

Village of Bellaire

PLANNING COMMISSION

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

PLANNING COMMISSION MEETING MINUTES

November 5, 2019

Immediately following the public hearing at 5:00 p.m.

1. **Call to Order:** Chairman Drollinger called the meeting to order at 5:22 p.m.
2. **Roll Call Attendance:**
 - Present:** Butch Dewey, Fred Harris, Don Seman, and Bill Drollinger
 - Absent:** Dan Bennett
 - Staff Present:** Lori Luckett, Zoning Administrator
 - Also Present:** Elizabeth Calcutt, Networks Northwest, Julia Pietrowicz, Terry Coates, Christy Wilson, Jean Seman, Trish Fox, Doug Fox, Ingrid Henderlight, Rolland Fink, Brenda Fink, Louise Wenzel, and Ian Simpson
3. **Approval of Agenda:** There were additions to the agenda. Meeting Per Diem was added as New Business item d; Solar Farms was added as New Business item e. The Bellaire Business Owners item was moved to follow Public Comment. The agenda was approved as amended.
 - Motion by Commissioner Harris, seconded by Commissioner Seman, to approve the agenda as amended.**
 - Motion carried by unanimous voice vote.**
4. **Approval of Minutes:** The minutes of the August 6, 2019 Public Hearing and August 6, 2019 Regular Meeting were approved as written.
 - Motion by Commissioner Dewey, seconded by Commissioner Seman, to approve the minutes of the August 6, 2019 Public Hearing and August 6, 2019 Regular Meeting as written. Motion carried by unanimous voice vote.**
 - The minutes of the of the October 8, 2019 Public Hearing were approved as written.
 - Motion by Commissioner Harris, seconded by Commissioner Seman, to approve the minutes of the October 8, 2019 Public Hearing as written. Motion carried by unanimous voice vote.**
5. **Public Comments:** None presented.
6. **New Business item c) Bellaire Business Owners:** Trish Fox addressed the Planning Commission. Because of the exponential growth of business in Bellaire, the business owners wanted clarification on some of the rules and regulations. She stressed that this is a positive move forward of clarification. She noted that there were some injuries last year as people tried to get over the snowbanks. Who is responsible for the removal of snow banks? Chairman Drollinger explained that the DPW is responsible. The Village Council can address this. He acknowledged the injuries last year and that the curbs had been repaired. MDOT is responsible for the road through town. Perhaps they could meet with the Streets and Motor Pool Committee to send letters to MDOT. Commissioner Dewey suggested that letters from the business owners to the right parties might help. Mrs. Fox asked about downtown events and street vendors on the sidewalks if the downtown merchants are holding events. Are permits required? Chairman Drollinger said that 36" for passage is required. The question is more about monthly activities. Chairman Drollinger stated that they should ask the Village Council. The last item is signage. Mrs. Fox asked about the number of signs allowed per building. How are stickers handled? Zoning Administrator Luckett explained the definition of sign and how she handled a recent request for window decals. The area of signs in the Central Business District is 20 square feet. The sign area is the outer most limits of the lettering. Mrs. Fox asked about increasing the number of signs. Zoning Administrator Luckett indicated that amendments will be considered, it is helpful to know what she has in mind. She explained the ZBA determination of whether certain objects or items are signs as opposed to art. Terry Coates provided an example and asked whether it would be considered a sign. Chairman Drollinger noted that the sign section is the most contentious in the zoning

ordinance. Chairman Drollinger explained the evolution of the sign ordinance in the village. The first was the McDonald's sign. People could see the top of the letter on their way into town. The second was no one wanted to look like Mackinaw City with the bright neon colors and lighting. The third was looking at the signs in Charlevoix; smaller signs mounted lower are harder to see. The Planning Commission looked at these considerations when developing a sign ordinance. We want the village to look nice. The ordinance can be changed. Chairman Drollinger suggested that perhaps a subcommittee could be formed to address possible changes to the sign ordinance. Christy Wilson asked about the parking lines and whether other lines will be added. Chairman Drollinger explained that adding lines would reduce the number of spaces. If marked they have to be twenty feet from the crosswalk. The result is the loss of eight parking spaces in the block, four cars on each sign. Commissioner Dewey suggested that Boyne City's signs are very nice. There was discussion about the number of signs. Zoning Administrator Luckett explained that the sign ordinance allows two signs per business. There was brief discussion about the variance process. Chairman Drollinger thanked the business owners and those in attendance for coming to the meeting. Zoning Administrator Luckett requested that all sign the attendance sheet so that she could identify those present. If there any questions, please email. There was a question and discussion about the availability of the public restrooms. Louise Wenzel asked about playing music in the downtown. Chairman Drollinger explained that music is generally played at the request of the Bellaire Chamber and for Christmas. A request may be directed to the Village Council.

7. Unfinished Business:

a) Ordinance Amendment-R.V. Parking: Zoning Administrator Luckett explained that there are two sections in the current zoning ordinance that address the use of recreational vehicles. At a previous meeting, Chairman Drollinger had suggested an amendment to allow someone to stay in their RV/mobile home during remodeling. We do allow someone to stay in their R.V. during medical emergencies and during construction of their home. The R.V. cannot be a long-term residence. Zoning Administrator Luckett reported that she had spoken with the village attorney about the possible amendment to allow use of a recreational vehicle during remodeling. He also asked about allowing family and friends to camp on village property owned by a relative. Currently group gatherings are limited to seven days. The village attorney recommended that standards for approval of the use be developed. After brief discussion, the Planning Commission agreed to send the matters to the village attorney for the development of standards for approval to allow use of a recreational vehicle during remodeling of a residence and to allow camping on village property owned by a relative for a period not to exceed 15 days a year.

8. New Business:

a) Master Plan: The Planning Commission approved the Resolution of Adoption of the Village of Bellaire Master Plan, Resolution #11. Motion by Commissioner Seman, seconded by Commissioner Dewey to approve Resolution #11.

Motion by Commissioner Seman, seconded by Commissioner Dewey, to approve Resolution #11. Roll call vote Ayes: Seman, Dewey, Harris and Drollinger. Nays: None.

b) Site Plan Review – Ian Simpson - Spirits on M-88: Chairman Drollinger noted that the Planning Commission would be conducting site plan review at the request of Ian Simpson. The name of the party store will be Spirits on M-88. The property location is 316 S. Division. The zoning district is Commercial. The Existing Land Use Map, figure 4-1, classifies the property as Commercial; Future Land use Map, figure 7-1, classifies the property as General Business.

Chairman Drollinger requested that the following Staff Report be incorporated into the record by reference.

PIN 05-41-030-018-00

Minimum Lot Area: 20, 000 square feet

Minimum Lot Width: 100 feet

Minimum Setbacks: Front-25 feet; Side 20 feet; Rear 30 feet

Maximum Height of Structure: 3 stories; 35 feet

Applicant is the registered agent of Whitney & Ian Enterprises, LLC a Michigan limited liability corporation. The company will be operating under the assumed name of Spirits on M88. The request is for a change of use of commercial space located at 316 S. Division. This 1200 square foot rental space was previously used for Curves, a fitness center for women. The Applicant's proposed use is for a liquor and wine store, considered a retail outlet with gross floor area of 5,000 square feet or less. Applicant plans to employ three to five people; one to three will be working at any given time. The hours of operation weekdays 9:00 a.m. to 8:00 p.m.; Saturdays and holidays 9:00 a.m. to 9:00 p.m.; Sunday 11:00 a.m. to 6:00 p.m. There are no structural alterations to the rental space proposed. According to Applicant, the space will be painted, decorated, have new flooring installed along with coolers and shelving for display. A three-yard dumpster, already on site, will be shared with the other tenants. Section 3.14 specifies the parking requirements. Retail stores are required to have 1 space per 150 square feet of floor area. Restaurants are required to have 1 space for each 100 square feet. Laundromats must have 1 space for each 2 washing machines and/or dry-cleaning machines. According to the site plan, there are 39 parking spots around the property. 8 spaces are required for the Applicant's business. Papa K's was approved with existing spaces because it is a to-go restaurant without a dine in space. The laundromat has 27 washing machines, requiring 14 spaces. A check of the Alcohol Information Management System on October 9, 2019 shows that Whitney & Ian Enterprises, LLC has licenses pending. License L-000429055 is a Retail - Off Premises, Specially Designated Distributor license; L-000429056 is a Retail - Off Premises, Specially Designated Merchant license. Permits for Sunday Sales a.m. and p.m. are pending. A Conditional License, transferring the location from 6508 Center Street, Ellsworth to 316 S. Division Street is pending. According to notice received October 18, 2019, their application has been referred by the Michigan Liquor Control Commission to the Department of Licensing and Regulatory Affairs Enforcement Division for investigation.

Chairman Drollinger welcomed Mr. Simpson and asked him explain his request. Mr. Simpson stated that he wished to open a party store that sells beer, wine and liquor that is a higher scale product. They will also have ice and glasses. Zoning Administrator Luckett advised that LARA is currently investigating the permit requests. There are three different permits pending. According to Mr. Simpson the permit process will likely not be completed until the end of the year. He also noted that Sunday sales will be from noon to 6:00 p.m.

Chairman Drollinger identified the exhibits: Exhibit 1 Village of Bellaire Master Plan; Exhibit 2 Village of Bellaire Zoning Ordinance including Map; Exhibit 3 Site Plan Review Application Packet: a) Application-Site Plan Review Application and Checklist; b) Explanation of request; c) Site Plan and Interior layout; d) Vicinity sketch.

Chairman Drollinger proceeded with the site plan approval standards and findings of fact.

SECTION 6.05 SITE PLAN APPROVAL STANDARDS

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 property as General Business. (Exhibit 1)
2. The parcel is located within the Commercial Zoning District. (Exhibit 2)
3. The subject property is developed with a commercial plaza and carwash. (Exhibit 3)

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

- 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 subject property is currently developed with a commercial plaza and carwash and associated parking. (Exhibits 3c and 3d)
2. There are no topographical alterations proposed; only interior painting and decorating; installation of new flooring and coolers and shelving for the display of merchandise. (Exhibit 3 c)

Motion by Commissioner Seman, seconded by Commissioner Harris, that this standard has been met.

- 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 Dewey, that this standard is not application to the request under consideration.

- 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. Drainage patterns are existing and will not be disturbed by the Applicant's use of the property. (Exhibits 3c and 3d)

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

- 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. The request is for a new use by right within the Commercial District. (Exhibit 3a)
2. The property is developed with a commercial plaza and carwash and includes a parking lot and landscaping. (Exhibit 3c and 3d)
3. Adjacent properties are zoned Commercial. (Exhibit 2)

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

- 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 3a)

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

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

The Planning Commission finds:

1. The buildings or groups of buildings are located on the property with paved parking and traffic flow patterns established around the buildings. (Exhibits 3c and 3d)

2. Access for emergency vehicles is available from S. Division. (Exhibits 3c and 3d).

Motion by Chairman Drollinger, seconded by Commissioner Harris, that this standard has been met.

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

Commissioner Dewey made the initial motion that this standard is not applicable. The motion was supported by Commissioner Seman. After further consideration and brief discussion that the building does have access to a public street, the motion was rescinded. Chairman Drollinger then made the following finding and motion.

The Planning Commission finds:

1. This standard is applicable to the request under consideration.

Motion by Chairman Drollinger, seconded by Commissioner Seman, that this standard has been met.

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

The Planning Commission finds:

1. Access to the property is on S. Division. (Exhibits 3c and 3d)

2. Any pedestrian traffic travels within the MDOT right-of-way. (Exhibit 3d)

Motion by Chairman Drollinger, seconded by Commissioner Dewey, that this standard has been met.

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. Exterior lighting has not been proposed. (Exhibits 3a and 3b)

2. An interior lit sign which must meet zoning ordinance regulations.

Motion by Commissioner Seman, seconded by Commissioner Harris, that this standard has been met.

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. This is a developed site with vehicular access from S. Division established. (Exhibit 3d)

Motion by Commissioner Dewey, seconded by Chairman Drollinger, that this standard has been met.

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

The Planning Commission finds:

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

Motion by Chairman Drollinger, seconded by Commissioner Seman, to waive this standard, as it is not applicable to the request 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.

The Planning Commission finds:

1. Per Section 3.14 B.2., 8 parking places are required for Applicant's business. (Exhibit 2)

2. Parking spaces must be a minimum of 162 square feet, 9 x 18 feet per Section 3.14 B.4. (Exhibit 2)

3. The site plan depicts an entrance off of S. Division and existing parking area with 39 spaces, including two that appear ADA accessible. (Exhibit 3c)

4. The vehicular circulation around the buildings is established. (Exhibits 3c and 3d)

Motion by Chairman Drollinger, seconded by Commissioner Harris, that this standard has been met.

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 access and parking are existing. This standard is not applicable to the request under consideration

Motion by Commissioner Seman, seconded by Commissioner Dewey, that this standard is not applicable to the request under consideration.

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. The site is developed. This standard is not applicable to the request under consideration.

Motion by Commissioner Dewey, seconded by Commissioner Seman, that this standard is not applicable to the request under consideration.

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 is awaiting permits and licenses from the Michigan Liquor Control Commission and may not

operate until all have been issued.

Motion by Chairman Drollinger, seconded by Commissioner Harris, that this standard has been met.

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 storage, transport or disposal of hazardous substances. (Exhibits 3a and 3b)

Motion by Commissioner Seman, seconded by Commissioner Harris, that this standard is not applicable.

After reviewing the proposed motion and confirming that the sign will be internally-lit and not exceed 32 square feet, Chairman Drollinger made the following motion supported by Commissioner Dewey. Zoning Administrator Luckett requested that Applicant provide a picture of the sign before it is installed, with proof of property owners' approval.

Motion by Chairman Drollinger, seconded by Commissioner Dewey, to approve, based on the findings of fact and the site plan review standards, the requested change of use of rental space identified as 316 S. Division, from personal service business to a liquor store, a retail outlet with gross floor area of 5,000 square feet or less. Applicant must have all permits from the Michigan Liquor Control Commission in place before opening; Applicant is permitted to install an internally-lit wall-mounted sign not to exceed 32 square feet in compliance with current zoning ordinance provisions for signage; and off-street parking for 8 vehicles is required.

Chairman Drollinger confirmed to Mr. Simpson that permits from the Michigan Liquor Control Commission are required before the zoning permit will be issued.

- d) **Meeting Per Diem:** Zoning Administrator Luckett noted that the Planning Commission has agreed to one meeting per diem when the meetings have not been too long. After brief discussion, the members agreed to one pay for one meeting.

Motion by Commissioner Seman, seconded by Commissioner Harris, to accept pay for one meeting.

Motion carried by unanimous voice vote.

Chairman Drollinger commented on the professionalism of those in attendance at the meeting. Mrs. Seman added that she has attended their meetings and agreed with Chairman Drollinger.

- e) **Solar Farms:** Zoning Administrator Luckett stated that she had received an inquiry about commercial solar farms within the village. She explained that public utilities are currently allowed in the Manufacturing district. The property mentioned is in the Commercial district. The village attorney has had experience drafting solar farm ordinances and suggested that the Planning Commission may want to consider an ordinance for individual use of solar power. She reported that she had found a sample solar farm ordinance. Commissioner Harris explained the efforts of Meadow View Apartments to build carports with solar power on the roofs, if

feasible. Chairman Drollinger suggested that the sample ordinance be reviewed by the Planning Commission and the item be included on the next meeting's agenda.

9. Correspondence/Reports

- a) **Zoning Administrator's Report:** Zoning Administrator Luckett provided a written report of permits issued since the August 6, 2019 meeting.

Commissioner Harris asked if the Master Plan Committee had been recognized. It was noted that the committee is identified in the Master Plan. Chairman Drollinger requested that a letter be sent to the Master Plan Committee members thanking them for their time.

10. Member comment: None presented.

11. Adjournment: Meeting adjourned at 6:28 p.m.

Minutes compiled by:
Lori A. Luckett, Zoning Administrator & Recording Secretary

Approved: _____
William Drollinger, Chairman

Date: _____