

# Village of Bellaire

## PLANNING COMMISSION

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

### PLANNING COMMISSION MEETING MINUTES

May 7, 2019

5:00 p.m.

1. **Call to Order:** Chairman Drollinger called the meeting to order at 5:02 p.m.
2. **Roll Call Attendance:**
  - Present:** Butch Dewey, Fred Harris and Bill Drollinger
  - Absent:** Dan Bennett and Don Seman
  - Staff Present:** Lori Luckett, Zoning Administrator
  - Also Present:** Mike Bertram, Antrim County Fair Board
3. **Approval of Agenda:** The agenda was approved as written.  
**Motion by Commissioner Harris, seconded by Commissioner Dewey, to approve the agenda as written. Motion carried by unanimous voice vote.**
4. **Approval of Minutes:** The minutes of the February 5, 2019 meeting were approved.  
**Motion by Commissioner Dewey, seconded by Commissioner Harris, to approve the minutes of the February 5, 2019 meeting as written. Motion carried by unanimous voice vote.**
5. **Public Comments:** None presented.
6. **Unfinished Business:**
  - a) **Short Term Rentals Update:** Zoning Administrator Luckett provided a brief update of House Bill 4046 with the legislative analysis. The proposal would not preempt local regulation. Local units could regulate noise, advertising, etc., regulate the number of individuals that occupy a dwelling, and require dwelling inspections. There was brief discussion about action in East Bay Charter Township and Traverse City. The definition of family was reviewed. The Planning Commission will monitor legislative action.
7. **New Business:**
  - a) **Antrim County Fair Board – Site Plan Review:** Mike Bertram was present on behalf of the Antrim County Fair Board. He thanked Zoning Administrator Luckett for her assistance. Zoning Administrator Luckett provided an overview of events leading to the meeting. The Applicant received approval to replace the large animal building from the Parks Committee and the village council. Owner approval is step one. Approval by the Planning Commission is required due to the percentage increase in size. Contact was made with Antrim County Soil Conservation Officer, Heidi Shaffer. A site inspection time was set up at which Mike Bertram, the contractor, Richard Land, Ms. Shaffer and Zoning Administrator Luckett were present. Mr. Land had marked certain trees for removal. Upon inspection and to eliminate the need to involve the DEQ, Ms. Shaffer recommended that the building be moved 5 feet

north towards the current concrete apron. Mr. Bertram added that the apron is used to weigh the animals. This project is slated to begin after the Antrim County Fair August 9, 10, and 11. Mr. Bertram stated that the whole barn will be torn out. The pad in the front will be part of the new pad. Zoning Administrator Luckett noted that there was an email in the packet from Ms. Shaffer. The items in the packet were identified. The aerial photograph is Exhibit 1b. Exhibit 1c is the letter from Mr. Bertram regarding the plan and explaining that no exterior lighting is proposed. There is currently water and electrical within the barn. Mr. Bertram noted that animals are washed outside. Photographs taken by Zoning Administrator Luckett, show the stakes and ribbon identifying the location of the new pavilion. The last photograph shows the trees marked for removal. The question of water runoff from the roof has been addressed by the installation of a French drain around the perimeter of the barn. There will not be a foundation, but a concrete pad for the pavilion. There was brief discussion about the marking and removal of the identified trees. Mr. Bertram thought that the Antrim County Forester had identified the trees. Care should be taken to make sure the removal of the trees would not involve the DEQ.

Chairman Drollinger began the site plan review by identifying the property, PIN 05-41-020-002-00, 4820 Stover Road. The legal description was included by reference.

E 1/2 OF SW 1/4 LYING S AND E OF POND SEC 20 T30N R7W 40 A M/L

The Applicant is seeking site plan approval to replace the current 44' x 71' large animal pavilion with a 60' x 80' multi-purpose structure. Members of the Antrim County Fair Board attended the village council meeting on April 3, 2019 and received permission to proceed. The Village of Bellaire Zoning Ordinance requires site plan approval by the Planning Commission of all uses for which the Ordinance requires five (5) or more off-street parking spaces and (6.02A.4.) expansion or renovation of an existing use, other than one-family or two family residential use, which increases the existing floor space by more than twenty-five (25) percent (6.02.A.7.). The proposed structure increases the floor space by 53%.

The exhibits were identified. 1. Application with attachments a) Drawings and b) Aerial photograph from County maps c) letter from Mike G. Bertram 2. 3 Photographs: existing large animal pavilion and two areas marked for proposed expansion 3. Email from Antrim County Soil Erosion Control Officer, Heidi Shaffer; 4. Village of Bellaire Master Plan; 5. Village of Bellaire Zoning Ordinance

## **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 Master Plan Existing Land Use Map identifies the property as Recreation. The Future Land Use Map identifies the property as Conservation Residential. (Exhibit 4)
2. The property is zoned Conservation Reserve. (Exhibit 5, Section 4.04.A.)
3. The Schedule of Regulations provides that "(p)arks, forest, open space, may include structures". (Exhibit 5, Section 4.03)

4. The request is for expansion of an existing use that increases existing floor space by more than 25%. In this case the large animal pavilion will increase by 53%.

**Motion by Commissioner Dewey, seconded by Commissioner Harris, that this standard has been met. Motion carried by 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 request is to replace the existing 44' x 71' large animal pavilion with a 60' x 80' structure. (Exhibit 1)
2. After the site inspection with Antrim County Soil Erosion Officer, Heidi Shaffer, the site and square footage will be expanded to the north in line with the existing concrete apron and the west. (Exhibit 3)
3. Like the current pavilion, the new structure will be a component of the Antrim County Fairground property. (Exhibit 1b)
4. Expansion of this structure will not impede development or use of surrounding property

**Motion by Commissioner Harris, seconded by Commissioner Dewey, that this standard has been met. Motion carried by 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 proposed expansion of the large animal pavilion to the south as applied for, required the removal of three trees, a stump, and some saplings. (Exhibit 2)
2. Due to potential wetland issues, Antrim County Soil Erosion Officer, Heidi Shaffer, requested that the location of the new pavilion be moved north approximately 5 feet. (Exhibit 3)
3. Expansion of the concrete footprint requires a topographic change and a permit from Antrim County Soil Erosion.

After discussion about allowing removal of the trees if needed, the following finding was added.

4. Identified trees may be removed pending approval of the Antrim Count Forester.

**Motion by Chairman Drollinger, seconded by Commissioner Harris, that this standard has been met. Motion carried by 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. A French drain system is to be installed around the perimeter of the concrete to accommodate roof run-off.

**Motion by Commissioner Dewey, seconded by Commissioner Harris, that this standard has been met. Motion carried by 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. There is a buffer of trees between the fairgrounds and the neighboring building and road. (Exhibit 2)

**Motion by Commissioner Dewey, seconded by Commissioner Harris, that this standard has been met. Motion carried by 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 fire and safety preplan has been coordinated with Fire Chief Shumaker. (Exhibit 1)

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

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

**The Planning Commission finds:**

1. The large animal pavilion will be expanded on its current location. The placement of other buildings will not change. (Exhibit 1b)
2. Emergency vehicle access is available to the site. (Exhibit 1b)

**Motion by Commissioner Harris, seconded by Commissioner Dewey, that this standard has been met. Motion carried by 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. The new large animal pavilion will be expanded on the current site. (Exhibit 1b)
2. The building is accessible from the access off Stover Road. (Exhibit 1b)

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

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

**The Planning Commission finds:**

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

**Motion by chairman Drollinger, seconded by Commissioner Harris, that this standard is not applicable to the request under consideration. Motion carried by 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 electrical on the site for the interior LED lighting of the pavilion; there is no exterior lighting proposed. (Exhibit 1c)

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

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

**The Planning Commission finds:**

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

**Motion by Commissioner Dewey, seconded by Commissioner Harris, that this standard is not applicable to the request under consideration. Motion carried by 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. Parking for 24 vehicles is required per Section 3.14.C. (Exhibit 5)
2. Parking is available in the parking lot for at least 70 vehicles, and around the property. (Exhibit 1b)

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

**Motion by Commissioner Dewey, seconded by Commissioner Harris, that this standard is not applicable to the request under consideration. Motion carried by 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. Electricity and water are on site and are underground.
2. Water is sourced from the Craven Park campground and is underground.

**Motion by Commissioner Dewey, seconded by Commissioner Harris that this standard has been met. Motion carried by 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. A building permit is required and a soil erosion permit are required.
2. A copy of the soil erosion permit from Antrim County Soil Erosion shall be provided to the village office.

**Motion by Commissioner Harris, seconded by Commissioner Dewey, that this standard has been met. Motion carried by 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. No hazardous materials or substances are stored or generated on this site.

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

Prior to making a decision, Mr. Bertram stated that the Emergency Action Guidelines prepared by Leslie Meyers had been provided for inclusion with the fire safety and safety preplans. Commissioner Dewey amended his motion of approval of the standard in paragraph F. to state: "The fire and safety preplan has been coordinated with Fire Chief Shumaker and Leslie Meyers, Emergency Management Coordinator for Antrim County". Commissioner Harris supported the amended motion.

**Motion by Commissioner Dewey, seconded by Commissioner Harris, to approve the amendment to paragraph F. Motion carried by voice vote.**

The Planning Commission considered a motion for decision.

**Motion by Commissioner Harris, seconded by Commissioner Dewey, to approve, based on the findings of fact and the site plan review standards, the request to replace the current 44' x 71' large animal pavilion with a 60' x 80' structure. The structure shall be located 5' north of the initial site so as to avoid wetlands. A copy of the soil erosion permit shall be provided to the village office.**

**8. Correspondence/Reports**

- a) **Zoning Administrator's Report:** Zoning Administrator Luckett provided a written report of the permits issued since the February 5, 2019 meeting. Commissioner Dewey asked if there had been a number of inquiries for changes. Ms. Luckett provided an update of possible zoning matters.

**9. Adjournment: Meeting adjourned at 5:38 p.m.**

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

Approved: \_\_\_\_\_  
William Drollinger, Chairman

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