

Village of Bellaire

PLANNING COMMISSION

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

PLANNING COMMISSION MEETING MINUTES

November 6, 2018

Immediately following the public hearing at 5:00 p.m.

1. **Call to Order:** Chairman Drollinger called the meeting to order at 5:42 p.m.
2. **Roll Call Attendance:**
 - Present:** Dan Bennett, Butch Dewey, Fred Harris, Don Seman and Bill Drollinger
 - Absent:** None
 - Staff Present:** Lori Lockett, Zoning Administrator
 - Also Present:** Seth Gernot
3. **Public Comments:** None presented.
4. **Approval of Agenda:** The agenda was approved as written.
 - Motion by Commissioner Seman, seconded by Commissioner Dewey to approve the agenda as presented. Motion carried by unanimous voice vote.**
5. **Approval of Minutes:** The minutes of the August 7, 2018 ASI-Public Hearing and Regular Meeting were approved as presented.
 - Motion by Commissioner Dewey, seconded by Commissioner Harris, to approve the minutes of the August 7, 2018 Public Hearing and August 7, 2018 Regular Meeting as written. Motion carried by unanimous voice vote.**
6. **Unfinished Business:**
 - a) **Capital Improvements Plan:** Zoning Administrator Lockett provided a brief update noting that the components are ready but the recommendations are yet to be made. The water asset management plan will be referenced in the CIP.
7. **New Business:**
 - a) **Site Plan Review – Yoga Bellaire LLC**

Seth Gernot appeared on behalf of the Applicant. He explained that his wife is the owner of the company and instructor. Zoning Administrator Lockett explained that because there were minimal changes to the building and the nature of the operations, the village council had allowed the Applicant to begin operations pending this approval process. The building has been painted and a sign permitted. The building is located in the Central Business District and is exempt from the parking regulations. Mr. Gernot invited members to attend the classes. The exhibits were identified: the Village of Bellaire Master Plan; the Village of Bellaire Zoning Ordinance, including Map; the Site Plan review Application with site drawings and narrative; and Antrim County Property Information for Parcel 05-41-010-084-00. The property was identified as 204 N. Bridge Street and was previously Bellaire Bait & Tackle. Incorporating the attached report and findings of fact into the record by reference; Chairman Drollinger also reading each standard, the planning commission considered each standard for approval and proposed findings, and made a determination whether the standard was met or want 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.

The Planning Commission finds:

1. The Existing Land Use Map in the Master Plan identifies the property as Commercial. The Future Land Use map identifies the parcel as Village Commercial. (Exhibit 1)
2. The parcel is located in the Central Business District (CBD). (Exhibit 2)
3. There are no minimum front or side setbacks. The minimum rear setback is 5'. (Exhibit 2)
4. The requested use is a permitted use. (Exhibit 2)

Motion by Commissioner Dewey, seconded by Commissioner Bennett that this standard has met. Motion carried 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 footprint of the building will not be altered. (Exhibit 3)

Motion by Commissioner Seman, seconded by Commissioner Harris that this standard has been met. Motion carried 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. (Exhibit 2 and Exhibit 3)
2. This standard is not applicable to the request under consideration.

Motion by Commissioner Harris, seconded by Commissioner Dewey, that this standard is not applicable to the request under consideration. Motion carried 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. (Exhibit 2)
2. The site is fully developed. (Exhibit 3)
3. The property will not be changed or developed to effect storm water runoff. (Exhibit 2, Section 3.1 6)

**Motion by Commissioner Dewey, seconded by Commissioner Seman that this standard has been met.
Motion carried 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.

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. (Exhibit 3)

The Planning Commission finds:

**Motion by Chairman Drollinger, seconded by Commissioner Harris that this standard has been met.
Motion carried 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 coordinated the fire and safety preplan with Fire Chief Shumaker. (Exhibit 3)

**Motion by Commissioner Dewey, seconded by Commissioner Bennett that this standard has been met.
Motion carried 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 off North Bridge Street and Red Dog Lane. (Exhibit 3)

**Motion by Chairman Drollinger, seconded by Commissioner Bennett that this standard has been met.
Motion carried 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 an existing building. Streets and walkways are established. (Exhibit 3)

**Motion by Commissioner Dewey, seconded by Chairman Drollinger that this standard has been met.
Motion carried 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 an existing building adjacent to established walkways. (Exhibit 3)

Motion by Commissioner Dewey, seconded by Chairman Drollinger that this standard has been met. Motion carried 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 are two wall-mounted sconces on the exterior of the building.
2. Applicant shall comply with the lighting section of the zoning ordinance.

Motion by Chairman Drollinger, seconded by Commissioner Dewey that this standard has been met. Motion carried 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 an existing building, vehicular and pedestrian routes are established. (Exhibit 3)

Motion by Commissioner Seman, seconded by Commissioner Harries that this standard has been met. Motion carried 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 Harris, to waive this standard, as it is not applicable to the application under consideration. Motion carried 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. Applicant will be occupying a building 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)
3. Parking is available on side streets, in the county parking lot after hours and on weekends, the Riverview parking lot, and on North Bridge Street/M-88 for four hours.

Motion by Chairman Drollinger, seconded by Commissioner Bennett that this standard has been met. Motion carried 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 Applicant will be occupying 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 Harris, to waive this standard, as it is not applicable to the application under consideration. Motion carried 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 an existing building with utilities, including water and sewer, established. (Exhibits 3)

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

Motion by Chairman Drollinger, seconded by Commissioner Dewey that this standard is not applicable to the application under consideration. Motion carried 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 an existing building with water and sewer connections established. (Exhibit 3)

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

At the conclusion of the findings of fact, a motion was made to approve the change of use.

Motion by Chairman Drollinger seconded by Commissioner Harris to approve the change of use request to allow the operation of a yoga studio, based on the findings of fact and the site plan review standards, Motion carried by unanimous voice vote.

- b) **Short Term Rentals:** Zoning Administrator Luckett reported that a request had been made at the last village council meeting to review short-term rentals. A copy of the Casco Township Short Term Rental Ordinance was provided for discussion and further review. Zoning Administrator Luckett thought it to be pretty straightforward. It requires registration of short-term rentals; sets maximum occupancy limits; requires smoke detectors and carbon monoxide devices; requires inspections; street numbering and insurance requirements. Commissioner Harris thought the most important requirement would be a contact person available within an hour. Violations of the reviewed ordinance are municipal civil infractions. There was brief discussion about noise late into the evening. The only noise ordinance within the Village deals with sound amplification. Registration and contact person are critical. There should be some process to address issues. Members agreed to consider the matter. Zoning Administrator Luckett requested that commission members review other community ordinances for suggestions and ideas of what they might want included. Registration, inspection, noise, and garbage removal were mentioned.
- c) **Public Participation Plan:** Zoning Administrator Luckett reported that as part of the Redevelopment Ready Community process, a Public Participation Plan needed to be developed. She had used a sample and modified it based upon the notices and procedures used for the Master Plan. She requested that the document be reviewed. It discusses ways of communicating with the public and getting feedback. Once the documents are completed, she would like a recommendation to approve the Public Participation Plan.
- d) **Meeting per diem:** Chairman Drollinger requested a motion to consider the public hearing and regular meeting as one for the meeting per diem.

Motion by Chairman Drollinger, seconded by Commissioner Harris to consider the meetings as one for the meeting per diem. Motion carried by unanimous voice vote.

8. Correspondence/Reports

- a) **Zoning Administrator's Report:** Zoning Administrator Luckett provided a written report of the permits issued prior to the August 6, 2018 and November 6, 2018 meetings.

9. Adjournment: Meeting adjourned at 6:11 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 – November 6, 2018

Approved Findings of Fact

Application:

Applicant: Yoga Bellaire, LLC by Rebecca Rankin dba Yoga Bellaire and Gary Tracey

Property Owner: Gary Tracey, Max L. Tracey and Cheryl C Tracey 3225 S. M-88 Highway, Bellaire, MI 49615

Applicant's Address: 309 Seneca Street, Bellaire, MI 49615

Property Location: 204 N. Bridge Street

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 on page 7-2 identifies the parcel as Village Commercial.

Description of Site: PIN 05-41-010-084-00

Legally described as:

LOTS 10 & 11; BLK G; EXC 10 FT OFF THE S SIDE OF LOT 11 PLAT OF THE VILLAGE OF BELLAIRE

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 with site drawing and narrative

Exhibit 4 Antrim County Property Information for Parcel 05-41-010-084-00

Applicant seeks approval to operate a yoga studio at 204 N. Bridge Street. The site was previously used as the Bellaire Bait & Tackle. The property is located in the Central Business District wherein the minimum lot area is 2500 square feet; minimum width is 25'; maximum height of the structure is 35'; there are no front or side setbacks; and the rear setback is 5'.

According to narrative provided by Ms. Rankin, Yoga Bellaire will offer yoga and fitness classes to all ages and levels. Staff are certified yoga and/or group fitness instructors. Ms. Rankin has "taught at studios, lead yoga certification courses and yoga retreats in San Francisco, Mexico, Nicaragua, Costa Rica, Spain, Ireland, and The Netherlands." Most recently, she owned and operated a studio in Pittsburgh, Pennsylvania. Yoga Bellaire is open only when classes are in session. Hours of operation are dependent on class schedules, typically from 8:30 a.m. to 12:00 p.m. and 3:30 p.m. to 7:00 p.m., Monday through Friday and 8:30 a.m. to 12:00 p.m. Saturday and Sunday.

The village council has authorized the zoning administrator to allow the use pending approval by the planning commission at this meeting. Applicant has made improvements to the building and has received a sign permit.

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The Planning Commission finds:

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3. There are no minimum front or side setbacks. The minimum rear setback is 5'. (Exhibit 2)
4. The requested use is a permitted use. (Exhibit 2)

Motion by Commissioner Dewey, seconded by Commissioner Bennett that this standard has been met. Motion carried 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:

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

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

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3. The property will not be changed or developed to effect storm water runoff. (Exhibit 2, Section 3.1.6)

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

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Motion carried by unanimous voice vote.

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

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

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- 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 an existing building with water and sewer connections established. (Exhibit 3)

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

**Motion by Chairman Drollinger, seconded by Commissioner Harris to approve the change of use request to allow the operation of a yoga studio, based on the findings of fact and the site plan review standards.
Motion passed by unanimous voice vote.**