

Village of Bellaire

PLANNING COMMISSION

Commissioners:

Patrick Boyd

Butch Dewey

Fred Harris

Lauryn Keiser

Don Seman

PLANNING COMMISSION MEETING MINUTES

February 7, 2022

5:00 PM

- I. **Call to Order:** The meeting was called to order at 5:00 PM.
- II. **Roll Call - Attendance:**
 - Present:** Patrick Boyd, Fred Harris, Lauryn Keiser, Don Seman, and Butch Dewey
 - Absent:** None
 - Staff Present:** Nicole Essad, Zoning Administrator
 - Public Present:** William Page, Therry Colombo, Hal Lewis, and Dan Bennett
- III. **Approval of Agenda:** The agenda was approved as presented.

Motion by Boyd, seconded by Dewey to approve the agenda as presented. Motion Passed by unanimous voice vote.
- IV. **Approval of Minutes – January 25, 2022:** The minutes of the January 25, 2022 meeting were approved as presented.

Motion by Harris, seconded by Keiser to approve the minutes of the January 25, 2022 meeting as presented. Motion Passed by unanimous voice vote.
- V. **Conflict of Interest:** Chairperson Dewey stated that he owns property within 300 feet of the proposed use that is subject to the public hearing.
- VI. **Public Comment:** None presented.
- VII. **Old Business:** None presented.
- VIII. **New Business**
 - a. **SUP Public Hearing – Drive Through Convenience Store:** Chairperson Dewey opened the public hearing at 5:04 PM. Zoning Administrator Essad stated that the public hearing was to solicit comments for a special use permit to allow a drive through convenience store on vacant land located on E Cayuga near M-88 Morning Grind. Chairperson Dewey determined a time limit to address at 10 mins. Zoning Administrator Essad that the application was in front of them, and that the applicant was there to answer any questions. She stated that there were drawings of the proposed use and structure for the vacant land. Administrator Essad then explained that the standards would be for the Special Use permit, then the standards for the site plan review, and there were three supplemental standards for the drive through aspect of the use.

Mr. William Page, applicant, stated that it would be a pole barn construction and people would drive their vehicles through the building without getting out and workers would then place the items in the vehicle. He stated that the point was to have less interaction with people. He stated that he would want to sell beer and wine, but he was not sure about liquor. He thought it would be more convenient

especially in the winter, with not having people get out of the vehicles. He also stated that with COVID it would be less interaction with other people. Mr. Page stated that it would not just be beer and wine, it would have dry goods and snacks as well. He stated that he thought he could get 6-7 cars on the property while waiting to be served. Trustee Boyd asked if people could pull into the property from M-88 and the Alley. Mr. Page stated that only M-88 would be right turn only. General discussion was held about vehicles pulling into the property and if there would be sufficient room to have vehicles waiting to be served on the property. Trustee Boyd suggested having only one entrance off the alley to avoid the congestion on M-88.

Chairperson Dewey asked for public comment in support of the SUP. Zoning Administrator Essad read a letter from Haggard's Plumbing and Heating. A copy of that letter is attached to these minutes and incorporated herein.

Hal Lewis spoke about delivery trucks. He asked where they would park that would not interfere with customers. Mr. Page stated that there was a parking area on the alley side for employees and trucks. He stated that he was concerned about the corner. He stated he was not against the business but the location at that corner is worrisome. He also stated that a pole barn does not sound attractive to live across the street from. Mr. Lewis's biggest concern is the corner. He also stated that the Alley is in terrible shape and the Village will have to widen it.

Chairperson Dewey asked for public comment in opposition to the SUP. There were none.

Chairperson Dewey closed the public hearing at 5:21 PM. Zoning Administrator Essad explained that now is the time to go over the standards in the Decision and Order.

Attached and incorporated herein to these minutes is the signed Special Use Permit Decision and Order dated February 7, 2022

Deliberations began with Zoning Administrator Essad reading the proposed general finding of fact. **(See Attached Decision and Order, pg. 1).**

Motion by Dewey, seconded by Boyd to accept the general finding of fact. Motion Passed by unanimous voice vote.

Zoning Administrator Essad then read the first standard under Section 7.03, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 2)**

Motion by Dewey seconded by Harris that this standard has been met. Motion Passed by unanimous vote.

Zoning Administrator Essad then read the second standard under Section 7.03, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 2)**

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

Zoning Administrator Essad then read the third standard under Section 7.03, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 2)**

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

Zoning Administrator Essad then read the fourth standard under Section 7.03, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 3)**

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

Zoning Administrator Essad then read the fifth standard under Section 7.03, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 3)**

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

Zoning Administrator Essad then read the sixth standard under Section 7.03, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 3)**. General discussion was held about the ingress and egress points of the property and traffic flow on the property and on the main street (M-88). It was noted that much of the issues could be solved if there was only ingress and egress from the Thayer Lane.

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

Zoning Administrator Essad then read the seventh standard under Section 7.03, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 3)**

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

Zoning Administrator Essad then read the eighth standard under Section 7.03, 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 vote.

Zoning Administrator Essad then read the ninth standard under Section 7.03, and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 4)**

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

Zoning Administrator Essad then stated that the tenth standard under Section 7.03, would be discussed further down the Decision and Order. **(See Attached Site Plan Review Decision and Order, pg. 4)**

Zoning Administrator Essad then stated that the eleventh standard under Section 7.03, would be discussed further down the Decision and Order. **(See Attached Site Plan Review Decision and Order, pg. 4)**

Zoning Administrator Essad then stated that the twelfth standard under Section 7.03, would be discussed further down the Decision and Order. **(See Attached Site Plan Review Decision and Order, pg. 4)**

The Commission then went on to discuss the standards for the site plan review, under Section 6.05. Zoning Administrator Essad then read standard A 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 Keiser that this standard has been met. Motion Passed by unanimous vote.

Zoning Administrator Essad then read standard B 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 Seman that this standard has been met. Motion Passed by unanimous vote.

Zoning Administrator Essad then read standard C 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 Dewey that this standard has been met. Motion Passed by unanimous vote.

Zoning Administrator Essad then read standard D under Section 6.05, and the proposed findings of fact for that standard. (See Attached Site Plan Review Decision and Order, pg. 5). General discussion was held about the drainage on the property now versus what would happen when non-permeable surfaces were added.

Motion by Dewey, seconded by Boyd that this standard has been met with the condition listed below. Motion Passed by unanimous vote.

Zoning Administrator Essad then read standard E 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 Harris that this standard has been met. Motion Passed by unanimous vote.

Zoning Administrator Essad then read standard F 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 Seman that this standard has been met. Motion Passed by unanimous vote.

Zoning Administrator Essad then read standard G 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 vote.

Zoning Administrator Essad then read standard H 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 Keiser that this standard has been met. Motion Passed by unanimous vote.

Zoning Administrator Essad then read standard I 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 vote.

Zoning Administrator Essad then read standard J under Section 6.05, and the proposed findings of fact for that standard. (See Attached Site Plan Review Decision and Order, pg. 7). General discussion was held about the lighting for the project.

Motion by Dewey, seconded by Keiser that this standard has been met with the conditions set forth below. Motion Passed by unanimous vote.

Zoning Administrator Essad then read standard K under Section 6.05, and the proposed findings of fact for that standard. (See Attached Site Plan Review Decision and Order, pg. 7). General discussion was held about vehicular traffic flow with the M-88 corner being an issue. The Commission thought that having ingress and egress on the Thayer Lane only would solve this issue.

Motion by Dewey, seconded by Boyd that this standard has been met with the conditions set forth below. Motion Passed by unanimous vote.

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

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

Zoning Administrator Essad then read standard M under Section 6.05, and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 7-8**). General discussion was held about where the parking area would be and how many access off the alley would be.

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

Zoning Administrator Essad then read standard N under Section 6.05, and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 8**)

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

Zoning Administrator Essad then read standard O under Section 6.05, and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 8**)

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

Zoning Administrator Essad then read standard P under Section 6.05, and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 8**)

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

Zoning Administrator Essad then read standard Q under Section 6.05, and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 8-9**)

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

The Commission then discussed the supplemental standards under Section 8.04 for Drive through businesses. Zoning Administrator Essad then read standard A under Section 8.04, and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 9**)

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

Zoning Administrator Essad then read standard B under Section 8.04, and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 9**)

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

Zoning Administrator Essad then read standard C under Section 8.04, and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 10**)

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

General discussion was held about the 7 conditions that the Commission wanted to impose. Zoning Administrator Essad asked if there was a decision based upon the findings of fact.

Motion by Boyd, seconded by Keiser, that the Special Use Permit (SUP) for vacant property located on E. Cayuga Street, Bellaire, Michigan (Parcel ID 05-41-200-014-00) be granted based upon findings of fact and pursuant to the following conditions:

- 1. Receive all applicable state and federal permits including liquor control permits and give a copy of liquor control permit to Zoning Administrator.**
 - 2. A 6 ft Privacy fence shall be erected on the West Boundary.**
 - 3. Storm Retention Pond between building and East property line with site grade /storm drain towards retention pond.**
 - 4. The exterior lighting fixtures will be directed downward and not unnecessarily illuminate the night sky.**
 - 5. No flashing lights, and that all outside light fixtures are arranged so that light is deflected away from adjacent streets and adjoining properties.**
 - 6. Ingress and egress off Thayer Lane only.**
 - 7. Copy of purchase contract/deed shall be given to Zoning Administrator prior to start of construction**
- Motion Passed Roll Call: Boyd - Yes; Keiser-Yes; Harris-Yes; Seman- Yes; and Dewey - Yes.**

Attached and incorporated herein to these minutes is the signed Special Use Permit Decision and Order dated February 7, 2022

IX. Correspondence/Reports: None presented.

X. Member/Public Comment: Hal Lewis stated that he still thought that a mechanic was working at the residence behind his house. He also stated that there was another property with seven cars on it and another with 15 cars. He stated that he thought there was a court order to prevent the cars from being back there.

Chairperson Dewey stated that there is an ordinance that stated that unlicensed vehicles were a nuisance.

Zoning Administrator Essad stated that it is an ongoing issue with inoperable vehicles in that area.

XI. Adjourn: The meeting was adjourned at 6:27 PM to the call of the chair.

Minutes compiled by:
Nicole E. Essad, Zoning Administrator

Minutes are subject to approval.

Approved: _____

Date: _____