

Village of Bellaire

PLANNING COMMISSION

Commissioners: Dan Bennett, Bill Drollinger Fred Harris, Robert Shumaker and Don Seman

PLANNING COMMISSION MEETING MINUTES

May 5, 2015

1. **Call to Order:** Chairman Drollinger called the meeting to order at 5:03 p.m.
2. **Roll Call Attendance**
 - Present:** Chairman Drollinger, Dan Bennett, Fred Harris, Robert Shumaker
 - Absent:** Don Seman
 - Staff Present:** Lori Lockett, Zoning Administrator
 - Also Present:** Mary Campbell, M.C. Planning & Design; Aaron Kirt
3. **Public Comments:** None presented.
4. **Approval of Minutes:** The minutes of the February 3, 2015 public hearing and February 3, 2015 meeting were approved.
 - Motion by Commissioner Bennett, seconded by Commissioner Harris, to approve the minutes of the February 3, 2015 public hearing as written. Motion carried by unanimous voice vote.**
 - Motion by Commissioner Shumaker, seconded by Commissioner Bennett, to approve the minutes of the February 3, 2015 regular meeting as written. Motion carried by unanimous voice vote.**
5. **New Business**
 - a) **Review of Planning Commission By-Laws:** Chairman Drollinger expressed concerns about specific provisions in the village code and planning commission bylaws, specifically the prohibition in the bylaws that the Village Council ex-officio member may not serve as Vice Chairperson and “conflict of interest” as defined in the village code. He wondered how the conflict of interest provision could be applied in such a small town and if it could be more generalized. Chairman Drollinger suggested that the bylaws be compared to those in other communities. Commissioner Harris commented about other conflict of interest provisions relating to ownership of property within 300 feet and the prohibition, without time period specification, of making comments outside of the formal decision-making process. There was concern that applying the conflict of interest provision as written could result in a lack of quorum. Commissioner Harris commented that because he lives on the river, he would be precluded from rendering a decision regarding property on the river. Commissioner Bennett cautioned the members about changing too much in the by-laws. Chairman Drollinger wants to make certain that meetings are conducted properly to avoid potential challenges. All agreed that the conflict of interest provision is important. Planning commissioners agreed to continue review and discussion of the by-laws at the next meeting.

b) Election of Officers: There was discussion between members about the respective offices. Commissioner Harris inquired about the responsibilities of Secretary. Zoning Administrator Luckett explained that she is the recording secretary and that a member is to be the Secretary. After brief discussion the officers were elected.

1) Commissioner Shumaker nominated Mr. Drollinger to serve as Chairman. Commissioner Harris seconded the nomination. Commissioner Bennett moved that nominations be closed and an unanimous ballot be cast.

2) Chairman Drollinger nominated Commissioner Shumaker to serve as Vice-Chairman. Commissioner Shumaker graciously declined adding that his term ends in two meetings. Chairman Drollinger then nominated Commissioner Harris. Commissioner Bennett moved that nominations be closed and an unanimous ballot be cast.

3) Chairman Drollinger nominated Commissioner Bennett to serve as Secretary and moved that nominations be closed and an unanimous ballot be cast.

Motion by Commissioner Bennett supported by Commissioner Shumaker that slate of officers as nominated be elected. Motion carried by unanimous voice vote.

c) Zoning Ordinance Review Update: Chairman Drollinger introduced planner, Mary Campbell, who will be assisting with the ordinance update. Mrs. Campbell began by highlighting her background and explained that a subcommittee of Chairman Drollinger, Commissioner Harris and Zoning Administrator Luckett would be working with her between full commission meetings. She briefly reviewed the packet she had provided and suggested members peruse the audit she had done and use it as a road map. Mrs. Campbell asked if there were issues that each wanted to address. Her proposal includes reformatting the ordinance to make it more user friendly, incorporating more graphics and matrices. Mrs. Campbell reviewed the 2015/2016 Update Schedule developed to expedite the update process. She asked members if the reformatting made sense. Chairman Drollinger stated that updating and making the ordinance easier to read made sense. Commissioner Shumaker suggested that the ordinance needed to be simplified for the residents to read and understand exactly what is allowed. Commissioner Harris pointed out multiple references to uses that were similar but needed to be simplified and defined. Mrs. Campbell explained the chart she had developed outlining existing land uses under the current zoning ordinance. Commissioner Harris addressed recent amendments to the zoning ordinance and suggested that it would not be necessary to rehash those sections. Zoning Administrator Luckett asked Mrs. Campbell her opinion about “other uses determined by the planning commission” language. Mrs. Campbell explained that she had discussed it with village legal counsel who thought those determinations should go to the zoning board of appeals and not the planning commission. It may be better to expand uses than to have the catch-all language. She then reviewed the Proposed Matrix of Uses by Zoning District line by line to determine whether the assigned districts were appropriate and whether the use should be by right or by special use permit. Planning Commission members gave their input on the uses, the proposed zoning districts, and whether the use should be by right or special approval. Certain

uses were consolidated and others eliminated because they were redundant, i.e. condominiums and condominiums under 10 units. Members provided historical background about why certain uses were as listed. Other uses were considered and included in the matrix which was organized in the following uses: Residential Uses; Small Scale/home-based Commercial Uses; Public/Institutional Uses/Utilities; Commercial Recreation Uses; and, Commercial Uses. There was discussion about accessory dwelling units, and possible provisions. The current ordinance allows secondary dwelling units for used by family and guests. It was pointed out that this is difficult to enforce. Mrs. Campbell will be checking on standards for residential care facilities. There was discussion about home occupation distinguished from home-based businesses. There was further discussion about specific uses currently allowed. Mrs. Campbell explained that it is important when looking at current uses to discern whether the use should be a permitted by right under the new ordinance, or allowed to continue as a legal non-conforming use. She noted that the re-use of a facility is distinguished from allowing a specific use in a district. When asked about on-site wind energy systems, Mrs. Campbell thought that certain uses could be addressed in general provisions and not designated in a specific district. There was discussion that certain commercial uses i.e. catering, may also fall under home occupations or home based businesses if the use is supplemental and that other uses may be permitted with specific standards. The subcommittee will be scheduling a meeting to continue the zoning review.

6. Unfinished business: None

7. Discussion Items (Non-action):

a) Zoning Administrator's Report Zoning Administrator Lockett reported on the number and type of permits issued since the February 3, 2015 meeting. She noted that information about a Michigan Citizen Planner series in Antrim County had been received however due to the expense of the zoning ordinance update, member training opportunities would be limited.

8. Communications/Informational: Chairman Drollinger suggested that the planning commission consider an amendment to reduce the rear yard setback for residential properties along the walking path to accommodate accessory buildings. Currently, the 100 foot right of way for the walking path restricts what owners can construct in their back yards. There was discussion that an overlay district be considered for those properties along the walking path. Chairman Drollinger is proposing a 5' setback for properties to the northeast residential section along the walking path. Chairman Drollinger would like to begin the process right away. He does not want to wait a year. He would like to schedule meeting and a public hearing right away. Mrs. Campbell proposed that if the area and scope were defined, with her assistance, the zoning subcommittee could develop a draft ordinance which could be considered at the August meeting. Zoning Administrator Lockett asked if Mrs. Campbell could review the districts along the walking path and make a recommendation. The proposal for the overlay district would reduce the rear setback to 5 feet in the residential districts to allow for accessory buildings. Commissioners agreed to allow the subcommittee to work with Mrs. Campbell to define the overlay district and develop a draft overlay ordinance for the August meeting. Mrs. Campbell will review the walking path, the districts and the walking path ownership to develop the overlay district

and language. Mrs. Campbell explained that notice of a draft overlay would have to be sent to property owners within 300 feet of the affected properties, in and outside the Village. A draft overlay district for the northeastern R-1 properties will be developed with the committee. Mrs. Campbell informed the members that she will officially be going into semi-retirement in July. Chairman Drollinger said that he would be able to work to expedite the process so that it is completed no later than July 2016. The planning commission will work to accommodate her schedule.

9. Adjournment: Meeting adjourned at 7:37 p.m.

Minutes compiled by:
Lori Lockett, Zoning Administrator & Recording Secretary
Minutes are subject to approval.

Approved: _____
William Drollinger, Chair

Date: _____