

Village of Bellaire

PLANNING COMMISSION

Commissioners:

Patrick Boyd

Butch Dewey

Fred Harris

Lauryn Keiser

Don Seman

PLANNING COMMISSION MEETING MINUTES

May 25, 2021

5:00 PM

I. Call to Order: The meeting was called to order at 5:00 PM by Commissioner Boyd.

II. Roll Call - Attendance:

Present: Patrick Boyd, Butch Dewey, Fred Harris, Lauryn Keiser, and Don Seman

Absent: None

Staff Present: Nicole Essad, Zoning Administrator

Public Present: Christy Wilson, and Tracie Mooney

III. Approval of Agenda: The agenda was approved as presented.

Motion by Dewey, seconded by Harris to approve the agenda as presented. Motion Passed by unanimous voice vote.

IV. Approval of Minutes – April 6, 2021: The minutes of the April 6, 2021 meeting were approved as presented.

Motion by Harris, seconded by Keiser to approve the minutes of the April 6, 2021 meeting as presented. Motion Passed by unanimous voice vote.

V. Conflict of Interest: None presented.

VI. Public Comment: None presented.

VII. Old Business

a. Election of Officers: Commissioner Boyd stated that he was chosen to be the chair, but that he cannot be the chairperson. Commissioner Dewey clarified that Commissioner Boyd could not be the chair because he was on the Village Council. Commissioner Dewey volunteered to be chair and resigned as secretary. He also nominated Commissioner Boyd to be secretary.

Motion by Harris, seconded by Keiser to accept Dewey's resignation as Secretary, to have Dewey be Chair, and to have Boyd be Secretary. Motion Passed by unanimous voice vote.

VIII. New Business

a. Zoning Ordinance Amendment (Public Hearing): Chairperson Dewey opened the public hearing at 5:03 PM. He stated that a time limit of 5 minutes for presentations would be allowed, but if more time was needed that could be addressed as well. Zoning Administrator Essad explained that there was a petition to amend the zoning ordinance to allow for private recreation, or entertainment facilities in the Manufacturing District. She stated that ultimately the applicant wants to put an escape room in

property located in this district. She also explained that there were two proposed ordinances: one to allow this new use as a use by right (or permitted use); the other to allow this use as a special use permit. Chairperson Dewey asked if the applicants wanted to give a presentation. Ms. Wilson introduced herself and Tracie Mooney. She explained what an escape room is – you solve puzzles to “escape” a room. She stated that they want to put it on property owned by Captain’s Choice, and that there was not a lot of places available for this. Chairperson Dewey asked for public comments. Zoning Administrator Essad stated that she did not receive any written comments either for or against this amendment. There were no in person public comments either for or against. Chairperson Dewey closed the public hearing at 5:07 PM. Chairperson Dewey opened deliberations. He stated that if this is a permitted use in this industrial district, that he does not see where it would hinder anyone’s use of residences. He stated that this would also allow pool halls, ping-pong halls, darts, and other things. Zoning Administrator Essad explained that personal services such as barber shops, beauty shops, dry cleaning are also permitted uses by right in the Manufacturing District. Commissioner Seman stated that there is a barber shop in this district already. Commissioner Harris asked what other district this use would fit in. Zoning Administrator Essad explained that private recreation, or entertainment facilities are allowed in the Commercial District and Conservation Reserve District as Special Use Permits. Commissioner Boyd stated that by allowing this amendment, it would be the entire Manufacturing District. Commissioner Dewey stated that he thinks it should be a use by right. Commissioners Keiser and Boyd agreed. Commissioner Keiser stated that this use is better than the building sitting vacant. Commissioner Dewey stated that this use will not harm anyone, nor will it interfere with anyone’s residential uses. Commissioner Keiser stated that there will be plenty of parking, and minimal noise.

Motion by Dewey, seconded by Keiser, to recommend to the Village Council that ZO 1 of 2021 – an ordinance amending the Zoning Ordinance to allow for private recreation, or entertainment facilities as a permitted use in the Manufacturing District be adopted based upon the public hearing and deliberations. Motion Passed by Roll Call: Dewey- yes; Keiser- Yes; Boyd-Yes; Harris-Yes; Seman- Yes.

- b. Site Plan Review for Escape Room:** Zoning Administrator Essad explained that this site plan review is in preparation for if the Village Council adopts ZO 1 of 2021. She explained that this Commission is either approving or denying the site plan on the condition that the Village Council amends the Zoning Ordinance to allow this use. She further explained that there was an application for a site plan which explains what the escape room is, what the existing layout of the property is, and that the applicants would not be changing the outside of the buildings or layout much. She explained that most of the changes would be on the inside of the existing building. Zoning Administrator Essad asked the applicants if they had spoken with the fire chief about the fire plan. The applicants indicated that they had not. Zoning Administrator Essad explained that this site plan may be approved contingent on the fire chief’s approval. She then went on to explain that there were four exhibits.

Attached and incorporated herein to these minutes is the signed Site Plan Review Decision and Order dated May 25, 2021

Deliberations began with Zoning Administrator Essad reading the three (3) proposed general findings of fact. (See Attached Site Plan Review Decision and Order, pg. 2).

Motion by Harris, seconded by Seman to accept the general findings of fact. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the first standard under Section 6.05, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 2).**

Motion by Boyd, seconded by Harris that this standard has been met. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the second standard under Section 6.05, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 2-3).**

Motion by Boyd, seconded by Keiser that this standard has been met. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the third standard under Section 6.05, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 3).**

Motion by Dewey, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the fourth standard under Section 6.05, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 3).**

Motion by Dewey, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the fifth standard under Section 6.05, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 3-4).**

Motion by Dewey, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the sixth standard under Section 6.05, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 4).**

Motion by Dewey, seconded by Keiser that this standard will be met. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the seventh standard under Section 6.05, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 4).**

Motion by Boyd, seconded by Harris that this standard has been met. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the eighth standard under Section 6.05, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 4).**

Motion by Dewey, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the ninth standard under Section 6.05, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 4).**

Motion by Boyd, seconded by Dewey that this standard has been met. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the tenth standard under Section 6.05, and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 4-5**).

Motion by Dewey, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the eleventh standard under Section 6.05, and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 5**).

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

Zoning Administrator Essad then read the twelfth standard under Section 6.05, and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 5**).

Motion by Boyd, seconded by Keiser that this standard has been met. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the thirteenth standard under Section 6.05, and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 5**).

Motion by Dewey, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the fourteenth standard under Section 6.05, and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 5-6**).

Motion by Dewey, seconded by Boyd that this standard is not applicable. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the fifteenth standard under Section 6.05, and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 6**).

Motion by Dewey, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the sixteenth standard under Section 6.05, and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 6**).

Motion by Boyd, seconded by Dewey that this standard has been met. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the final standard under Section 6.05, and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 6-7**).

Motion by Dewey, seconded by Boyd that this standard is not applicable. Motion Passed by

unanimous voice vote.

Zoning Administrator Essad asked is there was a decision based upon the findings of fact.

Motion by Boyd, seconded by Harris that the site plan for property located at 735 E. Cayuga Street, Bellaire Michigan (Parcel ID 05-41-019-006-09) be granted based upon the findings of fact and pursuant to the following conditions: 1. receive all applicable state and federal permits prior to start of construction; 2. obtain Fire Chief Approval; and 3. the Village Council adopting ZO 1 of 2021. Motion Passed Roll Call: Boyd- Yes; Harris-Yes; Dewey-Yes; Keiser-Yes; and Seman- Yes.

Attached and incorporated herein to these minutes is the signed Site Plan Review Decision and Order dated May 25, 2021

- IX. Correspondence/Reports:** Zoning Administrator Essad explained that she has issued 15 zoning permits so far this year.
- X. Member/Public Comment:** None presented.
- XI. Adjourn:** The meeting was adjourned at 5:34 PM to the call of the chair.

Minutes compiled by:
Nicole E. Essad, Zoning Administrator

Minutes are subject to approval.

Approved: _____

Date: _____

**VILLAGE OF BELLAIRE
PLANNING COMMISSION**

DECISION AND ORDER

SITE PLAN REVIEW

Applicant: Christy Wilson
P.O. Box 514
Bellaire, Michigan 49615
(517) 376-8156
hellovino17@gmail.com

Meeting Date: May 25, 2021 at 5:00 P.M. at 202 N Bridge St, Bellaire, Michigan

Owner of the property: Don Lash
727 E. Cayuga
Bellaire, Michigan 49615

PROPERTY DESCRIPTION

The property subject to this site plan review is located at 735 E. Cayuga, Bellaire, Michigan (Parcel ID 05-41-019-006-01). This property is described as follows:

BEG AT SE COR OF SEC 19; TH S 89 DEG 44'27" W 540.84 FT ALG S SEC LINE & C/L OF CAYUGA ST; TH N 00 DEG 04'50" E 33.00 F TO N LINE OF SD ST; TH CONT N 00 DEG 04'50" E 176.62 FT; TH N 89 DEG 44'50" E 133.68 FT; TH N 00 DEG 04'50" E 153.40 FT TO S LINE OF BROAD ST; TH N 89 DEG 44'27" E 374.17 FT TO W LINE OF DERENZY RD; TH CONT N 89 DEG 44'27" E 33.00 FT TO E SEC LINE; TH S 00 DEG 04'55" W 363.01 FT ALG E SEC & C/L OF RD TO POB; BEING PART OF THE SE 1/4 OF THE SE 1/4 SEC 19 T30N R7W 4.036 A M/L SPLIT ON 01/31/2018 FROM 05-41-019-006-00;

Hereinafter, the above described property will be referred to as the "Subject Property".

APPLICATION

WHAT THE APPLICANT SEEKS:

Ms. Wilson is seeking a change of use for the property from retail/personal services to private recreation, or entertainment facilities within the Manufacturing District. She ultimately would like to put in an escape room within one of the buildings on the property.

The Commission having considered all of the comments and letters submitted by members of the public, as well as all comments and materials submitted by the applicant and/or the applicant's

representative and other materials, the Commission have considered 4 exhibits, and the Commission having reached a decision on this matter, states as follows:

GENERAL FINDINGS OF FACT

1. The Commission finds that the Applicant, Christy Wilson, is leasing the Subject Property.
2. The Commission finds that the Subject Property is currently zoned Manufacturing. (See Exhibit 1).
3. The Commission finds that the proposed use (private recreation, or entertainment facilities) is a permitted use (use by right) within the Manufacturing Zoning District subject to the Village Council approval of ZO 1 of 2021.

Motion by Harris, seconded by Seman to accept the general findings of fact. Motion Passed by unanimous voice vote.

SPECIFIC FINDINGS OF FACT UNDER SECTION 6.05

The Commission shall now review the standards under Section 6.05 and provide findings of fact for each standard.

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

1. The Commission finds that the Subject Property is currently zoned Manufacturing, which allows private recreation, or entertainment facilities by right subject to the Village Council approval of ZO 1 of 2021.
2. The Commission finds that the proposed use (private recreation, or entertainment facilities) is consistent with the current Zoning Ordinance. (See Exhibit 1, and Exhibit 3).

Motion by Boyd, seconded by Harris that this standard has been met. Motion Passed by unanimous voice vote.

B. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

1. The Commission finds that the site plan is harmoniously and efficiently organized to the character of the surrounding properties, because the existing building shall remain the same. (See Exhibit 3).

2. The Commission finds that the site plan takes into account the current uses on the lot and is consistent with the existing structures. (See Exhibit 3).
3. The Commission finds that the development of the site will not impede the development or improvement of surrounding properties for uses permitted in the Zoning Ordinance. (See Exhibit 1 and Exhibit 3).

Motion by Boyd, seconded by Keiser 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.

1. The Commission finds that the landscaping, buffering, and screening will minimize negative impacts of the private recreation, or entertainment facilities use on adjoining properties and will be in harmony with surrounding properties. (See Exhibit 3).

Motion by Dewey, seconded by Boyd 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.

1. The Commission finds that the parking areas will be stone/gravel, and that there is existing drainage on the Subject Property. (See Exhibit 3).
2. The Commission finds that neighboring properties will not be adversely affected by storm water runoff generated from this project. (See Exhibit 3).

Motion by Dewey, seconded by Boyd 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.

1. The Commission finds that the proposed use will be mainly inside the building, and that there is existing landscaping and structures on the property. (See Exhibit 3).

Motion by Dewey, seconded by Boyd 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.

1. The Commission finds that there is no information from the Bellaire District Fire Chief for this site plan, but that applicant will get approval from him as a condition of approval. (See Exhibit 3).

Motion by Dewey, seconded by Keiser that this standard will be met. Motion Passed by unanimous voice vote.

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

1. The Commission finds that the existing buildings on site permit emergency vehicle access. (See Exhibit 3).
2. The Commission finds that the interior of the building shall be consistent with building, fire and other applicable codes. (See Exhibit 3).

Motion by Boyd, seconded by Harris that this standard has been met. Motion Passed by unanimous voice vote.

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

1. The Commission finds that the existing building has access to public streets/alleys. (See Exhibit 3).

Motion by Dewey, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.

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

1. The Commission finds that there will be walkways from the parking area to the building separate from the road system. (See Exhibit 3).

Motion by Boyd, seconded by Dewey 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.

1. The Commission finds that exterior lighting fixtures will be directed downward and not unnecessarily illuminate the night sky. (See Exhibit 3).
2. The Commission finds that there are no proposed flashing lights, and that all outside light fixtures are arranged so that light is deflected away from adjacent streets and adjoining properties. (See Exhibit 3).

Motion by Dewey, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.

K. The proposed arrangement of vehicular and pedestrian routs 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. The Commission finds that the proposed arrangement of vehicular and pedestrian routes is consistent with the pattern of existing adjacent streets, alleys, and sidewalks. (See Exhibit 3).

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

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

1. The Commission finds that there are no proposed streets that will be developed according to the site plan. (See Exhibit 3).

Motion by Boyd, seconded by Keiser that this standard has been met. 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.

1. The Commission finds that the parking area is to remain as it currently exists, which allows for safe and efficient vehicular and pedestrian circulation. (See Exhibit 3).

Motion by Dewey, seconded by Boyd 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.

1. The Commission finds that there are no new curb cuts proposed on the site plan. (See Exhibit 3).
2. The Commission finds that there are existing drives that will be utilized, and that there are no shared drives or service drives proposed. (See Exhibit 3).

Motion by Dewey, seconded by Boyd that this standard is not applicable. 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.

1. The Commission finds that that site plan indicates that all utilities will remain as they are. (See Exhibit 3).

Motion by Dewey, seconded by Boyd that this standard has been met. 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.

1. The Commission finds that the project will comply with all applicable requirements of the state and federal statutes. (See Exhibit 3).

Motion by Boyd, seconded by Dewey that this standard has been met. Motion Passed by unanimous voice vote.

Q. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment, including:

1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.
2. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
3. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

1. The Commission finds that the project site is a proposed private recreation, or entertainment facilities use, therefore, it is not anticipated that any hazardous substances will be transported, stored, or used on site. (See Exhibit 3).

Motion by Dewey, seconded by Boyd that this standard is not applicable. Motion Passed by unanimous voice vote.

DECISION

Motion by Boyd, seconded by Harris, that the site plan for property located at 735 E. Cayuga Street, Bellaire, Michigan (Parcel ID 05-41-019-006-01) be granted based upon findings of fact and pursuant to the following conditions, if any.

Aye: Boyd, Harris, Dewey, Keiser, and Seman
Nay: None
Abstain: None

MOTION CARRIED.

CONDITIONS, IF ANY

1. Receive all applicable state and federal permits prior to start of construction.
2. Obtain Fire Chief Approval.
3. Village Council adopting ZO 1 of 2021.

TIME PERIOD FOR JUDICIAL REVIEW

State law provides that a person aggrieved by the decision of the Planning Commission may appeal to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed withing twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

DATE DECISION AND ORDER ADOPTED

Date: May 25, 2021

Butch Dewey, Chair

Nicole E. Essad, Clerk/Zoning Administrator