

# Village of Bellaire

## PLANNING COMMISSION

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

### PLANNING COMMISSION MEETING MINUTES

August 7, 2018

Immediately following the Public Hearing at 5:00 p.m.

1. **Call to Order:** Chairman Drollinger called the meeting to order at 5:46 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:** Colette Stanish, Travis Lorenz, Tani Carl, and Rick Carl
3. **Public Comments:** None presented.
4. **Approval of Minutes:** The minutes of the June 12, 2018 Udell Public Hearing, June 12, 2018 NLP Property Management LLC Public Hearing and June 12, 2018 meeting were approved.

**Motion by Commissioner Harris, seconded by Commissioner Bennett to approve the minutes of the June 12, 2018 Udell Public Hearing, June 12, 2018 NLP Property Management LLC Public Hearing and June 12, 2018 meeting as written. Motion carried by unanimous voice vote.**
5. **Unfinished Business:** None presented.
6. **Approval of Agenda:** Another item, Short Term Rentals, was added be to the agenda before the start of new business. A motion was made and supported to add the agenda item under New Business.

**Motion by Commissioner Dewey, seconded by Commissioner Harris to approve the addition of the Short –Term Rentals under New Business. Motion carried by unanimous voice vote.**
7. **New Business:**
  - a) **Site Plan Review – The 45<sup>th</sup> Apparel LLC:** Zoning Administrator Luckett explained that the Applicants were present. The request is to expand an existing use by more than 25%. They have taken over Lindsey DeFever’s business and have made improvements to the exterior of the building. Applicants currently occupy the end unit and wish to expand into the center unit. The expansion will allow them to do some screen-printing on site, to expand their retail, and to fill their on-line orders on site. Items will be shipped through UPS. Mrs. Carl explained that they would like to do on-site demonstrations of their screen-printing offering a tie-dye Tuesday during the summer. The additional space will allow more retail.

Chairman Drollinger began by identifying the Property Identification Number, 05-41-010-114-00 and reading the staff report into the record. The property is located in the Central Business District. There are no front or side setbacks. The rear setback is 5’. The minimum lot size is 2500 square feet and minimum width is 25 feet. The Central Business District is exempt from the off-street parking requirements of Article 3, Section 3.14. Retail outlet with gross floor area of 5, 000 square feet or less (such as food, drug, gift shop, apparel, sporting goods, copy shop, or workshop) without outside storage are permitted by right. The current owners purchased the property April 3, 2018. They have continued the screen-printing and embroidery retail operations of the previous owner with the addition of art, jewelry and gifts. Because this was not a new use or change of use, site plan review was not required. The Applicant currently occupies the main suite in the building, approximately 765 square feet. Applicant wishes to expand into the adjoining suite, approximately 613 square feet, for more retail and storage space, to add shipping and receiving for on-line purchases, and to add an area for screen-printing demonstrations. Village of Bellaire Zoning Ordinance Section 6.02A.7. requires site plan

approval by the Planning Commission for “expansion or renovation of an existing use, other than one-family or two family residential use, which increases the existing floor space more than twenty-five (25) percent.”

Chairman Drollinger identified the exhibits for the record: Exhibit 1 Application with attachments: 1a Statement, 1b Survey, 1c Overhead Site Photograph; Exhibit 2 Village of Bellaire Zoning Ordinance; Exhibit 3 Village of Bellaire Master Plan; Exhibit 4 Antrim County Property Information for the Parcel.

## **SECTION 6.05 SITE PLAN APPROVAL STANDARDS**

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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 Commercial. The Future Land Use Map identifies the parcel as Village Commercial. (Exhibit 3)
2. The parcel is located in the Central Business District (CBD). (Exhibit 2)
3. There are no minimum front or side setbacks. The minimum rear setback is 5'. (Exhibit 2)
4. The request is for expansion of an existing use that increases the floor space more than twenty-five (25) percent. (Exhibit 1)

**Motion by Commissioner Seman, seconded by Commissioner 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.

**The Planning Commission finds:**

1. The Applicant will be expanding its occupancy into space within an existing building in the Central Business District (CBD). (Exhibit 1)
2. The footprint of the building will not be altered. (Exhibit 1a and 1b)
3. Adjacent properties in the Central Business District and Village Commons District are developed. (Exhibit 1c)

**Motion by Chairman Drollinger, seconded by Commissioner Bennett 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. This standard is not applicable to the request under consideration.

**Motion by Chairman Drollinger, seconded by Commissioner Harris that this standard is not applicable to the request under consideration. Motion 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. This site is located in the Central Business District. (Exhibits 1 and 2)
2. The site is fully developed. (Exhibit 1c)
3. There is no proposal to change or develop the property that would affect storm water runoff. (Exhibit 2, Section 3.16)

**Motion by Commissioner Seman, seconded by Commissioner Harris 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. This application is expansion of an existing use in an existing building. (Exhibits 1a and 1b)
2. The property is adjacent to other commercial uses. (Exhibit 1c)

**The Planning Commission finds:**

**Motion by Commissioner Harris, seconded by Commissioner Bennett 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. Applicant has coordinated the fire and safety preplan with Fire Chief Shumaker. (Exhibit 1b)

**Motion by Commissioner Seman, seconded by Chairman Drollinger 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. Emergency access is available off North Bridge Street, West Cayuga, and North Bridge Lane. (Exhibit 1c)

**Motion by Commissioner Harris, seconded by Commissioner Bennett 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. Applicant will be expanding its occupancy in an existing building; streets and walkways are established. (Exhibits 1b and 1c)

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

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

**The Planning Commission finds:**

1. Applicant will be expanding its occupancy an existing building adjacent to established walkways. (Exhibit 1c)

**Motion by Commissioner Bennett, 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 additional lighting is proposed. (Exhibit 1)  
2. If added, outdoor lighting shall comply with Article 3, Section 3.10. (Exhibit 2)

**Motion by Commissioner Seman, seconded by Commissioner Harris 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.

**The Planning Commission finds:**

1. Applicant will be expanding its occupancy in an existing building, vehicular and pedestrian routes are established. (Exhibits 1b and 1c)

**Motion by Chairman Drollinger, seconded by Commissioner Harris 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 to the request under consideration.

**Motion by Commissioner Seman, seconded by Commissioner Bennett, that this standard is not applicable to the request under consideration. Motion passed b 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. Applicant occupies and will be expanding occupancy into space in a building located in the Central Business District (CBD). (Exhibits 1c and 2)

2. Parking requirements in Article 3, Section 3.14 do not apply to the Central Business District (CBD). (Exhibit 2)

**Motion by Commissioner Harris, seconded by Chairman Drollinger 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. The Applicant will be expanding its occupancy of an existing building in the Central Business District (CBD). (Exhibit 2)

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

**Motion by Commissioner Harris, seconded by Commissioner Seman that this standard is not applicable to the request under consideration. 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. Applicant will be expanding occupancy of an existing building with utilities, including water and sewer, established. (Exhibits 1)

**Motion by Commissioner Seman, seconded by Chairman Drollinger 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.

**The Planning Commission finds:**

1. Applicant shall obtain any required permits from the Antrim County Construction Code Enforcement Department for interior alterations/improvements.

**Motion by Chairman Drollinger, seconded by Commissioner 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.

**The Planning Commission finds:**

1. According to Applicant, no hazardous or flammable materials will be stored on site. (Exhibit 1)

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

After review of the standards, a motion was made to approve the request.

**Motion by Commissioner Bennett seconded by Commissioner Seman to approve, based on the findings of fact and the site plan review standards, the requested expansion or renovation of an existing use which increases the existing floor space more than twenty-five (25) percent. Motion passed by unanimous voice vote.**

- b) **Capital Improvement Plan:** Zoning Administrator Luckett explained that there were draft documents at their places for them to review. The documents are from templates provided and required as part of the MEDC Redevelopment Ready Communities program. A Capital Improvement Plan follows the development of the Master Plan. Village departments will be provided Project Application Forms for each project. The applications will then be reviewed and the Needs Assessment Form completed. A Capital Improvements Plan spans six years. If there are project suggestions, please advise the respective departments. The completion of the Capital Improvements Plan is under the purview of the Planning Commission unless the charter says otherwise. There may be items identified in the new Master Plan that should be included in the Capital Improvements Plan. This will be an agenda item for future meetings. Zoning Administrator Luckett requested that members review the forms and comment.
- c) **Meeting Per Diem:** Chairman Drollinger requested a motion to consider the meetings as one meeting for the per diem. Commissioner Dewey made a motion that the Planning Commission be paid for one meeting

**Motion by Commissioner Dewey, seconded by Commissioner Harris that the Planning Commission be paid for one meeting for this session. Motion passed by unanimous voice vote.**

- d) **Short-Term Rentals:** Chairman Drollinger reported that a letter had been received in reference to concerns about short-term rentals. The village does not currently have an ordinance regulating short-term rentals. Zoning Administrator Luckett reported that she had responded to the letter informing the resident of proposed legislation that would preempt local ordinances. She stated that other communities have acted despite the proposed legislation. Commissioner Harris noted that he lives across the river from the short-term rental properties. The village has to decide whether they want them regulated. Even if a property owner has strict rules, it comes down to enforcement. According to Zoning Administrator Luckett, long-term rentals are considered a single-family use. Short-term rentals have to be defined. Commissioner Harris suggested mediation between the neighbors. He believes that short-term rentals are a way of maintaining a property and paying for the holding costs. Chairman Drollinger said that he could see both sides. There was discussion of music and noise amplification under the village code. Chairman Drollinger noted that the Planning Commission had previously decided that no action would be taken until the state legislature decided. Chairman Drollinger asked whether this was something the Commissioners wanted to tackle. Commissioner Seman wanted to know the status of the proposed legislation. Chairman Drollinger wondered why he had not received the letter. The Village has a number of short-term rentals. This is the first complaint received. Travis Lorenz asked whether Air B n Bs helped the tourism in the area. Members agreed that it did. Zoning Administrator Luckett asked whether members wanted to require registration and contract information. Commissioner Bennett ask Chairman Drollinger what he would do if there was a complaint about a bonfire in Commissioner Bennett's yard. Chairman Drollinger said that he would talk to him. Chairman Drollinger expressed surprise that he had not received this complaint. Zoning Administrator Luckett was asked to check on the status of legislation. Chairman Drollinger will contact the owner who made the complaint and the owner of the rental property.

## 8. Correspondence/Reports

- a) **Zoning Administrator's Report:** Zoning Administrator Lockett reported that a number of permits have been issued since the last meeting. A written report will be provided at the next meeting. She also informed members about the Citizen Planner Program available through MSU Extension.

Travis Lorenz stated that he was looking to purchase property down the street. He wondered what the Planning Commissioners saw a need for in the village. Rental housing was identified as the top need. There was discussion about the property, the setbacks along Bridge Street, and the location of the buildings in relation to the right-of-way. This property is non-conforming and would have to go through the reclassification procedure. Chairman Drollinger thought the front setbacks along Bridge Street should be reviewed.

**8. Adjournment: Meeting adjourned at 6:27 p.m.**

Minutes compiled by Lori Lockett  
Minutes are subject to approval.

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

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