

Village of Bellaire

PLANNING COMMISSION

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

PLANNING COMMISSION MEETING MINUTES

February 7, 2017

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, Fred Harris and Don Seman
 - Absent:** None
 - Staff Present:** Lori Luckett, Zoning Administrator
 - Also Present:** Les Kaskinen and Don Lash
3. **Public Comments:** None presented.
4. **Approval of Minutes:** The minutes of the November 1, 2016 meeting were approved.

Motion by Commissioner Harris, seconded by Commissioner Seman, to approve the minutes of the November 1, 2016 meeting as written. Motion carried by voice vote.
5. **New Business:**
 - a) **Property Transfer - 731 E. Cayuga and 727 E. Cayuga:** The planning commission reviewed the Land Division and Land Transfer Findings of Fact prepared by the zoning administrator. Chairman Drollinger noted the zoning district as Manufacturing; the minimum lot area of 1 acre; minimum lot width of 150'; front setback 35'; side setback 20', increased to 35' for corner lots and 50' where abutting residential zone; and rear setback 25'. Chairman Drollinger identified the exhibits – 1. Land Division Act Excerpt, MCL 560.102; 2. Village of Bellaire Land Division Ordinance; 3. Village of Bellaire Zoning Ordinance; 4. Parcel Division Application; 5. Copy of Quit Claim Deed; 6. Current Property Class Map and Google Earth Map; 7. Copy of Certified Boundary Survey & Site Plan and Legal Descriptions; 8. Antrim County Property Information for Parcel 05-41-019-006-00 and 05-41-019-004-30. Chairman Drollinger requested that the Land Division and Land Transfer Findings of Fact be considered Exhibit 9. Zoning Administrator Luckett reminded the planning commission that the proposed findings were not all-inclusive and could be added to or modified. She also explained that the land transfer was being reviewed under the Village Land Division Ordinance. Chairman Drollinger asked whether there were any questions about the application. Planning commission members acknowledged that they had reviewed the materials. Mr. Kaskinen was asked if he had anything to add to the application. Zoning Administrator Luckett explained that the property to be transferred did not meet the zoning requirements and could not be a separate development site; it may only be used in conjunction with Mr. Lash's parcel. She highlighted the required findings and language should the transfer be approved. Incorporating §49-5.D. the procedure for division or property transfer, by reference, the planning commission considered each standard for approval.
 - A. The proposed division or property transfer shall comply with all requirements of the Land Division Act of 1967, being Act 288 of the Public Acts of 1967, as amended.

The Planning Commission finds that:

 1. According to 1967 PA 288, Land Division Act, at MCL 560.102 Sec. 102. (d), “. . . Division does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.” Exhibit 1

2. Bellaire Village Code, Chapter 49 § 49-3.P. specifically provides in “. . . (i) if the property transferred does not independently conform to the requirements of the Land Division Act, being Act 288 of the Public Acts of 1967, as amended, the Village of Bellaire Zoning Ordinance, as amended, and this Ordinance, then it shall not be considered a development site, but may only be used in conjunction with the lot or parcel to which it was transferred. Exhibit 2

3. The minimum lot area in the Manufacturing district is one acre. Exhibit 3

4. The property being transferred, Parcel B, is less than one acre. Exhibit 7

5. Parcel B does not meet minimum area requirements but may only be used in conjunction with the parcel to which it is being transferred. Exhibit 2

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

B. The lots, parcels, or tracts of land that will result from the division or property transfer shall comply with all requirements of the Village of Bellaire Zoning Ordinance, as amended, including but not limited to the requirements relating to area and width for the newly created lots, parcels, or tracts of land, the requirements relating to lake and/or road frontages, and the requirements relating to setbacks if the newly created lots, parcels, or tracts of land have buildings or structures on them. The addition of land to an already lawful nonconforming lot or parcel is permitted without a zoning variance, provided that the lot or parcel from which the land is taken will not become a nonconforming lot or parcel or, if already nonconforming will not become more nonconforming.

The Planning Commission finds that:

1. According to the Application, Parcel B will be used for storage. Exhibit 4

2. Parcel B does not independently meet the minimum area requirements of the Village of Bellaire Zoning Ordinance. Exhibit 3 and Exhibit 7

3. Parcel B does not have buildings or structures on it. Exhibit 7

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

C. Each lot, parcel, or tract of land that will result from the division or property transfer shall have an adequate and accurate legal description certified by a land surveyor licensed by the State of Michigan.

The Planning Commission finds that:

1. The Boundary Survey & Site Plan contains legal descriptions for the parcels involved in the property transfer. Exhibit 7

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

D. Except for the remainder of the parent parcel or parent tract of land retained by the owner each new lot, parcel, or tract of land that will result from the division, including those lots, parcels, and tracts of land greater than 10 acres, shall have a depth of not more than four times its width as measured under the requirements of the Bellaire Zoning Ordinance. This standard shall not apply to a property transfer. [Amended by Ord. 04-2007 on 06-06-07]

The Planning Commission finds that:

1. This request is for a property transfer between adjacent parcels. Exhibit 4
2. According to the express terms of §49-6 D., this standard does not apply. Exhibit 2.

Motion by Commissioner Harris, seconded by Commissioner Seman, that this standard is not applicable. Motion passed by unanimous voice vote.

- E. If a lot, parcel, or tract of land that will result from the division or property transfer will be a development site, then each such resulting lot, parcel, or tract of land shall have adequate easements for public utilities from each such resulting lot, parcel, or tract of land to existing public utility facilities.

The Planning Commission finds that:

1. According to the Application Parcel B is for additional storage area. Exhibit 4
2. Parcel B does not conform to the Village of Bellaire Zoning Ordinance and may not be used as a development site. Exhibit 3

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

- F. If the land proposed to be transferred between two (2) or more adjacent lots or parcels does not independently conform to the requirements of the Land Division Act, being Act 288 of the Public Acts of 1967, as amended, the Village of Bellaire Zoning Ordinance, as amended, and this Ordinance, then the land proposed to be transferred shall not thereafter be independently considered a development site, but may only be used in conjunction with an adjoining lot(s), parcel(s), or tract(s) of land.

The Planning Commission finds that:

1. The property being transferred does not meet the minimum lot width and area requirements established in the Village of Bellaire Zoning Ordinance. Exhibit 3
2. Parcel B may only be used in conjunction with the current Lash parcel. Exhibit 3
3. The property transfer will have to comply with Village of Bellaire Zoning Ordinance, Article 5, Section 5.07 B. Exhibit 3

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

- G. Each lot, parcel, or tract of land that will result from the division or property transfer shall be accessible.

The Planning Commission finds that:

1. The property being transferred will be accessible from E. Cayuga Street and E. Broad Street. Exhibit 6 and Exhibit 7
2. The property transfer does not affect the access to the Kaskinen Trust parcel. Exhibit 6 and Exhibit 7
3. The proposed parcels are accessible by definition in Chapter 49, §49-3.A.1). Exhibit 3

Motion by Commissioner Seman, seconded by Commissioner Harris, that the parcels are accessible and that this standard has been met. Motion passed by unanimous voice vote.

- H. The owner of the parcel or tract of land shall possess the right to divide the parcel or tract of land. This standard shall not apply to a property transfer.

The Planning Commission finds that:

1. This request is for a property transfer.
2. This standard does not apply to property transfers.

Motion by Commissioner Dewey, seconded by Commissioner Bennett, that this standard does not apply. Motion passed by unanimous voice vote.

- I. The property lines of the lots, parcels, or tracts of land that will result from the division or property transfer shall be consistent and in harmony with the property lines of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, and/or the property lines of adjacent lots, parcels, or tracts of land. **This standard is under review.**
- J. The lot, parcel or tract of land to be divided, or the lots or parcels involved in a property transfer or division, shall have no delinquent taxes, fees, or special assessment payments due or levied against it or against them. In addition, the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, shall have no municipal liens filed against it or against them are due and payable. [Added by Ord. 4-2009 on 7 15-09] **This standard is under review.**

Chairman Drollinger requested that a motion regarding the property transfer be made. Motion was made by Commissioner Harris and supported by Commissioner Seman.

Motion by Commissioner Harris, supported by Commissioner Seman, to approve the property transfer of Parcel B to be used in conjunction with the Lash parcel, on condition that the owners of the Lash Parcel shall execute and record a Declaration of Covenant Running with the Land, that the two parcels may only be used in conjunction with each other and may not be divided in any manner that would create a nonconformity by using each parcel as a separate development site or zoning lot. Motion passed by unanimous voice vote.

- b) **Election of Officers:** The current officers were identified - Chairman Drollinger, Vice-Chairman Bennett and Secretary Harris. Commissioner Bennett made a motion that the current slate of officers be elected for their respective positions.

Motion by Commissioner Bennett, supported by Commissioner Seman, that the current slate of officers be elected. A roll call vote was conducted.

Ayes: Bennett, Dewey, Harris, Seman and Drollinger Nays: None.

- c) **Resolution for 2017-2018 meeting dates:** The meeting dates for the 2017-2018 fiscal year were identified in Resolution #7. Motion was made by Commissioner Dewey to approve the meeting dates set forth in Resolution #7, May 2, 2017, August 1, 2017, November 7, 2017 and February 6, 2018.

Motion by Commissioner Dewey, supported by Commissioner Bennett, to approve the meeting dates set forth in Resolution #7 -May 2, 2017, August 1, 2017, November 7, 2017 and February 6, 2018. A roll call vote was conducted.

Ayes: Dewey, Bennett, Harris, Seman and Drollinger Nays: None.

- d) **2018-2022 Recreation Plan update:** Zoning Administrator informed the planning commission that the current recreation plan would expire at the end of this year. She provided a copy of the survey and requested that each member provide responses so that she could compile a database for the plan. Zoning Administrator Luckett briefly explained the process of reviewing and updating the plan. She indicated that the survey

focuses on universal accessibility to the parks and recreation system within the village. Zoning Administrator stated that she hopes to have the plan ready for public comment by the end of the summer. She encouraged public input noting that the survey was on the village website and Facebook page. There was brief discussion of items listed on the survey including dredging Craven Pond and possibly increasing the camp sites in the campground.

6. Unfinished Business: Planning commission members raised questions about available education and training opportunities. Zoning Administrator Luckett indicated that the Planning and Zoning News is an education tool and that the ZBA Chair, Leslie Meyers, is certified to conduct training. She asked about specific items for which the planning commission wanted training. The Open Meetings Act and review of tiny home developments were mentioned. There was discussion about campers and mobile homes and tiny homes on wheels. Commissioner Harris expressed that his concern was the lot and not the home. Zoning Administrator Luckett directed the members to the Planned Unit Development section in the zoning ordinance and suggested that they would make determinations under that section. Chairman Drollinger would like to be prepared in the event a developer proposes such a development for consideration.

7 Correspondence/Reports:

a) **Zoning Administrator's Report:** Zoning Administrator Luckett provided a written report of the permits issued since the date of the last meeting.

8. Adjournment: Meeting adjourned at 5:41 p.m.

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

Approved: _____
William Drollinger, Chairman

Date: _____