

Village of Bellaire
PLANNING COMMISSION

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

PLANNING COMMISSION MEETING MINUTES

May 3, 2016

5:35 p.m.

1. **Call to Order:** Chairman Drollinger called the meeting to order at 5:35 p.m. noting that there are two items to add under New Business.

2. **Roll Call Attendance:**

Present: Chairman Drollinger, Dan Bennett, Butch Dewey and Don Seman

Absent: Fred Harris

Staff Present: Lori Lockett, Zoning Administrator

Also Present: Mary Campbell, M.C. Planning & Design; Patrick Boyd, Michael Belanger, Ramona Belanger and Tyler Bevier

3. **Public Comments:** None.

4. **Approval of Minutes:** The minutes of the March 29, 2016 meeting were approved.

Motion by Commissioner Bennett, seconded by Commissioner Seman, to approve the minutes of the March 29, 2016 meeting as written. Motion carried by unanimous voice vote.

5. **New Business:**

a) **Site Plan Review Request for Paddles & Pedals, LLC Expansion:** Patrick Boyd, the owner of Paddles & Pedals, explained that he started his business last year and that it is located in the end unit at 101 N. Bridge. The House of Jerky was located in the middle unit but has since moved. Mr. Boyd's business has done well and he needs to expand. He has moved all retail operations to the middle unit so that he is able to use the original unit for workshop and storage. He stated that he does not want to put thirty (30) bikes outside every day. Because the expansion is by more than 25% he has applied to the Planning Commission for approval. He explained that the ultimate goal was to expand to occupy the entire building. He would then like to open the two units for retail. He is not proposing any sidewalk or building changes. Chairman Drollinger asked about lighting. Mr. Boyd indicated that there are no external changes to the building being proposed.

The Planning Commission members reviewed the report from the zoning administrator regarding the request for expansion of an existing use on parcel 05-41-010-114-00. 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 Attachments; Exhibit 5 Ownership and Authorization; and Exhibit 6 Photographs of parcel and façade from Google Earth. Chairman Drollinger next read through the Site Plan Review requirements under Section 10.2.A. for Basic Site Plan, reciting the information that satisfied the requirements and the criteria that were not applicable. He continued through the report and reviewed Section 10.2.B. Commercial Site Plan, again noting the information that satisfied the requirements and the criteria that was not applicable to the request.

The Planning Commission then considered the Site Plan Review Standards in Article X 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 W. Cayuga and M-88. There are not additional ingress/egress access points proposed. (Exhibit 4 and Exhibit 6)

Motion by Commissioner Dewey, 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 W. Cayuga and M-88. The public or private vehicular and pedestrian connections are existing. (Exhibit 4 and Exhibit 6)

Motion by Commissioner Dewey, seconded by Commissioner Bennett, 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 Dewey, 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 Dewey, seconded by Commissioner Seman, 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 Dewey, seconded by Chairman Drollinger, 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 suites along W. Cayuga and M-88. The public or private vehicular connections to allow emergency vehicle access are existing. (Exhibit 4 and Exhibit 6)
2. Merchandise relating to the main business may be displayed outside not extending more than three (3) feet from the main building. Outside display of merchandise must not interfere with pedestrian traffic. (Exhibit 1, Article III, Section 3.25.5.)

Motion by Commissioner Bennett, seconded by Commissioner Dewey, 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 W. Cayuga and M-88. The public or private vehicular connections and sidewalks are existing. (Exhibit 4 and Exhibit 6)

Motion by Commissioner Bennett, seconded by Commissioner Dewey, 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 Dewey, 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)

Motion by Commissioner Dewey, 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)

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

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

Motion by Commissioner Seman, 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.

A motion to approve, based on the findings of fact and the site plan review standards, the request for the expansion of existing operations in three phases.

Motion by Chairman Drollinger, seconded by Commissioner Bennett, to approve, based on the findings of fact and the site plan review standards, the request for the Phase 1 2016 expansion of existing operations contained in 536 square feet to include an additional 578.7 square feet to accommodate bike, kayak, paddle board and related gear sales; the Phase 2 request to open the interior between the two suites in 2017; and the Phase 3 expansion in the event Paddles & Pedals occupies the entire building. Applicant to comply with zoning ordinance provisions for signage and outside display of merchandise. Motion passed by unanimous voice vote.

The Planning Commission congratulated Mr. Boyd and took a brief recess at 5:50 p.m. The Planning Commission went back on the record at 5:54 p.m.

b) Site Plan Review Request of Cottage Floral of Bellaire: Michael Belanger thanked the Planning Commission for putting their request on the agenda. Chairman Drollinger asked whether there was anything to add to the report. Zoning Administrator Luckett explained that this was a review for a change of use of the Lennox Building and that there would be some differences between this review and the previous because of its location in the Village Commons District. She indicated that the Planning Commission would have to review the possible need for a buffer; the number of parking spaces; and

screening for any trash receptacles. There were questions about the parking. Luckett provided an explanation of the number of parking spaces that could be required under the zoning ordinance based on the use and floor area of the property. Luckett also explained how the exhibits were organized. Cottage Floral will be a retail establishment shop that will sell floral arrangements, gifts, greeting cards, organic foods and antiques. Mr. Belanger noted that their business plan addressed many of the questions. When asked he confirmed that the sign does meet the district requirements of not larger than 24 square feet. The request is for two wall mounted signs to be installed ten feet high but the current ordinance limits the height to six feet. 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 Assessment Records; Exhibit 5 Application Folder which includes: a) Picture of Cottage Floral Sign; b) Application; c) Department of Treasury Taxpayer Identification Number; d) Michigan Department of Licensing and Regulatory Affairs, Articles of Incorporation; e) Antrim County Property Identification Information; f) Aerial photograph of site; g) Business Plan; h) Business Registration Certificate Person Conducting Business Under Assumed Name; i) Copy of Land Contract. Discussion returned to the number of parking spaces with Chairman Drollinger asking Planning Commission members if 8 parking spaces were sufficient? Commissioner Dewey was of the opinion that because the upper level was being used for storage, eight spaces were sufficient. Commissioner Bennett stated that the County Democratic Party had used the space for offices and there was enough parking. Luckett requested that the Planning Commission address the trash receptacles before moving on to the findings of fact. Mr. Belanger explained that they had met with the waste company the day before and they would be using totes which would be rolled out on the day of pick-up and otherwise stored in the garage. This eliminated the need for screening. Chairman Drollinger next read through the Site Plan requirements under Section 10.2.A. for Basic Site Plan, asking whether there were any requests for changes to driveways, setbacks and exterior lighting. He continued through the report and reviewed Section 10.2.B. Commercial Site Plan, again noting the information that satisfied the requirements.

The Planning Commission then considered the Site Plan Review Standards in Article X 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 aerial photograph depicts existing buildings within the Village Commons District along E. Cayuga Street and N. Division. There are no additional ingress/egress access points proposed. (Exhibit 5.f.)

Motion by Commissioner Dewey, seconded by Commissioner Seman, that this standard has been met. Motions 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 already established. The public or private vehicular and pedestrian connections are existing. (Exhibit 5.f.)

Motion by Commissioner Seman, seconded by Commissioner Dewey, that this standard has been met. 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. This natural features are not being removed or altered.
2. There is existing shrubbery and trees on the boundary line.
3. The hours of operation will be 9 a.m. to 6:00 p.m. There will not be evening traffic with headlights projecting into the neighbor's home.
4. There is no a need for an additional greenbelt.

Motion by Commissioner Bennett, seconded by Commissioner Seman, that this standard has been met. Motions 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 Dewey, seconded by Commissioner Bennett, to waive this standard as it is not applicable to the 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 property is adjacent to a residential use on the west.
2. There is green space consisting of grass and trees between the applicant's building and the neighboring residence.

Motion by Commissioner Bennett, seconded by Commissioner Seman, that this standard has been met. 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. These are existing buildings with access to the suites along off of North Division and Baker Lane. The public or private vehicular connections to allow emergency vehicle access are existing. (Exhibit 5.f.)
2. Outside display of merchandise is not requested but would be limited to 5% of the minimum lot area. (Exhibit 1, Article V, Section 5.8 Schedule of Regulations) and required to comply with Article III, Section 3.25)

Motion by Commissioner Dewey, 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 site with access North Division and Baker Lane. The public or private vehicular connections and sidewalks are existing. (Exhibit 5.f.)

Motion by Commissioner Seman, seconded by Commissioner Dewey, to waive this standard as it is not applicable to the project under consideration. 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 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 site within the Village Commons District with storm water drainage patterns established.

Motion by Commissioner Dewey, seconded by Chairman Drollinger, that this standard has been met. 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 indicates there will be no exterior lighting except where doorways are lighted. (Exhibit 5.g.)

Motion by Commissioner Seman, 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 5.3.D.3.b. 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. A greenbelt, is not being required.

Motion by Commissioner Dewey, seconded by Commissioner Bennett, that this standard as been met. 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. This is an existing commercial building in the Village Commons District with access to the site along North Bridge and Baker Lane. The public or private vehicular connections are existing. (Exhibit 5.f.)
2. In accordance with Article III, Section 3.26 The Village Planning Commission shall determine the required parking spaces needed based on the guidelines in Section 3.26C Minimum Number of Parking Spaces per Unit and the materials presented during the site plan review and with consideration to the uniqueness of the business.
3. The site currently has unmarked parking spaces for 8 vehicles. Retail stores are required to have one parking space for each 150 square feet of floor area.
4. According to assessment records, the total floor area of the main building is 1323 square feet. The applicant proposes to use 950 square feet on the main floor for retail, the upper floor for storage only.
5. Using the square footages above, 6 to 9 parking spaces are required.
6. Eight parking spaces are sufficient for the square footage on site.

Motion by Commissioner Dewey, 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 alterations and a change of use that is permitted by right within the district. If approved the zoning administrator will issue a zoning permit. The applicant is required to conform to any applicable county, state and federal requirements. (Exhibit 1)

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

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

A motion was made to approve the request to operate a retail establishment shop that will sell floral arrangements, gifts, greeting cards, organic foods and antiques; to make necessary alterations to the interior; exterior changes including the replacement of a window and installation of a ramp for accessibility off the north side of the principal building. Additionally, two signs not to exceed 24 square feet each may be mounted in compliance with current zoning ordinance provisions for signage; and parking spots for eight spaces shall be provided.

Motion by Chairman Drollinger, seconded by Commissioner Bennett, to approve, based on the findings of fact and the site plan review standards, the request to operate a retail establishment shop that will sell floral arrangements, gifts, greeting cards, organic foods and antiques; to make necessary alterations to the interior; exterior changes including the replacement of a window and installation of a ramp for accessibility off the north side of the principal building. Additionally, two signs not to exceed 24 square feet each may be mounted in compliance with current zoning ordinance provisions for signage; and parking spots for eight spaces shall be provided. Motion carried by unanimous voice vote.

Luckett requested that the Planning Commission approve one meeting fee for the public hearing and regular meeting. A motion was made in support of the request.

Motion by Commissioner Dewey, seconded by Commissioner Seman, to approve a one meeting stipend for the public hearing and regular meeting.

6. **Unfinished Business:** None.

7. **Correspondence/Reports:**

a) **Zoning Administrator's Report:** A written report of permit activity since the February meeting was provided. Luckett noted that certain permits will not be required if the new ordinance is adopted.

8. Adjournment: Meeting adjourned at 6:25 p.m.

Minutes compiled by:

Lori Lockett, Zoning Administrator & Recording Secretary

Minutes are subject to approval

Approved: _____
William Drollinger, Chairman

Date: _____