1

e. The property to the west is Semrau Estates which could contain numerous residences.

f. The owner of the subject property is currently also the owner of all but one lot in Semrau Estates.

g. Used motor vehicle sales have been located within the Village Commons district in the past.

**Motion by Dewey supported by Fedraw that this standard has been met.
The motion passed by unanimous voice vote.**

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

The Planning Commission finds:

- a. The land use surrounding the subject property is as follows:

North – located in Forest Home Township, outside of the village limits, the property is owned by Bellaire Public Schools and appears to contain athletic fields.

South – located in Forest Home Township, outside of the village limits, the property is privately owned and used for residential and some limited commercial purposes.

East – Three, privately owned properties. The properties adjacent to Bellaire Highway are zoned Village Commons, the property to the North is zoned R-1 Residential.

West – Located to the west of the subject property is Semrau Estates. Semrau Estates is zoned Village Commons. Exhibit 2 and Exhibit 7

Motion by Dewey seconded by Shumaker that this standard has been met. The motion passed by unanimous voice vote.

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.

The Planning Commission finds:

- a. This is an existing building and site with public services and facilities installed.

Motion by Dewey seconded by Harris that this standard has been met. The motion passed by unanimous voice vote.

6. Will not create excessive additional public costs and will not significantly decrease property values of surround properties.

The Planning Commission finds:

- a. There will be no reduction in property values since the property has previously been a gravel pit with a huge manufacturing plant located across the street.

Motion by Drollinger supported by Fedraw that this standard has been met. The motion passed by unanimous voice vote.

7. Will meet all the requirements and standards of this Ordinance and any other applicable laws, standards, Ordinances, and/or regulations.

The Planning Commission finds:

- a. Commercial uses in the Village Commons district must meet the following dimensional requirements:

Minimum Lot Area - 6,000 square feet

Minimum Lot Width - 50 feet
Maximum Height of Structure – 3 stories; 35 feet
Minimum Front Setback - 25 feet
Minimum Side Setback – 10 feet
Minimum Rear Setback – 25 feet
Minimum Floor Area – None
Area Allowed for Outside Display – 5%
Exhibit 1

Motion by Harris supported by Dewey that this standard has been met. The motion passed by unanimous voice vote.

8. Shall provide a pedestrian circulation system, which is insulated as completely as reasonably possible from the vehicular circulation system.

The Planning Commission finds:

a. There are no sidewalks to the site. This is an existing building and site. The streets, driveway, and vehicular connections are already established. Exhibit 5 and Exhibit 6.

Motion by Dewey seconded by Shumaker that this standard has been met. The motion passed by unanimous voice vote.

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.

The Planning Commission finds:

a. There is no exterior lighting shown on the site plan. However, there are motion sensor lights currently on the building. T

Motion by Dewey seconded by Shumaker that the standard has been met. The motion passed by unanimous voice vote.

10. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

The Planning Commission finds:

a. There are two buildings on site. A 16 x 28 frame building houses the pump and water system and is located closer to Bellaire Highway. The second building on site, is 2160 square feet and is the building in which the auto repair/auto detailing is done from which the U Haul rentals are operated. Exhibit 9

b. There is clear ingress and egress off of Bellaire Highway and around the buildings on site to permit necessary emergency vehicle access.

Motion by Dewey seconded by Harris that this standard has been met. The motion passed by unanimous voice vote.

11. The proposed use will not create more traffic than presently entering the area and contribute to changing the character of the existing neighborhood.

The Planning Commission finds:

a. The indicated hours of operation for the used auto sale business are 9:00 a.m. to 5:00 p.m. Monday through Friday; 9:00 a.m. to noon on Saturday; or by appointment. It is expected that there will be 5 to 10 customers daily.

Exhibit 5

b. As stated by the applicant, the auto sale business is open less hours of than the auto repair business.

Motion by Dewey seconded by Shumaker that the standard has been met. The motion passed by unanimous voice vote.

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 finds:

1. Commercial uses in the Village Commons district must meet the following dimensional requirements:

Minimum Lot Area - 6,000 square feet

Minimum Lot Width - 50 feet

Maximum Height of Structure – 3 stories; 35 feet

Minimum Front Setback - 25 feet

Minimum Side Setback – 10 feet

Minimum Rear Setback – 25 feet

Minimum Floor Area – None

Area Allowed for Outside Display – 5%

2. Section 9.5.8.A applies to Automobile Dealers.

Exhibit 1

Motion by Dewey seconded by Fedraw that the proposed site meets the minimum requirements have been met. The motion passed by unanimous voice vote.

Article IX, Section 9.5 – Special Use Approval Standards –

9.5.8. Automobile Dealers, Other Motor Vehicle Dealers, Automotive Rental and Leasing, and Manufactured Home Dealers

A. In all districts where the outside display or storage of vehicles for sale is permitted, such display shall be allowed only as an accessory use to the main use on the same lot or tract of land. The requirements of this section in reference to zoning regulations, such as setbacks, etc., will override the zoning district requirements.

The Planning Commission finds:

1. The Applicant proposes to have 5 to 10 used vehicles for sale at any given time. Exhibit 5
2. The original Special Use Permit authorized a commercial business offering auto repair, auto detailing and moving van rentals. Exhibit 4
3. The original Special Use Permit limited outside storage of vehicles for the repair facility to no more than 10 vehicles. Exhibit 4
4. The proposed location of the vehicles for sale is closer to Bellaire Highway. Exhibit 6

Motion by Shumaker seconded by Fedraw that this standard has been met. The motion passed by unanimous voice vote.

B. In all districts where the outside display of goods if permitted, such display of goods for sale incidental to a retail use, plant nursery, sales and rental of motor vehicles, mobile homes, boats or trailers, or the outside display of automobile-related merchandise for sale shall not be required to be screened.

The Planning Commission finds:

1. The vehicles offered for sale are not screened. The vehicles for the repair facility are located behind the building

Motion by Fedraw seconded by Harris that this standard has been met. The motion passed by unanimous voice vote.

C. Outside display shall be situated so as not to create a visibility obstruction to moving vehicles within a parking lot. Where outside display is located at the intersection of two (2) or more maneuvering aisles within a parking lot, the displayed merchandise shall not exceed 30 inches in height above the grade level of the parking lot.

The Planning Commission finds:

1. The applicant intends to have 5 to 10 used vehicles for sale at any given time. Exhibit 5
2. The proposed parking lot is not a paved surface.

Motion by Harris seconded by Shumaker that this standard has been met. The motion passed by unanimous voice vote.

D. Mobile property may be displayed in the side and rear setbacks up to five feet (5') of the property line. If property is adjacent to residential property, then the district set back shall remain in effect for that side of the property.

The Planning Commission finds:

1. The proposed location of used vehicles for sale is greater than the district side setback of 10' and is at least 100'. Exhibit 1

Motion by Dewey seconded by Fedraw that this standard has been met. The motion passed by unanimous voice vote.

E. Mobile property may be displayed in the front yard setbacks up to ten feet (10') of the front property line.

The Planning Commission finds:

1. This site abuts Bellaire Highway. There is a 33' right-of-way to the Antrim County Road Commission. Front lot line setbacks are calculated from the right of way. Exhibit 1

Motion by Dewey seconded by Shumaker that this standard has been met. The motion passed by unanimous voice vote.

F. 10% of the open space of the property must be left open for customer parking. Driveway area may not be counted in the 10% open space for parking.

The Planning Commission finds:

1. The site plan shows the location of proposed parking. Exhibit 6
2. The parcel size is nearly 19 acres. Exhibit 9
3. The Planning Commission shall determine the required parking spaces needed based on the guidelines in Section 3.26C. Customer parking is located off the road, up the driveway on the property and located next to the cars offered for sale.

Motion by Harris seconded by Fedraw that this standard has been met. The motion passed by unanimous voice vote.

G. No outside display shall be located within, nor encroach upon, a fire lane, maneuvering aisle, or a parking space necessary to meet the minimum parking requirements of the other use(s) of the lot or parcel.

The Planning Commission finds:

1. The site plan identifies to location of the used vehicles for sale.
2. Vehicles for sale shall not be located within the driveway or around the buildings so as to interfere with emergency vehicles access.

Motion by Harris seconded by Fedraw that this standard has been met. The motion passed by unanimous voice vote.

H. Featured “display, directional lighting” of items must be turned off during the hours of 11:00 PM and 7:00 AM. Example: A new car on display outside a dealership, with special lighting to bring attention to the new design. This type of lighting would be considered “display or directional lighting.” This does not include security lighting. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any property used or zoned for residential purposes.

The Planning Commission finds:

1. There is no display or directional lighting indicated on the site plan. The only lighting around the building and on site is for security.

Motion by Dewey seconded by Harris that this standard has been met. The motion passed by unanimous voice vote.

I. Outside equipment must be displayed in rows with at least 2 feet between display items.

The Planning Commission finds:

1. The applicant intends to have 5 to 10 used vehicles for sale at any time. Exhibit 5
2. The site plan identifies to location of the vehicles for sale. Exhibit 6

Motion by Dewey seconded by Shumaker that this standard has been met. The motion passed by unanimous voice vote.

J. Repair vehicles or vehicles used for parts only, must be moved off the lot within 30 days of arrival.

The Planning Commission finds:

1. The original Special Use Permit issued September 19, 2013, “Outside storage of vehicles for the repair facility shall be limited to no more than 10 vehicles.” Exhibit 4
2. There can be 10 vehicles for sale parked in front and 10 vehicles in the rear that are on site for repair.

Motion by Dewey seconded Shumaker that the standard has been met. Motion passed by unanimous voice vote.

The Planning Commission reviewed Section 12.6 for additional conditions, if approved and determined that the Special Conditions of the original Special Use Permit should remain in effect. The public hearing was closed and deliberation began.

14. Motion for a Decision

Motion by Shumaker seconded by Dewey to approve, based on the findings of fact and the site plan review standards, the request to revise the Special Use Permit (Exhibit 4) to include used motor vehicle sales with the special condition that the number of vehicles to be offered for sale at one time is limited to 10. The motion passed by unanimous voice vote.

15. Closing Member and/or Open Public Comment: David Hitchcock thanked the Planning Commission for their time.

16. Adjourn: The Public Hearing was adjourned at 6:20 p.m.

Minutes compiled by:

Lori Lockett , Zoning Administrator & Recording Secretary

Approved: _____

William Drollinger, Chair

Date: _____