

# Village of Bellaire

## PLANNING COMMISSION

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

### PLANNING COMMISSION SPECIAL MEETING MINUTES

September 13, 2016

5:00 p.m.

1. **Call to Order:** Chairman Drollinger called the meeting to order at 5:05 p.m.
2. **Roll Call Attendance:**
  - Present:** Chairman Drollinger, Dan Bennett, Butch Dewey, Fred Harris and Don Seman
  - Absent:** None.
  - Staff Present:** Lori Lockett, Zoning Administrator
  - Also Present:** Scott Kruger and Kim Kruger
3. **Public Comments:** None presented.
4. **Approval of Minutes:** The minutes of the August 2, 2016 meeting were approved as written.  
**Motion by Commissioner Harris, seconded by Commissioner Seman, to approve the minutes of the August 2, 2016 meeting as written. Motion carried by unanimous voice vote.**
5. **New Business: Site Plan Review – Papa K’s:** The Planning Commission met to consider the Site Plan Review Application submitted by Scott Kruger, owner of Papa K’s, and his request for a change of use permit to relocate his business from its current location to the plaza containing the Bellaire Laundry and Curves. Mr. Kruger explained that he was in the process of selling his current location to a gentlemen who intends to develop it into a strip mall, including a space for Papa K’s. In the meantime, Mr. Kruger needs a location to operate for a couple of years. Mr. Kruger stated that he had approached the owner of the Bellaire Laundry and Curves and she was willing to accommodate Papa K’s. The proposed site, located at 318 South Division, is in the Commercial District where Eating/Drinking Establishments without a drive through is a use permitted by right. The Property Identification Number for the subject property is 05-41-030-018-10. After some remodeling, to add electrical, a hood system for pizza ovens, and plumbing for mop and hand sinks, Mr. Kruger will move Papa K’s into the end unit in the plaza. He intends to repurpose the 32 square foot ground mounted sign to a wall mounted sign installed on the building façade.

Chairman Drollinger noted for the record the sections of the zoning ordinance pertaining to zoning district requirement (Article 4, Section 4.01E), Outdoor Lighting (Article 3, Section 3.10); signage; and Vehicular Parking (Article 3, Section 3.14). Chairman Drollinger read into the record, “pursuant to Article 10, Section 10.02.C., a zoning permit shall not be issued until all other necessary permits required by statute have been obtained or waived with the exception of those permits issued by the Antrim County Building Department. ‘Upon issuance of the Zoning permit, a copy of the permit and the application, including any drawings shall be transmitted to the Assessor, the Antrim County Building Department and other agencies as appropriate.’ Article 10, Section 10.02.H.

Chairman Drollinger identified the List of Exhibits:

Exhibit 1 - Village of Bellaire Master Plan Future Land Use Map (Figure 7-1)

Exhibit 2 - Village of Bellaire Zoning Ordinance with Zoning Map

Exhibit 3 - Site Plan Review Application with attachments including: Statement of Project Description; Vicinity Sketch, Interior Sketch and Site Plan

Exhibit 4 – Permanent Sign Permit Application

The Planning Commission began its consideration of the request by addressing the standards in Article 6, Section 6.05:

Each site plan shall conform with the applicable provisions of this Ordinance and the standards listed below:

- A. The site plan shall comply with the Village of Bellaire Master Plan and any other applicable Village adopted planning documents.

**The Planning Commission finds:**

1. The existing Zoning Map identifies the property as Commercial. (Exhibit 2)
2. The parcel is located within the Commercial Zoning District which recognizes that “(t)he regulations and conditions contained in this district are designed to promote the economic viability of arterial road oriented commercial areas by encouraging improved site development standards that will provide more safety and convenience for customers. (Exhibit 2)
3. The subject property is developed with a commercial plaza and carwash. (Exhibit 3)

**Motion by Commissioner Dewey, seconded by Commissioner Harris, that this standard has been met. Motion passed by unanimous voice vote.**

- B. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

**The Planning Commission finds:**

1. The subject property is currently developed with a commercial plaza and carwash and associated parking. (Exhibit 3)
2. There are no topographical alterations proposed; only interior alterations and upgrades to electrical, mechanical and plumbing. (Exhibit 3)

**Motion by Commissioner Harris, seconded by Commissioner Seman, that this standard has been met. Motion passed by unanimous voice vote.**

- C. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts. Landscaping, buffering, and screening shall conform with the requirements of this Ordinance.

**The Planning Commission finds:**

1. This standard is not applicable to the request under consideration.

**Motion by Commissioner Dewey, seconded by Commissioner Bennett, that this standard is not applicable to the request under consideration. Motion passed by unanimous voice vote.**

- D. Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties.

**The Planning Commission finds:**

1. Drainage patterns are existing and will not be disturbed. (Exhibit 3)

**Motion by Commissioner Bennett, seconded by Commissioner Dewey, that this standard has been met. Motion passed by unanimous voice vote.**

- E. The site plan shall provide reasonable, visual, and sound privacy for the proposed development, as well as the adjacent properties. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

**The Planning Commission finds:**

1. The request is for a new use by right within the Commercial District. (Exhibit 3)
2. The property is developed with a commercial plaza and carwash and includes a parking lot and landscaping. (Exhibit 3)
3. Adjacent properties are zoned Commercial. (Exhibit 2)

**Motion by Commissioner Seman, seconded by Commissioner Dewey, that this standard has been met. Motion passed by unanimous voice vote.**

- F. A fire and safety preplan review shall be required and coordinated by the applicant with the Bellaire District Fire Department chief or his/her designee.

**The Planning Commission finds:**

1. The Bellaire District Fire Chief has approved the proposed site plan. (Exhibit 3)

**Motion by Commissioner Bennett, seconded by Commissioner Seman, that this standard has been met. Motion passed by unanimous voice vote.**

- G. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.

**The Planning Commission finds:**

1. The buildings or groups of buildings are located on the property with paved parking and traffic flow patterns established around the buildings .(Exhibit 3)
2. Access for emergency vehicles is available from M-88 (Exhibit 3).

**Motion by Commissioner Harris, seconded by Commissioner Dewey, that this standard has been met. Motion passed by unanimous voice vote.**

- H. Every building or dwelling unit shall have access to a public street, private road, walkway, or other area dedicated to common use.

**The Planning Commission finds:**

1. This standard is not applicable to the request under consideration.

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

- I. Walkways shall be provided, separate from the road system, where feasible.

**The Planning Commission finds:**

1. Access to the property is on M-88.
2. Any pedestrian traffic travels within the MDOT right-of-way.

**Motion by Commissioner Seman, seconded by Commissioner Harris, that this standard has been met. Motion passed by unanimous voice vote.**

- J. Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties, and shall be directed downward so as not to unnecessarily illuminate the night sky. Flashing or intermittent lights shall not be permitted.

**The Planning Commission finds:**

1. Other than a wall mounted sign, exterior lighting is not proposed. (Exhibit 3)

**Motion by Commissioner Seman, seconded by Commissioner Harris, that this standard has been met. Motion passed by unanimous voice vote.**

- K. The proposed arrangement of vehicular and pedestrian routes shall respect the pattern of existing or planned streets and nonmotorized pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way.

**The Planning Commission finds:**

1. The site is developed and existing with ingress and egress off of M-88. (Exhibit 3)

**Motion by Commissioner Bennett, seconded by Commissioner Dewey, that this standard has been met. Motion passed by unanimous voice vote.**

- L. All streets shall be developed in accordance with Village specifications.

**The Planning Commission finds:**

1. This standard is not applicable to the request under consideration.

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

- M. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting streets, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.

**The Planning Commission finds:**

1. The site plan depicts an entrance off of M-88 to the existing parking area with 41 spaces, including two that are ADA accessible. (Exhibit3)
2. The vehicular circulation around the buildings is established. (Exhibit 3)

**Motion by Commissioner Bennett, seconded by Commissioner Seman, that this standard has been met. Motion passed by unanimous voice vote.**

- N. Residential and nonresidential development shall not include unnecessary curb cuts and shall use shared

drives and/or service drives where the opportunity exists unless precluded by substantial practical difficulties.

**The Planning Commission finds:**

1. The access and parking are existing. This standard is not applicable to the request under consideration.

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

- O. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.

**The Planning Commission finds:**

1. This standard is not applicable to the request under consideration.

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

- P. Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before the Zoning Permit is issued.

**The Planning Commission finds:**

1. Pursuant to Article 10, Section 10.02.C., a zoning permit shall not be issued until all other necessary permits required by statute have been obtained or waived with the exception of those permits issued by the Antrim County Building Department. (Exhibit 2)
2. Antrim County Building Department (Construction Code Enforcement) and Environmental & Home Health Department permits are required. (Exhibit 3)

**Motion by Commissioner Bennett, seconded by Commissioner Harris, that this standard has been met. Motion passed by unanimous voice vote.**

- Q. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment, including:

1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.
2. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
3. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

**The Planning Commission finds:**

1. The property is currently connected to the Village water and sewer systems and is subject to the Village of Bellaire Code of Ordinances regarding use.

It was clarified that Mr. Kruger would be installing a mop sink instead of a floor drain.

**Motion by Commissioner Harris, seconded by Commissioner Dewey, that this standard has been met. Motion passed by unanimous voice vote.**

Prior to the Planning Commission making a decision, Zoning Administrator Luckett asked Mr. Kruger to clarify the location for the sign being relocated. Mr. Kruger stated that the sign would be installed in the apex and that there was room there for the sign. Ms. Luckett explained why a sign was not being proposed for the existing ground mounted sign on site. She noted that the sign on site is non-conforming; adding a sign for Papa K's would make the sign more so and would be in violation of the current ordinance. Zoning Administrator Luckett informed Mr. Kruger that banners and flags are prohibited except for a temporary period of up to 15 days, and could be used for the grand opening. Changeable message signs are limited to 20 square feet. Zoning Administrator Luckett briefly addressed the number of parking spaces noting that based on the use of each space in the plaza, and the table at Section 3.14, a minimum of 36 parking spaces were required. According to the site plan there are 41 spaces available, two of which are ADA compliant.

After brief discussion about the location of the sign, types of signage permitted and the required number of parking spaces, Chairman Drollinger made the motion to approve, based on the findings of fact and site plan review standards, the request to relocate and operate an eating establishment without a drive through with established hours of operation. Applicant is permitted to install a wall mounted sign not to exceed 32 square feet in compliance with the current zoning ordinance provisions for signage and off street parking as currently existing with two ADA parking spaces shall be provided.

**Motion by Chairman Drollinger, seconded by Commissioner Harris to approve, based on the findings of fact and the site plan review standards, the request to relocate and operate an eating establishment without a drive through with established hours of operation. Applicant is permitted to install a wall mounted sign not to exceed 32 square feet in compliance with current zoning ordinance provisions for signage; and off-street parking as currently existing with two ADA spaces shall be provided. Motion passed by unanimous voice vote.**

**6. Unfinished Business:**

**a) Sign Ordinance**

The Planning Commission briefly discussed the need to review the sign section of the ordinance at a work session to which all local business owners are invited. The hope is to get public input into the size, height and number of signs. A work session will be scheduled for a Tuesday or Wednesday evening at 6:00 p.m. Chairman Drollinger offered to personally invite business owners. Zoning Administrator Luckett indicated that she will prepare a notice to business owners for distribution.

**7. Correspondence/Reports**

- a) **Zoning Administrator's Report:** Zoning Administrator Luckett provided a written report of the permits issued since August 2, 2016.

**8. Adjournment: Meeting adjourned at 5:34 p.m.**

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

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

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