

Village of Bellaire

PLANNING COMMISSION

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

PLANNING COMMISSION PUBLIC HEARING MINUTES

November 6, 2018

5:00 p.m.

1. **Call to Order:** Chairman Drollinger called the meeting to order at 5:04 p.m.
2. **Roll Call Attendance:**
 - Present:** Dan Bennett, Butch Dewey, Fred Harris, Don Seman and Bill Drollinger
 - Absent:** None
 - Staff Present:** Lori Luckett, Zoning Administrator
 - Also Present:** Kristy Schrock, Dave Nichols, Scott Crandall and Bonnie Crandall of Sunset Construction, LLC, Seth Gernot
3. **Welcome to the Public:** Chairman Drollinger opened the public hearing at 5:06 p.m.
4. **Opening of the Public Hearing:**
 - a) **Announcement of Matter to be Heard:** The Village of Bellaire Planning Commission will be holding a public hearing on Tuesday, November 6, 2018 at 5:00 p.m. in the village council chambers at 202 North Bridge Street. For 734 E. Cayuga, Property Number 05-41-030-002-01.
5. **Determination of Time Limit for Addressing the Planning Commission:** No time limit was set.
6. **Presentation by the Applicants, Applicants' Attorney or Other Agents:** Applicant, Dave Nichols, introduced himself and his fiancée, Kristy Schrock, Scott Crandall and Bonnie Crandall, the general contractors for the project, to the planning commission. He made a presentation outlining the history, usage, and zoning of the property. Mr. Nichols explained the goal was to add three apartments to an existing building to offer affordable, nice housing available for rent in the Village of Bellaire. Materials presented showed the proposed floor plans of the units, the reasons for this project, and the results of their market analysis. The general contractor has been selected and the project will developed in phases. The phases were outlined identifying completion of one apartment at a time. The parking and carport will be completed during the final phase of the project. Mr. Nichols indicated that the parking space size will be able to accommodate a pick up truck. Each unit size and amenities were described. The request is to add three units to the existing two located within the Village Commons district wherein Multiple Family Dwellings require special use approval. The plan is to start as soon as approvals are received.

Zoning Administrator Luckett reminded the members that the second apartment has not been approved. The planning commission should find that two family dwellings are permitted in this district. The property prompted the zoning ordinance amendment to allow mixed-uses within the district. This is noted in the report. She also asked if the Applicants wanted to include a sign for this project. Mr. Nichols did not think a sign was needed. There was brief discussion about the addressing of each unit. Most would follow A, B, C, D, and E.
7. **Correspondence and/or Persons Speaking in Favor of the Application:** Zoning Administrator Luckett acknowledged two letters, one dated October 24, 2018 the second October 29, 2018, received from John Haggard, Haggard's Plumbing and Heating. As both were the same, she read one into the record.

To Whom It May Concern: Upon reviewing the above Notice, I would like to express my view with the above case's requests. Haggard's Plumbing & Heating is not at all opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time of economical struggles to either build and/or improve their existing property, we would like to see their request granted. It would prove positive for the local, county, state and county (sic) to do all we can to improve and promote growth in any way possible. Sincerely, John Haggard

Zoning Administrator Luckett also explained that the owner of the property across the street, Les Kaskinen, had

been in the office earlier in the day. He authorized her to communicate that he had no problem with multiple family unit going in on the property. Zoning Administrator Luckett noted that the notice was published in the October 18, 2018 edition of The Antrim Review and notice to the surrounding property owners was mailed as well.

8. **Correspondence and/or Persons Speaking in Opposition to the Application:** None presented.
9. **Rebuttal by the Applicants, Applicants' Attorney or Other Agents:** None presented.
10. **Closing of Public Hearing:** The public hearing closed at 5:25 p.m.
11. **Compilation of List of Exhibits:** Chairman Drollinger identified the exhibits: Application with Attachments; the Village of Bellaire Zoning Ordinance; and the Village of Bellaire Master Plan. Zoning Administrator Luckett noted that a Google Earth photo depicting the lack of sidewalks to the site had been included with their packet.
12. **Deliberation by Members:** Incorporating the attached report and findings of fact into the record by reference and 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 was not applicable.

SECTION 7.03 STANDARDS FOR GRANTING A SPECIAL USE PERMIT

Approval of a Special Use Permit shall be based on the determination that the proposal will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in **Article 6** and applicable supplemental standards for the specific use set forth in **Article 8**. The Planning Commission shall approve, or approve with conditions an application for a Special Use Permit only upon finding that the proposed special land use complies with the following standards:

A. Allowed Special Land Use

The property subject to the application is located in a Zoning District in which the proposed special land use is allowed.

The Planning Commission finds:

1. The property is located in the Village Commons district. (Exhibit 2)
2. Multiple Family Dwellings are allowed by special use in this district. (Exhibit 2)

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

B. Compatibility with Adjacent Land Uses

- a. The proposed use subject to a Special Use Permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

The Planning Commission finds:

1. Adjacent property is zoned Village Commons. (Exhibit 2)
2. Property to the west is developed commercial/retail. Property to the east is undeveloped.
3. The subject property is across the street from the Manufacturing district. (Exhibit 2)
4. The footprint of the existing building will not increase. (Exhibit 1)
5. The intended carport for five spaces is proposed at the rear of the property. (Exhibit 1)

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

- b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public street or seen from any adjacent land owned by another person.

The Planning Commission finds:

1. Applicants intended purpose is to create five upscale, modern, and affordable apartments. (Exhibit 1)
2. The proposed residential use and site development must comply with the Village of Bellaire Zoning ordinance regarding parking and outdoor lighting. (Exhibit 2)
3. The proposed use will not create a substantially negative impact on surrounding properties. (Exhibit 1)

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

- c. If deemed necessary by the Planning Commission, the hours of operation that the special use is allowed to operate, be open or otherwise occur, shall be imposed as a condition of approval to ensure compatibility with the surrounding land uses.

The Planning Commission finds:

1. The proposed use does not require a condition of approval to insure compatibility with surrounding land uses.

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

- d. The proposed use is compatible with the Village of Bellaire Master Plan.

The Planning Commission finds:

1. The Master Plan existing land use is Commercial; future land use Conservation Residential.
2. Housing is an important component that is in short supply within the village.
3. The Master Plan is being updated and will likely reflect uses consistent with the Village Commons zoning district. (Exhibit 3)

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

C. Public Services

- a. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
- b. The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

The Planning Commission finds:

1. Applicants' proposal will add housing units to a low housing inventory.
2. The fire chief has approved the fire and safety preplan. (Exhibit 1)

3. Water and sewer requirements have been reviewed by the Village of Bellaire Department of Public Works.

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

D. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

The Planning Commission finds:

1. The multiple family dwelling is proposed within an existing building and situated on 1.3 acres. (Exhibit 1)
2. Additional housing units will be of economic benefit to the Village.

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

E. Compatibility with Natural Environment

The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Village or the natural environment as a whole.

The Planning Commission finds:

1. Additional housing units are needed within the Village.
2. Applicants propose to have green space around the building. (Exhibit 1)

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

F. Compliance with Supplemental Development Standards

The proposed special land use complies with all applicable Supplemental Development Standards required under this Ordinance.

The Planning Commission finds:

1. There are no supplemental development standards for multiple family dwellings within the zoning ordinance.

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

G. Conditional Approvals

The Planning Commission may impose reasonable conditions with the approval of a Special Use Permit, pursuant to **Section 10.06** of this Ordinance. There was discussion that an updated site plan showing the dimensions and location of the carport be provided prior to its construction.

The Planning Commission finds:

1. Updated site plan shall be provided when construction of the carport is being developed.

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

H. Meets the Site Plan review requirements of **Article 6** of this Ordinance.

The Planning Commission finds:

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

planning documents.

1. The Master Plan Existing Land Use Map identifies the property as Commercial; 7-2 Future Land Use identifies the property as Conservation Residential. This property is zoned Village Commons. (Exhibits 2 and 3)
2. The requested use is permitted by special use. (Exhibit 2)
3. The building meets the setback requirements. (Exhibit 1)

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.

1. With the exception of the proposed 5-space carport, the site is developed. (Exhibit 1)
2. The site to the west is developed; the property to the east and behind the subject property is not developed.

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.

1. The site is developed. Applicants are proposing to clean up area around the site and to add gardens. (Exhibit 1)

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.

1. The building is developed. Concrete parking and gravel is on site. (Exhibit 1)
2. The construction of the carport shall not result in any increase in off-site sedimentation or cause run-off onto neighboring properties.

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. Applicants are working within the footprint of an existing building. (Exhibit 1)

2. This site is situated between vacant land and a commercial building.

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.

1. The Applicant has coordinated the fire and safety preplan with Fire Chief Chuck Shumaker. (Exhibit 1)

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

1. The building is accessible from East Cayuga.

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

1. The building is accessible from East Cayuga.
2. There are no developed walkways along this portion of East Cayuga.

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

1. Applicants are developing within the footprint of an existing building that is accessible from East Cayuga.
2. Applicant will not be developing roads to this project.

3. There are no walkways proposed. (Exhibit 1)

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.

1. Three exterior light posts are proposed along the west side of the property to light the parking. (Exhibit 1)
2. All exterior lighting, including that attached to the building, must comply with Section 3.10.A. and “shall be the full cut-off design with horizontally aligned flush mounted lens, directing light on the site only, and no more than 20 feet in height.”

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.

1. Vehicular and pedestrian routes to this site are established.

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

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

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

1. Section 3.14 requires two parking spaces for each dwelling unit. (Exhibit 2)
2. Section 3.14.B.4. requires a minimum of 162 square feet, or 9 x 18 feet. (Exhibit 2)
3. Applicants are proposing 10, 9 or 10 x 19 parking spots. (Exhibit 1)
4. One spot is in the garage, five will be under the carport; and five additional in the parking lot. (Exhibit 1)

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.

1. Cayuga is developed. Applicants are not proposing additional access points. (Exhibit 1)

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.

1. The site is connected to Village water and sewer.
2. Natural gas and electric are also on site.
3. Water line and other utility line sizes may increase as units are added.

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.

1. Applicants shall obtain all necessary permits, including from Antrim County Construction Code Enforcement as required.

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

1. Applicant's use of the property does not involve storage or use of hazardous materials. (Exhibit 1)

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

13. Motion for a Decision: Motion by Commissioner Seman, seconded by Commissioner Dewey to approve based on the findings of fact, the site plan review standards, and the special use permit review standards Applicant's request for a change of use to allow a Multiple Family Dwelling building containing 5 units; parking to meet the requirements of Section 3.14 including carport parking to accommodate five vehicles; all outdoor lighting to comply with Section 3.10. Applicants to provide an updated site plan showing the location of the carport. Motion passed by unanimous voice vote.

Zoning Administrator Lockett requested that the updated site plan show the location of the trash receptacle for tenants' use.

14. Closing of Member and/or Public Comment: Commissioner Harris recounted the connection of the local road names to those in upstate New York.

15. Adjourn: The public hearing adjourned at 5:40 p.m.

Minutes compiled by Lori Lockett
Minutes are subject to approval

Approved: _____
William Drollinger, Chairman

Date: _____

Village of Bellaire Planning Commission – November 6, 2018

Approved Findings of Fact on Application for Special Use Permit request for a change of use to allow a Multiple Family Dwelling

Application:

Applicant: David Nichols and Kristine Schrock

Property Owner: David Nichols and Kristine Schrock

Applicant's Address: 6510 Cottage Drive, Bellaire, MI 49615

Property Location: 734 E. Cayuga

Zoning District: Village Commons (VC)

Master Plan Use: 4-2 Existing Use – Commercial 7-2 Future Land Use – Conservation Residential

Description of Site: Parcel No. 05-41-030-002-01, legally described as:

PARCEL A.. COM AT THE NE COR OF SEC 30; TH S 00 DEG W 33 FT TO S LINE OF E CAYUGA ST FOR POB; TH CONT S 00 DEG W 384.89 FT TO SLY LINE OF FORMER EJ&S RR R/W; TH S 84 DEG W 202.03 FT ALG R/W; TH N 00 DEG W 201.66 FT; TH N 89 DEG E 100 FT; TH N 00 DEG W 200 FT TO S LINE OF ST; TH N 89 DEG E 104.11 FT TO THE POB; BEING PART OF THE NE 1/4 OF THE NE 1/4 SEC 30 T30N R7W 1.370 A M/L

Commonly known as 734 E. Cayuga

District Regulations: Minimum Lot Area = 6,000 square feet; minimum width 50'; front setback 25'; rear setback 25'; side setback 5'

The subject property is 1.370 acres in size. The property has 104.11 feet of road frontage and is 202.03 feet wide at the rear. The existing building is located 50' off the east side lot line; 23.2' off the west side lot line; 110.2' off the front lot line; and over 170' off the rear lot line. The building is 2,950 square feet. There is a concrete drive for access to and parking around the building. There is an additional gravel space adjacent to the concrete at the rear of the property.

Applicants are requesting a change of use of an existing building to allow a Multiple Family Dwelling at 734 E. Cayuga. Multiple Family Dwellings are allowed in the Village Commons District by Special Use.

Planning commission members may recall that this location prompted language in the zoning ordinance to allow two family dwellings and mixed uses in the Village Commons district. For many years, this property contained commercial storage and two apartments, the second of which was never approved.

The first existing apartment, a 550 square foot studio apartment with a full bathroom, is located on the second level. The second existing apartment, 700 square foot, two bedroom with a full bathroom, is located on the first level with assigned garage space for parking. The storage component in this building is two-story. Applicants propose to enclose and divide this storage area to accommodate two additional apartments (Unit 3 and Unit 4) on the second floor and another apartment (Unit 5) on the first floor.

The Applicants propose a multi-phase approach to the conversion of the building. Applicants are currently in the first phase: clean up of property and enhancement of curb appeal, detailed architectural drawings, and local approvals. If this request is approved, Applicants will continue through their multi-phase approach. Apartments, Units 3 and 4 will be constructed and occupied during the Phases 2 and 3. Unit 3 will be a one bedroom/one bathroom, 605 square foot apartment; Unit 4 a two-bedroom, one bathroom 1207 square foot apartment. Unit 5 details will be developed during

Phase 3 and construction completed during Phase 4. This apartment will be a two bedroom/one bathroom, 977 square foot unit. Phase 4 is intended to include upgrades to the existing apartments and construction of a 4-space carport to provide covered parking for Units 1, 3,4 and 5. There will be a total of ten 10 x 19 parking spaces on this property.

List of Exhibits:

Exhibit 1 Special Use Application with attachments

Exhibit 2 Village of Bellaire Zoning Ordinance

Exhibit 3 Village of Bellaire Master Plan

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A. Allowed Special Land Use

The property subject to the application is located in a Zoning District in which the proposed special land use is allowed.

The Planning Commission finds:

1. The property is located in the Village Commons district. (Exhibit 2)
2. Multiple Family Dwellings are allowed by special use in this district. (Exhibit 2)

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

B. Compatibility with Adjacent Land Uses

a. The proposed use subject to a Special Use Permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

The Planning Commission finds:

1. Adjacent property is zoned Village Commons. (Exhibit 2)
2. Property to the west is developed commercial/retail. Property to the east is undeveloped.
3. The subject property is across the street from the Manufacturing district. (Exhibit 2)
4. The footprint of the existing building will not increase. (Exhibit 1)
5. The intended carport for five spaces is proposed at the rear of the property. (Exhibit 1)

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

- b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public street or seen from any adjacent land owned by another person.

The Planning Commission finds:

1. Applicants intended purpose is to create five upscale, modern, and affordable apartments. (Exhibit 1)
2. The proposed residential use and site development must comply with the Village of Bellaire Zoning ordinance regarding parking and outdoor lighting. (Exhibit 2)
3. The proposed use will not create a substantially negative impact on surrounding properties. (Exhibit 1)

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

- c. If deemed necessary by the Planning Commission, the hours of operation that the special use is allowed to operate, be open or otherwise occur, shall be imposed as a condition of approval to ensure compatibility with the surrounding land uses.

The Planning Commission finds:

1. The proposed use does not require a condition of approval to insure compatibility with surrounding land uses.

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

- d. The proposed use is compatible with the Village of Bellaire Master Plan.

The Planning Commission finds:

1. The Master Plan existing land use is Commercial; future land use Conservation Residential.
2. Housing is an important component that is in short supply within the village.
3. The Master Plan is being updated and will likely reflect uses consistent with the Village Commons zoning district. (Exhibit 3)

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

C. Public Services

- a. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
- b. The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

The Planning Commission finds:

1. Applicants' proposal will add housing units to a low housing inventory.
2. The fire chief has approved the fire and safety preplan. (Exhibit 1)

3. Water and sewer requirements have been reviewed by the Village of Bellaire Department of Public Works.

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

D. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

The Planning Commission finds:

1. The multiple family dwelling is proposed within an existing building and situated on 1.3 acres. (Exhibit 1)
2. Additional housing units will be of economic benefit to the Village.

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

E. Compatibility with Natural Environment

The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Village or the natural environment as a whole.

The Planning Commission finds:

1. Additional housing units are needed within the Village.
2. Applicants propose to have green space around the building. (Exhibit 1)

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

F. Compliance with Supplemental Development Standards

The proposed special land use complies with all applicable Supplemental Development Standards required under this Ordinance.

The Planning Commission finds:

1. There are no supplemental development standards for multiple family dwellings within the zoning ordinance.

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

G. Conditional Approvals

The Planning Commission may impose reasonable conditions with the approval of a Special Use Permit, pursuant to **Section 10.06** of this Ordinance.

The Planning Commission finds:

1. Updated site plan shall be provided when construction of the carport is being developed.

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

H. Meets the Site Plan review requirements of **Article 6** of this Ordinance.

The Planning Commission finds:

- A. *The site plan shall comply with the Village of Bellaire Master Plan and any other applicable Village adopted planning documents.*
1. The Master Plan Existing Land Use Map identifies the property as Commercial; 7-2 Future Land Use identifies the property as Conservation Residential. This property is zoned Village Commons. (Exhibits 2 and 3)
 2. The requested use is permitted by special use. (Exhibit 2)
 3. The building meets the setback requirements. (Exhibit 1)
- 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.*
1. With the exception of the proposed 5-space carport, the site is developed. (Exhibit 1)
 2. The site to the west is developed; the property to the east and behind the subject property is not developed.
- 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.*
1. The site is developed. Applicants are proposing to clean up area around the site and to add gardens. (Exhibit 1)
- 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.*
1. The building is developed. Concrete parking and gravel is on site. (Exhibit 1)
 2. The construction of the carport shall not result in any increase in off-site sedimentation or cause run-off onto neighboring properties.
- 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. Applicants are working within the footprint of an existing building. (Exhibit 1)
 2. This site is situated between vacant land and a commercial building.
- 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.*
1. The Applicant has coordinated the fire and safety preplan with Fire Chief Chuck Shumaker. (Exhibit 1)
- G. *All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.*
1. The building is accessible from East Cayuga.
- H. *Every building or dwelling unit shall have access to a public street, private road, walkway, or other area dedicated to common use.*
1. The building is accessible from East Cayuga.
 2. There are no developed walkways along this portion of East Cayuga.

- I. *Walkways shall be provided, separate from the road system, where feasible.*
1. Applicants are developing within the footprint of an existing building that is accessible from East Cayuga.
 2. Applicant will not be developing roads to this project.
 3. There are no walkways proposed. (Exhibit 1)
- 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.*
1. Three exterior light posts are proposed along the west side of the property to light the parking. (Exhibit 1)
 2. All exterior lighting, including that attached to the building, must comply with Section 3.10.A. and “shall be the full cut-off design with horizontally aligned flush mounted lens, directing light on the site only, and no more than 20 feet in height.”
- 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.*
1. Vehicular and pedestrian routes to this site are established.
- L. *All streets shall be developed in accordance with Village specifications.*
1. This standard is not applicable to the application under consideration.
- 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*
1. Section 3.14 requires two parking spaces for each dwelling unit. (Exhibit 2)
 2. Section 3.14.B.4. requires a minimum of 162 square feet, or 9 x 18 feet. (Exhibit 2)
 3. Applicants are proposing 10, 9 or 10 x 19 parking spots. (Exhibit 1)
 4. One spot is in the garage, five will be under the carport; and five additional in the parking lot. (Exhibit 1)
- 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.*
1. Cayuga is developed. Applicants are not proposing additional access points. (Exhibit 1)
- 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.*
1. The site is connected to Village water and sewer.
 2. Natural gas and electric are also on site.
 3. Water line and other utility line sizes may increase as units are added.
- 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.*

1. Applicants shall obtain all necessary permits, including from Antrim County Construction Code Enforcement as required.

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

1. Applicant's use of the property does not involve storage or use of hazardous materials. (Exhibit 1)

**Motion by Commissioner Dewey, seconded by Commissioner Harris 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, the site plan review standards, and the special use permit review standards Applicant's request for a change of use to allow a Multiple Family Dwelling building containing 5 units; parking to meet the requirements of Section 3.14 including carport parking to accommodate five vehicles; all outdoor lighting to comply with Section 3.10. Applicants to provide an updated site plan showing the location of the carport. Motion passed by unanimous voice vote.