

Village of Bellaire

PLANNING COMMISSION

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

PLANNING COMMISSION MEETING MINUTES

November 7, 2017

Immediately following the Public Hearing

1. **Call to Order:** Chairman Drollinger called the meeting to order at 5:07 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:** Russell Duff, Caroline Duff, and Sean Spillane
3. **Public Comments:** None presented.
4. **Approval of Minutes:** The minutes of the September 19, 2017 Special Meeting and September 27, 2017 Work Session were approved as written.

Motion by Commissioner Harris, seconded by Commissioner Dewey, to approve the September 19, 2017 Special Meeting and September 27, 2017 Work Session were approved as written. Motion carried by unanimous voice vote.

5. **New Business:** Zoning Administrator Lockett requested that "Meeting Per Diem" be added to the agenda as item d). Due to the applicants in attendance at the time, the Planning Commission took the agenda items out of order.

a) Property Transfer - Russell Duff and Caroline F. Duff 214 N. Beech (05-41-250-001-00) John W. Duff Trustee of the Joanne F. Duff Trust (05-41-250-002-10): Mr. Duff explained that he and his mother (Joanne) had contiguous property. Mrs. Duff's lot is 50' wide with her house built close to the minimum side setback. He has lots of vacant area contiguous to her property line. She would like more space. Caroline Duff added that historically she and Russell have considered that space to belong to Mrs. Joanne Duff. This application is to have the transfer legally done.

The planning commission reviewed the application for Land Division and Land Transfer Findings of Fact. Chairman Drollinger identified the Exhibits 1 through 6. Commissioner Dewey made a motion, seconded by Commission Bennett, to accept the exhibits as listed.

Motion by Commissioner Dewey, seconded by Commissioner Bennett, to accept the exhibits as listed. Motion passed by unanimous voice vote.

Incorporating the attached findings of fact into the record by reference, the planning commission considered each standard for approval and proposed findings, and made a determination whether the standard was met or was not applicable.

- 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.

Motion by Commissioner Dewey, seconded by Commissioner Seman, 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,¹ 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.

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.

Motion by Commissioner Bennett, 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. 4-2007 on 06-06-07]

1. This standard does not apply to a property transfer.

- 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.

Motion by Commissioner Dewey, seconded by Commissioner Bennett, 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.

Motion by Commissioner Seman, seconded by Commissioner Dewey, 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.

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

1. Editor's Note: The Zoning Ordinance is on file in the Village offices.

- 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.
 - 1. *This standard does not apply to property transfers.*
- I. The proposed division does not isolate a cemetery so that it no longer is accessible as defined in this Chapter. This standard shall not apply to a property transfer. [Amended on 04-05-2017 by Ord. No. 02 of 2017]
 - 1. *This standard does not apply to property transfers.*
- J. [Repealed on 04-05-2017 by Ord. No.02 of 2017]

The property transfer was approved based upon the findings of fact.

Motion by Commissioner Dewey, seconded by Commissioner Seman, to approve the property transfer as proposed based on the findings of fact. Motion passed by unanimous voice vote.

b) Site Plan Review – Bantry Bay Development: Chairman Drollinger moved to the next item on the agenda. Because Commissioner Dewey had sold this property, he recused himself from this matter and sat with the public. The Applicant, Dr. Spillane, was asked for comment. He stated that this was in the Village Commons and a right by use (sic). The zoning ordinance allows a duplex home on this lot. He expressed his confusion as to why he had to come to the meeting. Chairman Drollinger explained that this was for a site plan review. Dr. Spillane indicated that he was asking approval for use according to the zoning. Zoning Administrator Luckett explained that a land use permit for a single-family dwelling and accessory building had been issued previously through plot plan review. She noted that she has authority under the zoning ordinance to issue permits for single-family dwellings and accessory buildings. The two family dwelling is required to be reviewed by the planning commission. The current application is for a change of use to build a two-family dwelling. The size of the accessory building will stay the same. The configuration of the dwelling will also stay the same. Zoning Administrator Luckett explained that a supplemental report contained a copy of the plot plan that had been submitted previously. It shows the dimensions of the accessory building that is smaller than on the site plan. The size of the accessory building is limited to one and one-half times the first floor square footage of the principal structure. In this case, he is proposing to build a two-story dwelling with a walk out as the grade allows. The total first floor square footage is 1440. She also noted that there was a typographical error on the permit that would be corrected with an amended permit. Chairman Drollinger asked whether all of the setbacks were being met. Zoning Administrator explained that a survey has been done and the corners are marked. The ordinance does provide that the location of the buildings will be marked. The actual location of the buildings appears to be within the building envelope but they are not yet marked on the property. The ordinance does state that the location should be staked for confirmation and inspection. Chairman Drollinger asked if it could be done. Dr. Spillane said no, that the lot is being cleared. Chairman Drollinger stated that it could be done in the future. Dr. Spillane noted that the survey shows the building location. Chairman Drollinger asked about the two packets. Zoning Administrator Luckett explained that the supplemental report included a copy of the plot plan and the soil erosion permit that had been received. Chairman Drollinger requested a motion to list Exhibits 1 through 6. Zoning Administrator Luckett requested that the plot plan be included with Exhibit 5. With that addition, Chairman Drollinger requested a motion to accept the six exhibits.

Motion by Commissioner Bennett, seconded by Commissioner Seman, to accept the six exhibits. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

Chairman Drollinger identified the parcel under consideration, as PIN 05-46-300-001-00.

Incorporating the attached findings of fact into the record by reference, the planning commission considered each standard for approval and proposed findings, and made a determination whether the standard was met or was not applicable.

SECTION 6.05 SITE PLAN APPROVAL STANDARDS

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.

Motion by Commissioner Bennett, seconded by Commissioner Seman, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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.

Motion by Commissioner Seman, seconded by Commissioner Bennett, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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.

Motion by Commissioner Bennett, seconded by Commissioner Seman, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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.

Motion by Commissioner Harris, seconded by Commissioner Bennett, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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.

Motion by Commissioner Seman, seconded by Commissioner Bennett, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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.

Motion by Chairman Drollinger, seconded by Commissioner Bennett, that this standard is not applicable. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- G. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.
Motion by Chairman Drollinger, seconded by Commissioner Bennett, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.
- H. Every building or dwelling unit shall have access to a public street, private road, walkway, or other area dedicated to common use.
Motion by Commissioner Harris, seconded by Chairman Drollinger, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.
- I. Walkways shall be provided, separate from the road system, where feasible.
Motion by Chairman Drollinger, seconded by Commissioner Bennett, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.
- 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.
Motion by Commissioner Seman, seconded by Commissioner Bennett, this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.
- 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.
Motion by Chairman Drollinger, seconded by Commissioner Harris, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.
- L. All streets shall be developed in accordance with Village specifications.
Motion by Chairman Drollinger, seconded by Commissioner Bennett, to waive this standard, as it is not applicable to the application under consideration. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.
- 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.
Motion by Chairman Drollinger, seconded by Commissioner Seman, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.
- 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.
Motion by Chairman Drollinger, seconded by Commissioner Seman, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of

remaining members.

- 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.

Motion by Commissioner Harris, seconded by Commissioner Bennett, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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.

Motion by Commissioner Seman, seconded by Commissioner Bennett, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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.

Motion by Commissioner Bennett, seconded by Chairman Drollinger, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

The draft motion was reviewed. Dr. Spillane corrected the size of the accessory building indicating that it was going to be 40' x 52' and not 2000 square feet. Chairman Drollinger calculated that 40' x 52' was 2080 square feet. Dr. Spillane indicated that would be the largest. Zoning Administrator Luckett asked when he intended to start building. Dr. Spillane said that it would be within a year, he was in the process of clearing the property but there was quite a bit of debris to remove. He wondered about blight enforcement. Luckett noted that the land use permit is good for one year. When asked by Dr. Spillane, she confirmed that it was possible to get an extension. The site plan was approved based on the findings of fact and site plan review standards.

Motion by Commissioner Bennett, seconded by Commissioner Seman to approve, based on the findings of fact and the site plan review standards, the requested change of use to construct a 40' x 36' two family dwelling; two stories with a walkout as the grade provides; and a 2080 square foot detached accessory building with attic storage. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

After approval, Dr. Spillane asked whether the same was required for single-family homes. Chairman Drollinger said this is because it is multi-family. Dr. Spillane asked why in zoning it states that in the Village Commons he is allowed a duplex home and why he has to go through the process and pay

\$200 to do this. He wondered why the requirements are not the same for a single-family home. Is there no concern for a single family home? Chairman Drollinger indicated that it is generally not a consideration for a single family home. It is required in the zoning ordinance for multi-family homes. Dr. Spillane asked if it is in the zoning ordinance that it is a use by right, to have a duplex home in the Village Commons, why is it necessary to go through site plan review. Chairman Drollinger explained that it is a requirement in our zoning ordinance. A single-family residence is for one family. A duplex means multiple families; it could be with a renter which means additional traffic, noise, movement of people.

Dr. Spillane suggested that it be changed if a use is by right. Chairman Drollinger explained that site plan review is required for business uses too, even if they are by right. Dr. Spillane thought it superfluous and a waste of money. He suggested that if certain review criteria is important enough to have for two-family homes; it should be required for single-family homes too. Chairman Drollinger noted that single-family homes have standards to meet and noted that complaints arise when there are multiple families.

c) Site Plan Review – Hello Vino: Chairman Drollinger announced the next item on the agenda. Zoning Administrator Luckett explained that the Applicant, Christy Wilson, was intending to relocate her business to the Tiffany Building. The part of the building was previously used as meeting space for Short's. Because this is a new use or change of use, site plan review is required. Luckett explained that Ms. Wilson is traveling and not able to attend the meeting. She may be available by telephone and has a partner who is also available by telephone if the members have questions about the application. The business retail, wine glasses and accessories. She currently is not able to sell wine. The village council had previously approved a resolution authorizing Ms. Wilson to sell wine. The Michigan Liquor Control Commission denied the application based on quotas. In order for her to have a wine tasting room, she is working out details with a winery for an off-site tasting room. There are certain requirements that must be met. The front space on the site plan is designated for retail. The space to the back is designated for future wine tasting. Luckett suggested that if the members approved the wine tasting portion of the request it would have to be contingent upon her submitting an updated site plan and receiving all necessary approvals/licenses. This review could be a minor change and would not have to come back to the planning commission unless something changed in the meantime. Luckett noted that Ms. Wilson intends to be open 7 days a week, 11:00 a.m. to 9:00 p.m. Chairman Drollinger asked of members were willing to proceed without the owner present. Member agreed. Chairman Drollinger began site plan review by identifying the property location in the Central Business District. A motion was made to accept the four exhibits listed on the staff report for site plan review and proposed findings of fact.

Motion by Commissioner Bennett, seconded by Commissioner Dewey, to accept the four exhibits. Motion passed by unanimous voice vote.

Incorporating the attached findings of fact into the record by reference, the planning commission considered each standard for approval and proposed findings, and made a determination whether the standard was met or was not applicable.

SECTION 6.05 SITE PLAN APPROVAL STANDARDS

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.

Motion by Commissioner Seman, seconded by Commissioner Bennett, 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.

Motion by Commissioner Dewey, seconded by Commissioner Bennett, 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.

Motion by Commissioner Harris, seconded by Commissioner Seman, 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.

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.

Motion by Commissioner Harris, seconded by Commissioner Seman, 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.

Motion by Chairman Drollinger, seconded by Commissioner Dewey, 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.

Motion by Commissioner Harris, seconded by Commissioner Harris, 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.

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

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

Motion by Commissioner Dewey, seconded by Chairman Drollinger, 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.

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.

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.

Motion by Commissioner Seman, seconded by Commissioner Dewey, to waive this standard, as it is not applicable to the application 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.

Motion by Commissioner Dewey, seconded by Chairman Drollinger, that this standard has been met.

- 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.

Motion by Commissioner Dewey, seconded by Commissioner Seman, to waive this standard, as it is not applicable to the application 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.

Motion by Commissioner Bennett, 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.

- 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.

Motion by Commissioner Dewey, seconded by Chairman Drollinger, 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.

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

The site plan was approved based on the findings of fact and site plan review standards.

Motion by Commissioner Seman, seconded by Commissioner Dewey, to approve, based on the findings of fact and the site plan review standards, the requested change of use from business office to retail outlet with gross floor area of 5000 square feet or less. Approval of wine tasting is contingent upon Applicant submitting an updated site plan and receiving all necessary approvals/licensures. Motion passed by unanimous voice vote.

d) Meeting Per Diem: Members were asked to consider one meeting per diem for the public hearing in addition, meeting.

Motion by Commissioner Dewey, seconded by Chairman Drollinger, to accept one meeting per diem. Motion carried by unanimous voice vote.

6. Unfinished business: Zoning Administrator Luckett reported that the recreation plan is scheduled for public hearing on December 6, 2017 at 6:30 p.m. Copies are available for review at the library, in the offices and on the village website.

7. Correspondence/Reports:

a) Zoning Administrator's Report: The report of permits issued since the September 19, 2017 special meeting was reviewed. Chairman Drollinger also provided a brief synopsis of the planning and zoning training he and Scott Udell had attended. The training was worthwhile. He encouraged other members to attend in the future. He also reported that land divisions in some units are being handled by zoning administrators and not planning commissions. Luckett indicated they would have to bring that to the village council and amend the village code.

8. Adjournment: Meeting adjourned at 6:02 p.m.

Minutes compiled by:

Lori Luckett, Zoning Administrator & Recording Secretary

Minutes are subject to approval.

Approved: _____
William Drollinger, Chairman

Date: _____

Village of Bellaire Planning Commission meeting of November 7, 2017
Property Transfer – Findings of Fact
Russell Duff and Caroline F. Duff 214 N. Beech (05-41-250-001-00)
John W. Duff Trustee of the Joanne F. Duff Trust (05-41-250-002-10)

Zoning District..... R-1 Residential
Minimum Lot Area..... 6000 sf
Minimum Lot Width.....50’
Front Setback..... 25’
Side Setback 5’ (increased to 25’ for corner lots)
Rear Setback..... 25’

Exhibits

- 1. Land Division Act Excerpt, MCL 560.102
- 2. Village of Bellaire Land Division Ordinance
- 3. Village of Bellaire Zoning Ordinance, Schedule of Regulations Section 4.03
- 4. Parcel Division Application with Exhibits as identified by Applicant:
 - A. Tax Receipt for Parcel 05-41-250-001-00
 - B. Property Information for Parcel 05-41-250-002-10
 - C. Letter from Russell Duff
 - F. Current Property Class Map-Antrim County
- 5. Copy of Certified Boundary Survey & Site Plan and Legal Descriptions
- 6. Copy of Release of Part of Premises from Mortgage

This property transfer is being referred to the Planning Commission in accordance with Chapter 49 §49-5. D. of the Village Code. The Planning Commission’s decision to approve the property transfer shall be based on the following standards. The reasons for the decision shall be specified in writing. If the Planning Commission fails to grant approval of the proposed property transfer, the Applicant has the option to resubmit the information for approval to the Planning Commission or appealing the Planning Commission’s decision to the Zoning Board of Appeals. It should be noted that approval of the property transfer shall not be considered a determination that the resulting lots comply with any other ordinances or regulations of the Village of Bellaire.

§ 49-6. Standards for approval of divisions or property transfers.

An application to divide a lot, parcel, or tract of land or to affect a property transfer shall be granted when all of the following standards are met:

- 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:

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 “PROPERTY TRANSFER” means a transfer of property between two (2) or more adjacent lots or parcels, if the property taken

from one (1) lot or parcel is added to an adjacent lot or parcel and if all resulting lots or parcels 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. 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 width in the R-1 Residential District is 50'. (Exhibit 3)

4. The property being transferred is a strip of land 10' in width and does not meet the minimum width. (Exhibit 5)

5. The property being transferred 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 Seman, 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,¹ 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:

1. The minimum parcel width in the R-1 Residential District is 50'. (Exhibit 3)

2. The proposed transfer of 10' from Lot 2 in the parent parcel will result the total parcel width of 90'. (Exhibit 5)

3. Adding 10' to the transferee will result a parcel of 60' in width. (Exhibit 5)

4. The resulting parcels will exceed the 50' minimum width. (Exhibit 5)

Motion by Commissioner Dewey, seconded by Commissioner Seman, that this standard has not 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:

1. The Boundary Survey & Site Plan contains legal descriptions for all parcels involved in the property transfer. (Exhibit 5)

1. Editor's Note: The Zoning Ordinance is on file in the Village offices.

Motion by Commissioner Bennett, 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. 4-2007 on 06-06-07]

1. This standard does not apply to a property transfer.

- 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:

1. The 10' strip of property being transferred is not itself a development site but makes the Lot 3 "a more comfortably sized side yard". (Exhibit 4)

2. The 10' strip of property is being added to an already developed parcel to increase space on the north lot line.

3. The survey identifies and describes an easement identified as the Clearview Easement. (Exhibit 5)

Motion by Commissioner Dewey, seconded by Commissioner Bennett, 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:

1. The minimum lot width in the R-1 Residential District is 50'. (Exhibit 3)

2. The property being transferred is a strip of land 10' in width and does not meet the minimum. (Exhibit 5)

3. The property being transferred 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 Seman, seconded by Commissioner Dewey, 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:

1. The transfer of 10' of property between the adjacent parcels will not affect the accessibility of the parcels. (Exhibit 5)

Motion by Commissioner Harris, seconded by Commissioner Seman, 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:

1. This standard does not apply to property transfers.

- I. The proposed division does not isolate a cemetery so that it no longer is accessible as defined in this Chapter. This standard shall not apply to a property transfer. [Amended on 04-05-2017 by Ord. No. 02 of 2017]

The Planning Commission finds:

1. This standard does not apply to property transfers.

- J. [Repealed on 04-05-2017 by Ord. No.02 of 2017]

Motion by Commissioner Dewey, seconded by Commissioner Seman, to approve the property transfer as proposed based on the findings of fact. Motion passed by unanimous voice vote.

Village of Bellaire Planning Commission – November 7, 2017
Approved Findings of Fact

Application

Applicant: Dennis T. Spillane, DDS

Property Owner: Bantry Bay Development, LLC, 130 W. Burnside Street, Caro, MI 48723

Applicant's Address: 638 Willow Drive, Bellaire, MI 49615

Property Location: Vacant land – recently assigned address: 105 South Genessee

Zoning District: Village Commons (VC)

Master Plan Use: The Existing Land Use Map on page 4-2 of the Master Plan identifies the parcel as Upland Nonforest. The Future Land Use Map on page 7-2 of the Master Plan identifies the parcel as General Residential.

Description of Site: PIN 05-46-300-001-00, described as:

Lot One (1) Block One (1) of the Plat of Intermediate River Subdivision, as recorded in Liber1, Page 204 of Plats, Antrim County Records.

As a condition of purchase, applicant was authorized to apply for a land use permit. A land use permit for a single-family dwelling and accessory building was issued September 14, 2017. Applicant is requesting a change of use to build a two family dwelling and an accessory building.

The property is currently classified as Vacant Residential. The property is within the Village Commons District wherein "Two Family Dwelling" is a permitted use. Setbacks in the Village Commons District are 25' front, 25' rear, and because this parcel is on a corner, 25' off South Genessee, 5' on the interior side (Article 4, Section 4.03 Schedule of Regulations). The minimum lot area is 6000 square feet. Minimum lot width is 50 feet. Maximum height of a structure is 3 stories and 35'.

List of Exhibits

Exhibit 1 Village of Bellaire Master Plan

Exhibit 2 Village of Bellaire Zoning Ordinance including Map

Exhibit 3 Site Plan Review Application Packet:

- a) Application-Site Plan Review Application and Checklist and Site Plan
- b) Proof of Ownership;
- c) Survey

Exhibit 4 Emails from Heidi Shaffer Antrim County Soil Erosion a) and b);

Exhibit 5 Land use permit #2017-24 and Plot Plan

Exhibit 6 Google Earth photographs of site a) and b)

SECTION 6.05 SITE PLAN APPROVAL STANDARDS

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 Land Use Map in the Master Plan identifies the property as part Upland Nonforest and Future Land Use as General Residential. (Exhibit 1)
2. The parcel is located within the Village Commons Zoning District, which recognizes that central portions of the village are not separated into homogeneous land uses. . . .This district recognizes this “mixed-use” characteristic of the Village Commons and is designed to authorize land uses, in combination with associated accessory buildings and uses, that insure compatibility between residential and more intensive land uses.” (Exhibit 2, Section 4.01.D.)
3. The proposed use is for a two family dwelling and associated accessory building, both of which are permitted uses in the Village Commons (VC) District. (Exhibit 3)
4. The minimum front setback is 25’. The minimum rear setback is 25’. The side setback on the interior is 5’; corner side is 25’.

Motion by Commissioner Bennett, seconded by Commissioner Seman, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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 parcel is slightly sloped and in an area of single family and multiple family dwellings.
2. Applicant proposes to construct a 40’ x 36’ two family dwelling; two stories with a walk out as the grade provides. (Exhibit 3c)
3. The first floor square footage is 1440 square feet. (Exhibit 3a)
4. Additionally, Applicant propose to construct a 2000 square foot detached accessory building with attic storage. (Exhibit 3c)
5. The total ground level square footage of all accessory structures on any single lot or parcel shall not exceed one and half times first floor square footage of the principal structure. (Exhibit 2 Section 3.04)

Motion by Commissioner Seman, seconded by Commissioner Bennett, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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. Applicant intends “saving trees as possible clearing power wires that run on lot line in side yard setback. (Exhibit 3c)

Motion by Commissioner Bennett, seconded by Commissioner Seman, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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. Storm water along South Genessee currently flows along the road.
2. Drainage from Applicant’s property may not flow onto neighboring property. (Exhibit 2)
3. Antrim County Soil Erosion Department “will include storm water control in any permit requested for this parcel.” (Exhibit 4a)
4. A soil erosion permit will be provided to the village offices. (Exhibit 2 Section 10.02 C; Exhibit 4b)

Motion by Commissioner Harris, seconded by Commissioner Bennett, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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. Applicant intends “saving trees as possible clearing power wires that run on lot line in side yard setback. (Exhibit 3c)

Motion by Commissioner Seman, seconded by Commissioner Bennett, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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.

Note to members: According to former Fire Chief Baker, preplan review is not required for single family and two-family dwellings.

The Planning Commission finds:

Motion by Chairman Drollinger, seconded by Commissioner Bennett, that this standard is not applicable. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

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

The Planning Commission finds:

1. Village of Bellaire Zoning Ordinance, Section 3.21 provides “. . . a building, whether principal or accessory, shall be located no closer than ten (10) feet to any existing building.” (Exhibit 2)

2. Access for emergency vehicles is available along South Genesee. (Exhibit 3c).

Motion by Chairman Drollinger, seconded by Commissioner Bennett, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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. A residential structure and an accessory building are proposed. (Exhibit 3c)

2. The site is described as Lot One (1) Block One (1) of the Plat of Intermediate River Subdivision, as recorded in Liber 1, Page 204 of Plats, Antrim County Records. (Exhibit 3b)

3. Vehicular access off South Genessee will be provided. (Exhibit 3c)

Motion by Commissioner Harris, seconded by Chairman Drollinger, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

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

The Planning Commission finds:

1. The lot is part of a developed plat with an existing road system. (Exhibit 3b)

Motion by Chairman Drollinger, seconded by Commissioner Bennett, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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. "Normal home fixtures" are proposed. (Exhibit 3a)

Motion by Commissioner Seman, seconded by Commissioner Bennett, this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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. Access to the site is off South Genessee. (Exhibit 3c)

Motion by Chairman Drollinger, seconded by Commissioner Harris, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

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

The Planning Commission finds:

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

Motion by Chairman Drollinger, seconded by Commissioner Bennett, to waive this standard, as it is not applicable to the application under consideration. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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 the existing parking area with entry off South Genessee. (Exhibit 3c)

Motion by Chairman Drollinger, seconded by Chairman Seman, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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 property is located at the corner of West Cayuga and South Genesee. (Exhibits 3c, 6a and 6b)
2. There is one driveway entrance to accommodate the traffic from and onto South Genesee. (Exhibit 3c)

Motion by Chairman Drollinger, seconded by Commissioner Seman, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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. Utilities are located along Genessee Street. (Exhibit 3a)

Motion by Commissioner Harris, seconded by Commissioner Bennett, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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. A soil erosion permit is required. (Exhibit 2, Section 10.02.C, Exhibit 4b)
2. Antrim County Soil Erosion Control will be providing a copy of the issued permit. (Exhibit 4b)

Motion by Commissioner Seman, seconded by Commissioner Bennett, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

- 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 proposed use involves the connection to the village water and sewer system. (Exhibit 3a)
2. The proposed use does not involve the storage, transport or disposal of hazardous substances. (Exhibit 3a)

Motion by Commissioner Bennett, seconded by Chairman Drollinger, that this standard has been met. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

Motion by Commissioner Bennett, seconded by Commissioner Seman to approve, based on the findings of fact and the site plan review standards, the requested change of use to construct a 40' x 36' two family dwelling; two stories with a walkout as the grade provides; and a 40' x 52' square foot detached accessory building with attic storage. Commissioner Dewey having recused himself, motion passed by voice vote of remaining members.

Village of Bellaire Planning Commission – November 7, 2017
Approved Findings of Fact

Application:

Applicant: Christy Wilson, Hello Vino

Property Owner: SBC Management of Bellaire, LLC
111 Industrial Park Drive, Elk Rapids, MI 49629

Applicant's Address: P.O. Box 514, Bellaire, MI 49615

Property Location: 122 North Bridge #A

Zoning District: Central Business District (CBD)

Master Plan Use: The Existing Land Use Map on page 4-2 of the Master Plan identifies the parcel as Commercial. The Future Land Use Map on page 7-2 of the Master Plan identifies the parcel as Village Commercial.

Description of Site: PIN 05-41-010-065-00, described as:

N 20 FT OF LOT 8. BLK F PLAT OF THE VILL OF BELLAIRE

Applicant is relocating to 122 North Bridge, currently known as the Tiffany Lounge. The property is located in the Central Business District wherein there are no minimum front or side setbacks. The minimum rear setback is 5'. Applicant hopes to expand her offerings by adding "locally grown" items. While hours of operation may vary seasonally, she intends to be open seven days a week from 11:00 a.m. to 9:00 p.m. The site plan identifies the retail space in the front section of the building. A future wine tasting space is proposed for the back section. The use for wine tasting is dependent upon an affiliation with a licensed winery for an off-site tasting room, and authorization from the Michigan Liquor Control Commission.

List of Exhibits

Exhibit 1 Village of Bellaire Master Plan

Exhibit 2 Village of Bellaire Zoning Ordinance including Map

Exhibit 3 Site Plan Review Application Packet:

- a) Application-Site Plan Review Application and Checklist and Site Plan
- b) Proof of Ownership;
- c) Owner's authorization;

Exhibit 4 Google Earth photograph of site

SECTION 6.05 SITE PLAN APPROVAL STANDARDS

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 Land Use Map identifies the parcel as Commercial. The Future Land Use map identifies the parcel as Village Commercial. (Exhibit 1)
2. The parcel and proposed used are located in the Central Business District (CBD). (Exhibit 2)

Motion by Commissioner Seman, seconded by Commissioner Bennett, 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 Applicant will be occupying space within an existing building in the Central Business District (CBD). (Exhibit 2)
2. The type and size of the building will neither be altered nor effect the use of the surrounding property. (Exhibit 4)

Motion by Commissioner Dewey, seconded by Commissioner Bennett, 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. The building and property are located within the Central Business District and on a fully developed site. (Exhibits 2 and 4)
2. This standard is not applicable to the request under consideration.

Motion by Commissioner Harris, seconded by Commissioner Seman, 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. This site is located in the Central Business District and the site is fully developed. (Exhibit 4)
2. The property will not be changed or developed to effect storm water runoff. (Exhibit 2, Section 3.16)

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. This application is for a change of use. (Exhibit 3)
2. The use of the property does not adversely affect the adjacent properties and does not require visual or sound privacy.

Motion by Commissioner Harris, seconded by Commissioner Seman, 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 Applicant has met with the fire chief to coordinate the fire and safety preplan. (Exhibit 3)

Motion by Chairman Drollinger, seconded by Commissioner Dewey, 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. Emergency access is available from North Bridge Street and East Broad Street. (Exhibit 4)

Motion by Commissioner Harris, seconded by Commissioner Harris, 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. Applicant will be occupying space in an existing building. Streets and walkways are established. (Exhibit 4)

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

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

The Planning Commission finds:

1. Applicant will be occupying space in an existing building adjacent to established walkways. (Exhibit 4)

Motion by Commissioner Dewey, seconded by Chairman Drollinger, 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. There is no additional exterior lighting currently proposed. (Exhibit 3)
2. Illuminated signage shall not be of the flashing, moving or intermittent type. (Exhibit 2)

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. Applicant will be occupying space in an existing building, vehicular and pedestrian routes are established. (Exhibit 4)

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 application under consideration.

Motion by Commissioner Seman, seconded by Commissioner Dewey, to waive this standard, as it is not applicable to the application 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 building in which Applicant will be occupying space is located in the Central Business District (CBD). (Exhibit 2)

2. The Central Business District (CBD) is excepted from the parking requirements in Section 3.14. (Exhibit 2)

Motion by Commissioner Dewey, seconded by Chairman Drollinger, that this standard has been met.

- 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 Applicant will be occupying space within an existing building in the Central Business District (CBD). (Exhibit 2)
2. This standard is not applicable to the application under consideration.

Motion by Commissioner Dewey, seconded by Commissioner Seman, to waive this standard, as it is not applicable to the application 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. Applicant will be occupying space in an existing building with utilities, including water and sewer, established. (Exhibits 3 and 4)

Motion by Commissioner Bennett, 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.

- 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. Applicant intends to use the space for retail. (Exhibit 3a)
2. The back section of the space is reserved for a wine tasting room. (Exhibit 3a)
3. Applicant does not currently have the necessary permits for wine tasting.
4. The use of space for wine tasting is contingent upon Applicant securing the appropriate permits and approvals.

Motion by Commissioner Dewey, seconded by Chairman Drollinger, 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. Applicant's use of the property does not involve storage or use of hazardous materials.
2. Applicant will be occupying space in an existing building with water and sewer connections established. (Exhibits 3 and 4)

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

Motion by Commissioner Seman, seconded by Commissioner Dewey, to approve, based on the findings of fact and the site plan review standards, the requested change of use from business office to retail outlet with gross floor area of 5000 square feet or less. Approval of wine tasting is contingent upon Applicant submitting an updated site plan and receiving all necessary approvals/licensures. Motion passed by unanimous voice vote.