

# Village of Bellaire

## PLANNING COMMISSION

**William Drollinger, Chairman**

**Commissioners: Butch Dewey, Fred Harris, Robert Shumaker and Don Seman**

### PLANNING COMMISSION MEETING MINUTES

November 4, 2014

1. **Call to Order:** Chairman Drollinger called the meeting to order at 5:10 p.m. immediately following the public hearing.
2. **Roll Call Attendance**
  - Present:** Chairman Drollinger, Butch Dewey, Fred Harris, Robert Shumaker and Don Seman
  - Absent:** None absent
  - Staff Present:** Lori Luckett, Zoning Administrator
  - Also Present:** Lori Silk, Patti Savant, Julie Budas, Lindsey Defever, Rolland Fink, Joe Fischer, Tammy Fischer, Craig Bennett, Dean Crandall, Chris Clore, Joe Short and other members of the public.
3. **Approval of Agenda:** Due to the number of members of the public in attendance, Chairman Drollinger suggested that the New Business item – “Formation of work group to address sidewalk issues” be taken out of order and discussed before the Old Business item – “Section 3.23 Business and Information Signs.” Another item, “Meeting Per Diem,” was added to the agenda under New Business. The amended agenda was then approved.
  - Motion by Dewey, seconded by Harris, to approve the agenda as amended. Motion carried by unanimous voice vote.**
4. **Approval of Minutes:** The minutes of the August 5, 2014 meeting were approved.
  - Motion by Harris, seconded by Dewey, to approve the minutes of the August 5, 2014 meeting as written. Motion carried by unanimous voice vote.**
5. **Public Comment on Agenda Items:** None presented.
6. **New Business**
  - a) **Formation of work group to address sidewalk issues** – Luckett gave a report to those in attendance of the varying sidewalk widths within the Central Business Districts and the minimum width required under the Americans with Disabilities Act. She provided a copy of the Village of Elk Rapids Sidewalk Obstruction ordinance for members and public to review. Luckett advised that she had taken pictures of the Central Business District at different times throughout the year showing the variety of items that were on the sidewalks. She reviewed the current zoning ordinance provisions concerning outside displays. She reported that outside displays and sandwich board signs have become an issue as the Village has gotten busier. Luckett demonstrated with a mock sidewalk the area for display in relation to a building. Currently the ADA establishes a minimum allowable sidewalk width of 36”. These regulations have been under review and the minimum may be increasing to 48”. She indicated that she had contacted the Disability Network in Traverse City about minimum sidewalk widths and other accessibility requirements. The tree grates, brick paths under which wires for street lights are buried pose accessibility issues. Disability Network, Executive Director, Jim Moore, has offered to attend the next meeting in order to address

ADA compliance. Chris Clore suggested that they were an advocacy group with a particular point of view. Luckett pointed out that it was important to include all interests. Clore asked questions about what had prompted the formation of the workgroup. He asked whether there have been complaints? Dewey indicated that he had received complaints about certain areas and “clutter” making it difficult to get through. Luckett said this is where outside displays and sandwich board signs effect the sidewalk accessibility. Luckett assured those in attendance that the Village Council wanted community input in the decision making process. Julie Budas expressed an interest in serving on the work group but wanted to know why, if there is limited sidewalk width, the accessibility portion would have to come out of space available for the merchants. Why not take it out of the M-88 side where there are lights, trees, grates and garbage cans. She said that “there is a clear walkway there if you get rid of that stuff.” Why does it come out of the property in front of the people paying the taxes and not the MDOT right of way? Drollinger said that the Village is not generally “handicap friendly” and it is something that we should be looking at. Drollinger expressed his concerns about funding once a resolution is proposed. He thought that the street lights are an issue. Drollinger said that it would cost a lot of money to move the lights. Luckett stated that in the mean time the committee was asked to take a look at the current state of the sidewalks and try to work out a recommendation to address the issues. Dean Crandall spoke of MDOT’s previous plans along M-88 saying that MDOT has talked about raising the road, and currently is doing extensive work in Mancelona. He stated that he was an advocate for Glacial Hills and advocated for the inclusion of bicycles in any recommendation. He was happy to see a bike rack in front of The Lunch Box regardless of whether it was in violation. According to Crandall, the Village needs to work out parking to accommodate bicycles. Shumaker pointed out that the lot next to The Antrim Review is owned by the Village and could be used for bicycle racks. Crandall assured all that there will be more bicycle traffic in the future. Dewey stated that this situation is not unique to the Village of Bellaire; Traverse City and Charlevoix are both dealing with sidewalk accessibility issues. Joe Fischer stated that he could not imagine anyone asking for buildings to be moved out of the right of way. Fischer did not believe that the ADA issue impacted the Village as much as some of us thought. He spoke of another community down around Mt. Pleasant that allowed restaurants to have portable decks in parking spaces. He does not want to see restrictions that would prevent business owners from paying their taxes. Fischer said that he had wanted to know what started all of this and said that had been answered. Drollinger expressed the desire to work out a happy medium. There is no intention to restrict businesses from their functions, we are just trying to come up with something that will work for all. In some places there is no place for a sandwich board sign. The underlying question will be how to pay for it. Budas added that there is money out there. Drollinger wondered the Village would have to remove the trees and street lights. Clore thought that in the layout of downtown there would be spaces to designate as passing lanes between the trees and light posts. Crandall said the intent here is well put, but even in a construction situation so many buildings are grandfathered in that you do not have to bring them up to the new code. He added that “we need to apply some common sense.” Lindsey Defever said that there is a problem at the corner where his building is located such that MDOT had to encroach on his property to improve the curbs on M-88 at the corner. Drollinger asked if members of the public wanted to sit on this committee. Joe Short encouraged all to look at the big picture. He said that he is gunning to get the DDA going to work on big picture projects including streetscaping, burying utilities and improving infrastructure in the Village. He added that, we should have a big picture goal and not be nickeling and diming ourselves to death on this kind of stuff. According to Short, it sounds like every business could benefit from some sort of remodel on their storefront, whether sidewalk or how to accommodate barrier-free challenges. Drollinger wondered if the DDA would want to take this on as a project. Short explained to those in attendance that Short’s approached the Village some months ago about another anniversary party reasoning that it would be a good leveraging tool to raise money for the Village to put towards the DDA. Short’s would be willing to put half of the profits in some general fund which could then be

used to cross goals off the list. According to Short, with creative politicking and use of available resources the Village could address the challenges faced. Drollinger thought there would have to be a coalition working together. He asked those interested in sitting on the workgroup to sign up, providing name, telephone number and email. Drollinger will be on the workgroup and asked Lockett to find out if Council wanted to be a part of this work group. Seman advised that he is on the DDA in his capacity as President of the Historical Museum.

Clore then asked about the scope of zoning administration and explained that he had two projects shut down because he did not have a zoning permit. He wondered if zoning now include everything? Drollinger said the major clarification and protection is to protect for people in R-1. Lockett read the current language in Section 12.1, "It shall be unlawful for any person to commence excavation, or clearing of vegetation on a lot for any building or structure or to commence the erection, addition, alteration or repair of any building, structure; and no land use shall be commenced until a zoning permit has been secured from the Zoning Administrator." She explained that she did not know how her predecessors had interpreted the zoning ordinance but that she was interpreting the ordinance as requiring a permit. Clore thought that it was overreaching to have to get a permit to put a bathroom in the interior. Drollinger said we could look at it in the future, if you think it is too strict. Remember the concept is to protect the people. Lockett added that exterior alterations and ordinary maintenance repairs that do not require permits for building, mechanical, electrical or plumbing from the Antrim County Building Department are exempt from needing a land use permit. She stated that there are instances when a land use permit is the only required permit, i.e. accessory structures that are under 200 square feet. She added, that if there is something in the ordinance that a person wants changed it is appropriate to file a petition to amend the ordinance. Lockett advised that the current ordinance is under review. She asked those attending that if they had issues or questions to please let her know. Patti Savant asked about the charge from the Village Council to the work group and the extent of what is to be reviewed, wondering if it is to go beyond the sidewalk issues. Harris stated that he had witnessed a willingness to be reasonable and not overly bureaucratic. The Planning Commission had just addressed an issue with accessory buildings doing what made sense for Bellaire. Harris added that if they are having problems, the Planning Commission needs to know about it. Dewey added that the instructor in the first zoning ordinance class he went to said the zoning ordinance is like raising a child; it is constantly changing and evolving. Harris said that it is important to stay away from the subjective. In his experience, the ADA breaks down when it comes to the funding. He hopes the work group looks for "practical solutions for practically disabled people" and does not just apply standards. An unidentified member of the public recounted an incident of a pedestrian falling in the crosswalk and asked about the law. Drollinger advised that when someone enters a crosswalk, the traffic must stop. Harris indicated that his inquiry was beyond the scope of the Planning Commission. Those in attendance interested in serving on the work group signed up and were advised that they would be contacted about further meetings.

- b) **Meeting Per Diem:** Lockett explained that the request for the members to consider the public hearing and regular meeting one meeting for purposes of the meeting per diem.

**Motion by Dewey, seconded by Drollinger, to count the public hearing and regular meeting as one meeting for purposes of the meeting per diem. Motion passed by unanimous voice vote.**

## 7. Old Business:

- a) **Section 3.23 Business and Information Signs**

Lockett informed the Planning Commission that she had been inventorying the signs within the Village and had a disc for viewing. According to Lockett, there are many ground mounted and wall signs. She also informed the members that the Village

Council had authorized her to obtain a quote from a professional planner to review the zoning ordinance. The quote for a zoning audit by Mary Campbell of M.C. Planning & Design was on the Village Council November 5 agenda. Lockett advised that she had reviewed the Village of Central Lake sign ordinance with which the planner had assisted and found it to be very straightforward. Lockett had prepared a sample sign ordinance for discussion purposes only. The members viewed pictures of some signs within the Village until there were technical difficulties. Lockett asked the members to take a look at the sizes of signs. She thinks that the size and number of signs will likely become an issue in the Central Business District. She encouraged members to take a look at signs on the exterior and what is displayed on the inside. Drollinger stated that it will be interesting to see the results of the zoning ordinance audit.

**8. Discussion Items (Non-action):**

**a) Zoning Administrator's Report**

Lockett reported on the number of permits issued since the August 5, 2014 meeting. She explained the types of permits and the associated fees that had been issued. Additionally, she reviewed an email received about Short's plans for the former location of Sassafra.

**9. Communications/Informational:** None presented.

**10. Member/Public Comment:** Dewey advised that he will be off the Council as of November 20 and that there will be a new Village Council member appointed to the Planning Commission. Drollinger thanked Dewey for his service saying that he had been a tremendous asset for the Planning Commission.

**11. Adjournment: Meeting adjourned at 6:24 p.m.**

Minutes compiled by:  
Lori Lockett, Zoning Administrator & Recording Secretary

Approved: \_\_\_\_\_  
William Drollinger, Chair

Date: \_\_\_\_\_