

# Village of Bellaire

## PLANNING COMMISSION

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

### PLANNING COMMISSION PUBLIC HEARING MINUTES

May 3, 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, Butch Dewey and Don Seman
  - Absent:** Fred Harris
  - Staff Present:** Lori Luckett, Zoning Administrator
  - Also Present:** Mary Campbell, M.C. Planning & Design; Patrick Boyd, Donna Gundle-Kreig, Dennis Kreig, Judy White, Michael Belanger, Ramona Belanger, Tyler Bevier, Michelle Dayton, Julie Budas, Suzanne Bantien and Sherri Robinson
3. **Welcome to the Public:** Chairman Drollinger welcomed the members the public in attendance and explained the purpose of the hearing.
4. **Opening of Public Hearing:** The Public Hearing was opened at 5:05p.m.
5. **Determination of time Limit for Addressing the Planning Commission:** Chairman Drollinger indicated that he was not setting a time limit for addressing the Planning Commission but that if a speaker rambled about the same thing over and over, he reserved the right to stop the speaker. Chairman Drollinger stated that this what not a debate and that any issues would be noted for further review.
6. **Public Comment Period:** Mary Campbell introduced herself to the audience and provided a brief synopsis of the process to date. She noted that the proposed zoning ordinance had been available for review on line, in the library and in the Village offices. Using a projector so that all present could see, Ms. Campbell went through the organization of the draft ordinance showing the Table of Contents and explaining each article. She noted the authority for the ordinance under the Michigan Zoning Enabling Act. Ms. Campbell explained that in Article 2. Definitions, if a term is defined in the ordinance, that definition prevails; if a term is not defined in the ordinance then the general, common use definition applies. Article 3. General Provisions cover a number of topics that apply regardless of the zoning district; for example, walls, fences, lighting and signage. Article 4 covers zoning districts and associated regulations for each. Within Article 4 is a matrix of land uses that identifies what uses are allowed by right or by special use permit within the various districts. There is also a schedule of regulations with specific dimensional requirements for each district and the zoning map. Ms. Campbell explained that Article 5 address non-conformities of uses and structures that were in existences prior to the proposed ordinance or any zoning and that were lawfully created. She noted that the section uses the Class A and Class B approach to addressing non-conformities; wherein all start out as a Class B which in order to

make changes require application for Class A. Ms. Campbell added that there are more lenient provisions for change if the non-conformity is a Class A. Ms. Campbell continued her review noting that site plan review and the specific requirements are covered in Article 6. Article 7 outlines procedures for the special use process. Article 8, Supplement Site Development Standards, follows up with requirements for various uses, most of which require a special use permit or where there is a need for additional standards. Article 9 covers the Zoning Board of Appeals and outlines the procedure for requesting use or dimensional variances; administrative appeals of decisions from zoning administrator ruling or site plan decisions; and ordinance interpretations. Article 10 includes provisions for zoning administration, procedures for applying for zoning permits, items for inspections, fees, performance guarantees, violations and penalties. Lastly, Article 11 is the adoption and amendments section. Ms. Campbell asked whether there were questions on any sections and opened the session up for discussion. She circulated two copies of the draft ordinance and informed those in attendance that a second public hearing would be held Tuesday, May 24, to address comments from the village attorney and any other comments from the public. Ms. Campbell addressed the correspondence received from Donna Gundel-Krieg regarding the Planned Unit Development provision. Ms. Campbell reviewed the section as proposed which addressed residential districts then showed the revised draft which addressed uses in the Village Commons, Commercial and Central Business Districts. This draft is also being reviewed by the village attorney. Mrs. Gundle-Krieg asked if there was anything going away in the proposed ordinance that was in the current. Ms. Campbell said that terminology was changed to broaden uses in categories; no uses were removed, generally we are allowing more flexibility. Julie Budas asked whether benches, tables, chairs were outdoor displays of merchandise? Ms. Campbell explained that if they were being sold they were merchandise; if not sold they are not merchandise. Mrs. Budas wondered were benches and chairs fell under. Ms. Campbell said it depended on the location of the business, if on the businesses' property, no problem; if in the road right-of-way then it is an MDOT issue. Chairman Drollinger indicated that it has been the Planning Commission's opinion that it is MDOT's issue and we do not regulate their area. His own position has been that it is MDOT's responsibility to enforce their right-of-way. There was brief discussion about Section 8.11 in the proposed ordinance which prohibits display in the setbacks. Another question was asked about food trucks and special events. Ms. Campbell reviewed the Mobile Food Vending provision, Section 8.19, and the exceptions for approved special events. Mrs. Gundle-Krieg asked about the procedure for adopting the ordinance. Ms. Campbell explained that after the second public hearing the Planning Commission will make a recommendation to the Village Council. If the Village Council adopts the ordinance, notice has to be published within fifteen days from the date the Village Council acts. The zoning ordinance goes into effect eight days after publication. All is set forth in state statute. Once effective, applications may be made. Chairman Drollinger explained that the Planning Commission is looking at meeting more frequently. Suzanne Bantien asked about attaching a pole to the building for an open flag. The current sign provision and proposed provision as applied to her question were discussed. Michelle Dayton suggested that it would be nice if a packet for new businesses in town was developed to address permits and where to go. Chairman Drollinger noted that all information is available on the village website and at the village offices. Tyler Bevier, DDA director stated that once the new ordinance is approved he will be working on an info-graph to help address questions.

7. **Closing of Public Hearing:** The Public Hearing was closed at 5:32 p.m. All were encouraged to attend the Public Hearing on May 24.
8. **Deliberation by Members:** There were no deliberations as a second public hearing is scheduled for May 24, 2016.
9. **Decision on Zoning Ordinance:** No decision will be made until the public hearings on the proposed zoning ordinance are concluded.
10. **Closing Member and/or Public Comment:** None.
11. **Adjournment:** Public Hearing adjourned at 5:34 p.m.

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

Approved: \_\_\_\_\_  
William Drollinger, Chairman

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