

# Village of Bellaire

## PLANNING COMMISSION

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

### PLANNING COMMISSION SPECIAL MEETING MINUTES

July 12, 2016

5:00 p.m.

1. **Call to Order:** Chairman Drollinger called the meeting to order at 5:00 p.m.
2. **Roll Call Attendance:**
  - Present:** Chairman Drollinger, Dan Bennett, Butch Dewey, Fred Harris and Don Seman
  - Absent:** None.
  - Staff Present:** Lori Lockett, Zoning Administrator
  - Also Present:** Dale Snook
3. **Public Comments:** Mr. Snook presented copies of the proposed site plan identifying parking spaces on the existing gravel parking lot accessed off W. Cayuga as well as copies of 6 photographs: 2 showing the current parking area; 1 identifying the high water mark and the riverfront; 1 of the proposed parking area; and 2 of the pedestrian pathway for access to the site showing the width and area. Zoning Administrator informed the Planning Commission that she had contacted Chief Baker about the parking spaces in the existing parking area because they were not included in the copy he had signed. According to Lockett, Chief Baker said he would not take the fire truck down that driveway anyway so the additional spaces would not affect his approval.
4. **Approval of Minutes:** The minutes of the May 24, 2016 Public Hearing and Special Meeting were approved.  
**Motion by Commissioner Seman, seconded by Commissioner Bennett, to approve the minutes of the May 24, 2016 Public Hearing as written. Motion carried by unanimous voice vote.**  
**Motion by Commissioner Harris, seconded by Commissioner Dewey, to approve the minutes of the May 24, 2016 Special Meeting as written. Motion carried by unanimous voice vote.**
5. **New Business:**
  - a) **Site Plan Review – Dale Snook, One on One Inc. Pontoon Livery:** The Planning Commission was meeting to consider the Application for Site Plan Review submitted by Dale Snook, owner of property located at 204 W. Cayuga, in the Village Commons District. Chairman Drollinger asked whether commission members had questions regarding any of the exhibits included in the packet. Zoning Administrator Lockett indicated that one question dealt with location and type of a sign. She explained that given the location on a corner and right-of-way there were potential issues with the location of signage. Mr. Snook explained that he was looking at a banner that could be placed close to the entrance of the site because it is so vegetated you can barely see the driveway. Mr. Snook acknowledged that a sign could not be in the greenbelt. Lockett noted that a permanent ground mounted sign would have to be 10 feet out of the road right of way. Mr. Snook stated that the sign would only be up for 3 months. Zoning Administrator Lockett noted that the ordinance allows for temporary signs, no more than 4 and not to exceed 24 square feet. If the banner is 24 square feet and only a temporary sign, it would have to be registered. If Mr. Snook wants a permanent sign he will make application.

Chairman Drollinger requested that the Zoning's Administrator's Report beginning with the property's legal description to the List of Exhibits be added into the record.

#### LOTS 1 AND 2 RIVER TERRACE ADD TO BELLAIRE

The property is currently classified as Residential and has 203 feet of frontage along the Intermediate River.

Dale Snook purchased the property January 29, 2016. According to his original application, Mr. Snook intends to use this property "as an extension of Northaire Resort to be able to rent a pontoon boats (sic) out from this

location and for people to come to town by boat and have a place to temporarily park and walk into town.” Mr. Snook indicates that he will operate twelve (12) weeks out of the year. Summertime hours will be 8:00 a.m. to 7:00 p.m. from April through October. The site will be closed from November to April. According to Mr. Snook, the site will be “temporarily occupied by as many as 10 people for 1 hr. per day.” There will be no well, bathroom, or building according to the application. He does indicate that there will be an accessible portable toilet on site. To accommodate patrons, Mr. Snook states that “vehicles belonging to customers will be parked during the day, 1 to 8 cars per day maximum. The parking area off of N. Genesee is in addition to the existing upper parking lot which, according to Mr. Snook accommodates 3 vehicles. He indicates that 10 yards of gravel will be used on the upper parking lot. According to the map and application, foot traffic will use the “public designated 4 ft wide bike path along the north side of Cayuga. Handicap persons or large older groups can use Dial a ride the county’s public transit. Parking on Genesee will walk down the driveway off Cayuga that is the existing drive way.”

The property is within the Village Commons District wherein Boat and/or Canoe Livery is a use permitted by right. Setbacks in the Village Commons District are 25’ front, 25’ rear, and because this parcel is on a corner, 25’ side (Article 4, Section 4.03 Schedule of Regulations). The minimum lot area is 6000 square feet. Minimum lot width is 50 feet.

Mr. Snook is also requesting a sign. It appears to be a banner-type sign that he intends to tie to trees. Signs may not obstruct vision at any driveway (Section 3.11 B.2.) and may not be in the road right-of-way except with specific written permission of the governing road agency. (Section 3.11 A. footnote c.)

Article 3, Section 3.19 applies to development on lots with a slope of 18% or greater. The site plan indicates that the property is steep. The concrete and gravel areas depicted on the site plan are existing with access off of W. Cayuga; the grass parking area and proposed crush limestone approach will not require excavation according to Mr. Snook. There are no buildings or structures proposed for the site. The ordinance prohibits the interruption of ground water flow patterns and clearing of vegetation on the ridgeline of the lot except as reasonably required for access.

Article 3, Section 3.14 addresses vehicular Parking and Access. Off-street parking space with adequate access to all spaces shall be provided and maintained. Parking for other than residential use is required to be on the same lot or within 300 feet to the nearest off-street parking lot. Section 3.14 B. 3. requires that “adequate space should be provided in all parking, loading and unloading areas to facilitate turning around or vehicles so that the entry on to streets and county roads may be in a forward manner and not by backing. Furthermore, in parking, loading and unloading areas where internal movement of vehicles is necessary, adequate aisle space shall be provided to insure vehicular and pedestrian safety.” Parking spaces are required to be a minimum of 162 square feet, 9’ x 18’ is required. The site plan identifies a gravel area that Mr. Snook refers to as the upper parking lot. This is the access point for pedestrian traffic from the grass drive and is not identified as vehicle parking.

Article 3, Section 3.18 provides that a waterfront greenbelt is required and includes all land within twenty-five (25) feet of the ordinary high water mark. No structures (a sign is a structure) or parking areas are permitted; docking facilities must be parallel and attached to the shoreline. Pathways no wider than 6 feet and constructed of permeable material that does not allow surface water to drain directly into the river, may be constructed within the waterfront greenbelt area and within the native vegetation strip. The pathway shall meander down to the ordinary high water mark in a manner that protects the soil and vegetation from erosion. A joint permit for the construction of a boardwalk on site is currently pending with the MDEQ. Heidi Shaffer from Antrim County Soil Erosion has reviewed the boardwalk and parking plans and provided exemptions. Pursuant to Article 10, Section 10.02.C., a zoning permit shall not be issued until all other necessary permits required by statute have been obtained or waived with the exception of those permits issued by the Antrim County Building Department.

Chairman Drollinger noted the list of Exhibits 1 through 4. The Planning Commission began its consideration of the request by addressing the standards in Article 6, Section 6.05.

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 Forests and Wetlands/Lowlands 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. (Exhibit 2)
3. The proposed use of a pontoon livery is a use permitted by right in the Village Commons Zoning District. (Exhibit 2)

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

Commissioner Harris added that there is significant buffer on the property with the exception of on the waterfront were the dock is.

- 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. There is no alteration to the topography proposed. (Exhibit 3g)
2. Applicant proposes to construct a boardwalk to accommodate access to the dock; there is no request to construct a building. (Exhibit 3b and 3h)
3. The proposal will use property that is currently not utilized.
4. There are no homes at that level where the boats will be and there is commercial use of the marina property across the street.

**Motion by Commissioner Harris, seconded by Commissioner Seman, 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. Landscape will be preserved except in the area designated for parking. (Exhibit 3)
2. A landscape buffer is required for any commercial use that abuts a residential use on either the side yard or rear yard. (Exhibit 2, Section 3.20 A.)
3. While A landscape buffer may be waived by the Planning Commission it is finds there will be no adverse effect upon the neighboring property resulting from the waiver or

omission, (Exhibit 2, Section 3.20 A.), such a buffer will minimize negative impacts.

**Motion by Commissioner Seman, seconded by Commissioner Harris, that this standard has been met. 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. The site plan identifies the location of trough from the proposed grass parking area for water flow to the existing underground drain. (Exhibit 3)
2. Drainage patterns are existing and not disturbed.

**Motion by Commissioner Dewey, seconded by Commissioner Bennett, 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. A landscape buffer is to be maintained in the side yard as required by the ordinance. (Exhibit 2)

**Motion by Chairman Drollinger, seconded by Commissioner Harris, 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 Bellaire District Fire Chief has approved the proposed site plan. (Exhibit 3h)

**Motion by Commissioner Dewey, seconded by Commissioner Bennett, 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. There are no buildings or groups of buildings to arrange per the site plan.(Exhibit 3)
2. Access or emergency vehicles is available along W. Cayuga and in the pedestrian access.
3. The Fire Chief has indicated that he would not take fire trucks down the access drive.

**Motion by Chairman Drollinger, seconded by Commissioner Dewey, 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. This standard is not applicable.

**Motion by Commissioner Harris, seconded by Commissioner Seman, to waive this standard as it is not applicable. Motion passed by unanimous voice vote.**

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

**The Planning Commission finds:**

1. Access to the entrance is down W. Cayuga. A grass strip off the road shall be maintained to accommodate pedestrian travel as shown in the pictures presented.

2. Currently pedestrians travel along the wide section of pavement along the property.

**Motion by Chairman Drollinger, seconded by Commissioner Harris, 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. No exterior lighting is proposed. (Exhibit 3g)

2. This standard is not applicable.

**Motion by Commissioner Dewey, seconded by Commissioner Seman, to waive this standard as it is not applicable. 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. Ingress and egress to a grass parking area will be added. According to site plan, ingress appears to be located at least 40 feet from the intersection. (Exhibit 3g)

2. Based on the photographs and the drawing there are 5 spots on the existing gravel drive.

**Motion by Chairman Drollinger, 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.

**Motion by Commissioner Bennett, seconded by Commissioner Dewey, to waive this standard as it is not applicable. 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 site plan depicts the existing parking area with entry off of W. Cayuga and a grass drive and parking for 8 vehicles with a one entrance and one exit onto N. Genesee. (Exhibit 3g)

**Motion by Chairman Drollinger, seconded by Commissioner Seman, that this standard has been met. Motion passed 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. There is one entrance and one exit to accommodate the one-way flow of traffic from and onto N. Genesee. (Exhibit 3g)
2. Crushed limestone is to be added to the approach to even the entry with the asphalt

**Motion by Commissioner Dewey, seconded by Commissioner Seman, that this standard has been met. 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. This standard is not applicable.

**Motion by Commissioner Bennett, seconded by Commissioner Harris, to waive this standard as it is not applicable. 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. A request to construct a boardwalk to facilitate pedestrian travel to the dock is pending before the MDEQ. (Exhibit 4)
2. Antrim County Soil Erosion has provided an exemptions for the boardwalk and grass parking area.

**Motion by Chairman Drollinger, seconded by Bennett, that pending approval from the MDEQ 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. The proposed use does not involve the connection to a public sewer system or septic system; but identifies use of a self-contained, accessible portable toilet. (Exhibit 3g)
2. The proposed use does not involve the storage, transport or disposal of hazardous substances.
3. There will be no fueling on site.

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

Chairman Drollinger reviewed and made the motion to approve, based on the findings of fact and the site plan review standards, the request to operate a pontoon livery at 204 W. Cayuga, May through October with hours of operation from 8:00 a.m. to 7:00 p.m. Signs not to exceed 24 square feet to be installed or registered in compliance with current zoning ordinance provisions for signage; and off-street parking for 13 vehicles shall be provided.

**Motion by Chairman Drollinger, seconded by Commissioner Harris to approve, based on the findings of fact and the site plan review standards, the request to operate a pontoon livery at 204 W. Cayuga, May through October with hours of operation from 8:00 a.m. to 7:00 p.m. Signs not to exceed 24 square feet to be installed or registered in compliance with current zoning ordinance provisions for signage; and off-street parking for 13 vehicles shall be provided.**

Zoning Administrator Luckett asked Mr. Snook when he might hear from the DEQ? Mr. Snook stated that he had called and they are working on the approval; it could be six months, they have a year. The issue is the previous owner's application for activity on the property that needed to be closed out. Zoning Administrator Luckett indicated that under the new ordinance, the Chairman and Applicant will sign 3 copies of the approved site plan. The zoning permit cannot be issued until the pending application with the DEQ is approved.

**b) Sign Ordinance:** Chairman Drollinger explained that several businesses are using "banana banners". Council has directed the Planning Commission to review the sign ordinance. He is willing to approach the business owners through the Village of Bellaire, invite them to a meeting, to get their input on signs. He expressed his concern about looking like what Mackinaw City used to look like with neon orange and neon green signs. On the other hand, we need to come up with a common goal about what looks nice and what does not. Commissioner Harris asked whether the commission was reviewing the whole sign ordinance or just getting input? There was discussion about sizes of signs and whether they are too small for elderly drivers to see. Zoning Administrator Luckett explained that enforcement efforts had resulted in the direction that there be further review of the ordinance. There was discussion about the banners and the 15 day exception. The concern is the distraction or interference to the flow of traffic. Commissioner Harris said the purpose must be clearly stated, such as public safety, and not merely aesthetics. Commissioner Bennett asked whether the DDA had been invited to comment? Chairman Drollinger indicated that they need to be brought in. He asked members to do research on sign ordinances throughout Michigan. Commissioner Bennett stated that the Village and downtown have received high reviews; rated one of the top 21 communities on Facebook. He added that it is because of the aesthetics; it does not look like a carnival. People want to come here. Commissioner Harris wondered if the Planning Commission just needed to look at the banners as a separate item, or if there needed to be a broader discussion? Chairman Drollinger thought that getting business owners in for an informational meeting would be very helpful; their opinions and input are needed. Mr. Snook thought that getting the DDA involved would be helpful because they

have a vision as well. Chairman Drollinger indicated that he would try to attend the next DDA meeting or submit an email requesting their input. It was thought that a work session for general discussion about the sign ordinance would be helpful. At this time of the year, businesses are operating at full peak; a work session sometime after Labor Day will be best.

**6. Unfinished Business:** None presented.

**7 Correspondence/Reports**

a) **Zoning Administrator's Report:** None presented.

**8. Adjournment: Meeting adjourned at 5:57 p.m.**

Minutes compiled by:

Lori Lockett, Zoning Administrator & Recording Secretary

Minutes are subject to approval.

Approved: \_\_\_\_\_  
William Drollinger, Chair

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