

Village of Bellaire

PLANNING COMMISSION

Commissioners: Dan Bennett, Butch Dewey, Bill Drollinger, Fred Harris, and Don Seman

PLANNING COMMISSION MEETING MINUTES

March 29, 2016

5:00 p.m.

1. **Call to Order:** Chairman Drollinger called the meeting to order at 5:00 p.m.
2. **Roll Call Attendance:**
 - Present:** Chairman Drollinger, Dan Bennett and Fred Harris
 - Absent:** Butch Dewey and Don Seman
 - Staff Present:** Lori Luckett, Zoning Administrator
 - Also Present:** Julie Budas, Doug Baker and Colette Stanish
3. **Public Comments:** None.
4. **Approval of Minutes:** The minutes of the March 8, 2016 meeting were approved.
Motion by Commissioner Harris, seconded by Commissioner Bennett, to approve the minutes of the March 8, 2016 meeting as written. Motion carried by unanimous voice vote.
5. **New Business:**

Site Plan Review Request for The Lunch Box Expansion: Julie Budas, the owner of The Lunch Box, presented her plans for the expansion of her restaurant. She explained that the interior wall was going to be opened in two locations, one in the back kitchen area, the second in the front to add seating. Identified on the plans was the proposed location of a new sink; the area depicting relocated appliances; and the area for additional seating. Mrs. Budas indicated that the expansion will accommodate ten (10) additional seats. Questions regarding whether there are any new floor drains or additional signage requests were asked and answered. Mrs. Budas indicated that the health department has reviewed the plan the approval is pending. The exact location of the two existing signs may change once the façade upgrades are completed. The awning may go back up on one window and a sign above the other window.

The Planning Commission members reviewed the report from the Zoning Administrator regarding the request for expansion of an existing use on parcel 05-41-225-005-00. The report included information about the zoning district and dimensional requirements, and the basic and commercial site plan review criteria. Chairman Drollinger read the List of Exhibits into the record: Exhibit 1 Village of Bellaire Zoning Ordinance; Exhibit 2 Village of Bellaire Zoning Map; Exhibit 3 Village of Bellaire Master Plan; Exhibit 4 Application with Site Drawing; Exhibit 5 Ownership and Authorization; and Exhibit 6 Photographs of parcel and façade from Google Earth.

The Planning Commission then considered the Site Plan Review Standards in Section 10.3 as follows:

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 site plan and photographs depict existing buildings within the Central Business District along M-88. There are not additional ingress/egress access points proposed. (Exhibit 4 and Exhibit 6)

Motion by Commissioner Harris, seconded by Commissioner Bennett, that this standard has been met. 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. This is an existing building with access to the suite along M-88. The public or private vehicular and pedestrian connections are existing. (Exhibit 4 and Exhibit 6)

Motion by Chairman Drollinger, seconded by Commissioner Harris, that this standard has been met. Motion carried 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. This standard is not applicable to the expansion project under consideration.

Motion by Commissioner Harris, seconded by Commissioner Bennett, to waive this standard as it is not applicable to the expansion project under consideration. 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. This standard is not applicable to the expansion project under consideration.

Motion by Commissioner Harris, seconded by Commissioner Bennett, to waive this standard as it is not applicable to the expansion project under consideration. 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. This standard is not applicable to the expansion project under consideration.

Motion by Commissioner Harris, seconded by Commissioner Bennett, to waive this standard as it is not applicable to the expansion project under consideration. 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. This is an existing building with access to the suite along M-88. The public or private vehicular connections to allow emergency vehicle access are existing. (Exhibit 4 and Exhibit 6)

Motion by Chairman Drollinger, seconded by Commissioner Bennett that this standard has been met. 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 is an existing building with access to the suite along M-88. The public or private vehicular connections and sidewalks are existing. (Exhibit 4 and Exhibit 6)

Motion by Commissioner Harris, seconded by Commissioner Bennett, that this standard has been met. Motion carried 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 stormwater 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. This is an existing buildings within the Central Business District wherein storm water management plans are not required under the zoning ordinance Article III, Section 3.16. This standard is not applicable to the expansion project under consideration. (Exhibit 1)

Motion by Commissioner Harris, seconded by Commissioner Bennett, to waive this standard as it is not applicable to the expansion project under consideration.

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. The Applicant does not appear to be requesting additional exterior lighting as there is no exterior lighting showing on the site plan. (Exhibit 4)

2. Any exterior lighting shall not interfere with the vision of motorists.

Motion by Chairman Drollinger, seconded by Commissioner Bennett, that this standard has been met. 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 zoning ordinance at Article V, Section 5.5.F.2. requires all outside storage areas for trash shall be completely enclosed by a six (6') foot high solid wall or fence, flush to the ground. (Exhibit 1)

2. The Applicant is not requesting an outside storage area.

Motion by Commissioner Harris, seconded by Commissioner Bennett, that this standard has been met. Motion carried 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. This is an existing building in the Central Business District with access to the suite along M-88. The public or private vehicular connections are existing. (Exhibit 4 and Exhibit 6)

Motion by Chairman Drollinger, seconded by Commissioner Bennett, that this standard has been met. 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. This application is for expansion of an existing use. If approved the zoning administrator will issue a zoning permit. The applicant is required to conform to the applicable county, state and federal requirements. (Exhibit 1)

Motion by Commissioner Harris, seconded by Commissioner Bennett, that this standard has been met. Motion carried 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. This standard is not applicable to the expansion project under consideration.

Motion by Commissioner Harris, seconded by Commissioner Bennett, to waive this standard as it is not applicable to the expansion project under consideration. Motion passed by unanimous voice vote.

Chairman Drollinger requested a motion to approve, based on the findings of fact and the site plan review standards, the request for the expansion of existing operations contained in 580 square feet to 1280 square feet; the added square footage to include additional seating, relocation of a sink and appliance, and the covering of an exterior door and replacement with siding.

Motion by Commissioner Harris, seconded by Commissioner Bennett, to approve, based on the findings of fact and the site plan review standards, the request for the expansion of existing operations contained in 580 square feet to 1280 square feet; the added square footage to include additional seating, relocation of a sink and appliances; and the covering of an exterior door and replacement with siding. Motion passed by unanimous voice vote.

Chairman Drollinger asked if there were any other questions about The Lunch Box expansion. Luckett informed the commissioners that Doug Baker had made application for a permit to make alterations to the façade, including changing the gable. Mr. Baker was in attendance to explain the proposed change and answer any questions. Mr. Baker explained that he was re-siding the façade and proposed changing the pitch on the gable to address issues with the roof leaking and water draining onto the sidewalk in front of the building. Mr. Baker explained that he will be removing the soffit and fascia so that the façade will be on the same plane as the rest of the building. The reason he needs the permit because of the structural change to the gable. He directed their attention to the picture and said there will not be a runoff issue when the project is finished. Mrs. Budas added that there is a hole in the sidewalk where the water has been draining off. Mr. Baker informed the Planning Commission that approval from the Antrim County Building Department is pending because he needs his drawing to be stamped by an engineer. Luckett indicated that she would issue a permit to Julie Budas based on the findings of fact and that the permit issued to Mr. Baker would the requirement of a permit from the Antrim County Building Department. It was clarified that Mr. Baker will be completing the siding; another contractor, Kyle Aldrich, will do the work on the gable.

6. Unfinished Business: None.

7. Correspondence/Reports

- a) **Zoning Administrator’s Report:** Luckett directed members’ attention to her written report addressing accessory building permits for properties on Willow Drive. She explained why changes to the the spacing requirements for minor accessory buildings were being proposed in the proposed ordinance. In the proposed ordinance minor accessory buildings are defined as those under 200 square feet. However, with commercial buildings, accessory buildings over 120 square feet require a permit from the Antrim County Building Department. Luckett asked the Planning Commission to review the email from Patrick Boyd, of Paddles & Pedals, requesting clarification of zoning application requirements. He is going to be taking over the suite formerly occupied by The House of Jerky. Luckett explained that Mr. Boyd had received a change of use permit in January 2015. The change of use application states that there is no fee for a change of use permit with a use by right designation. According to the email, Mr. Boyd will not be making any interior changes, but is adding storage space. Chairman Drollinger expressed his desire to discuss this with Mary Campbell. He wondered whether the percentage of expansion triggering review by the Planning Commission should be increased, maybe to 50%. Chairman Drollinger stated that he had spoken to Mr. Boyd about the additional space so that he could keep the bikes inside. There was discussion about consistent permitting requirements when a business is expanding. Chairman Drollinger and Commissioner Harris wondered what purpose was served with the required review process by the Planning Commission. There was discussion about whether the Zoning Administrator should have expanded authority to issue permits. Luckett informed the commissioners that the Village attorney is currently reviewing the proposed zoning ordinance and that it may be possible to have another meeting prior to the public hearing at which to address their concerns. In the meantime, Mr. Boyd will have to follow the site plan review procedures for expansion under the current ordinance. Commissioner Harris suggested that the ordinance review provided the opportunity to come up with a clearly defined purpose and a better approach.

8. Adjournment: Meeting adjourned at 6:42 p.m.

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

Approved: _____
William Drollinger, Chairman

Date: _____