

CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
July 20, 2022
Unapproved

Chair Jane called the July 20, 2022 meeting of the Planning Commission, to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Jacob Buse, Kasey Thompson, Rory Ruddick, Kate McLeod, Megan Eppley, and Chris Jane

EXCUSED Sarah Montgomery

ABSENT

ALSO PRESENT Paula Priebe, Community Development Director
Emily Szymanski, Planning & Zoning Technician

There were 32 people in attendance.

APPROVAL OF MINUTES

Motion was made by Jacob Buse seconded by Kate McLeod, to approve the minutes of the May 18, 2022 meeting of the Planning Commission as presented, with one change:

“...Community Development Director, Paula Priebe, stated concerns regarding the number of parking **spaces** shown and the lack of bicycle parking.”

Motion was passed with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Carol Hillman of Townline Lake stated that Voca Lyrica is hosting the City-wide rummage sale this year. The sale will take place on August 20, 2022, from 9:00 AM – 4:00 PM. The organization is accepting applications to participate in the rummage sale, with a \$25 fee. For more information, applications can be found at City Hall, Patterson’s Flowers, or at Artworks.

Greg Denny of 323 W Pere Marquette voiced concerns regarding the new manufactured home at 124 W Bellevue. Denny stated that this type of housing does not match the existing character of the neighborhood, especially because the new owners were not required to build a garage on the property.

PUBLIC HEARINGS

Site Plan Review for a New Gas Station and Food Mart at 827 N State Street

The Public Hearing was opened at 6:37 PM.

Priebe summarized the Staff Report stating that Krist Oil Company is applying for a Site Plan Review for a new gas station and food mart on N State Street. The proposal will utilize both 827 and 819 N State Street for a combined 0.688-acre site for this new development. The site is zoned C-3 Commercial, where gas stations and convenience stores are a principal use. The site plans were distributed to the Fire Marshal, the Public Works Department's Engineering staff, the Building Official, and the Zoning Administrator for their review. A summary of staff comments are as follows:

Public Safety –

1. Required. Bollard posts in front of the propane cages.
2. Required. New fire hydrant in the Right-of-Way along N State Street near the northeast corner of the building.
3. Suggested. Change material behind the building, next to the privacy fence, from mulch to stone.

Public Works – Engineering Technician, Matt Ruelle, stated, “The stormwater collection system is designed to be underground with a controlled outlet leading to the catch basin on the SW corner of W Pere Marquette and N State Street. This catch basin belongs to MDOT and is tied into MDOT’s stormwater system. Permission from MDOT will be needed for this connection...”

Zoning – Community Development Director, Paula Priebe, stated, “The proposed bicycle rack does not meet the standards of Section 5.7:2(3) of the Zoning Ordinance which requires “inverted U” or “post and ring” style racks.

Joe McNally, Realtor and Representative of Krist stores, introduced the company and the proposal. Krist Oil Company is a Michigan-based company with 77 stores in Michigan and Wisconsin. Over two years ago, Krist identified Big Rapids as a new location within their growth plan. Although previous attempts at a Big Rapids location have failed, the company continued to search for a location in town. Two property owners along the 800-block of N. State Street became interested in selling to Krist and went under contract in January 2022. Since January, Krist staff and representatives have been solidifying plans for the location. The Company intends on spending over five million dollars by building a modern gas station with a food mart and look forward to investing in the north side of town.

Those Who Spoke in Favor of the Request: None heard

Those Who Spoke in Opposition of the Request:

David Treece of 821 Rose Avenue expressed concerns regarding the brightness of the lighting at the facility, the potential increase in crime on the north side of town, and potential gas spills that could occur.

Kevin Maloy of 822 Marion Avenue stated that in the plans, the Applicant states utility poles will be moved, but does not specify where the new location will be. He also stated that the lighting specifically covering the diesel pump is concerning due to how close the pump will be to his property. Emily Maloy referenced an article from June 18, 2021 from the Big Rapids Pioneer stating that a member of the Planning Commission stated, “I don’t think this particular block is a great place for this type of project. It would negatively impact, in a great way, the rest of the block and I understand the concerns of the residents...” Mrs. Maloy stated that although she knows the Commissioner was referring to the rezoning request in particular, what makes her neighborhood any different? In order for the Maloy’s to be comfortable with the proposal being approved with conditions is if the Applicant were to:

1. Replace the fence at 822 Marion to implement a solid buffer between the facility and their property
2. Address lighting concerns for the surrounding neighbors
3. Install a speed deterrent in order to slow traffic, especially larger trucks using the alley to access the diesel pump.

Tyler and Kristal Wible of 830 Marion Avenue stated that there are several children that live in the neighborhood and parents are very concerned with the levels of benzene that could cause cancer. They also stated that the new gas station would create a nuisance for the neighborhood due to the lighting, safety, increase in traffic, and fumes. Mrs. Wible stated that another main concern is that there is inadequate space between the diesel pump and the alley, which will cause property damage for the surrounding neighbors.

Josh Ladwig of 826 Marion Avenue expressed concerns regarding the potential for the gas station becoming at 24-hour operation. Having the facility open 24/7 will directly impact the character and safety of the neighborhood.

Scott VanScoy of 818 Marion Avenue stated that while he doesn’t have strong opinions of the proposal, he does have questions regarding the use of the alley and overall safety concerns. He stated that currently, the alley is the only access point he has to his property. It is likely that more incidents and property damage will occur to the surrounding homes with the increase in traffic accessing Krist off of the alley.

Andrew Jorgenson of 205 W Pere Marquette Street stated that another gas station will not add any value to the City since there are several in town already. The City needs to focus on businesses that are currently lacking instead of welcoming even more competition with another gas station.

Jana Farrier of 729 N State Street stated there is no need to gas stations right next to each other. Additionally, other commercial businesses have been required to install a fence buffer between residential and commercial, so Krist Oil should be required to buffer between their property and the surrounding neighbors. She also stated that three rental units will be demolished in order for Krist Oil to build as proposed. The City has clearly indicated that the Big Rapids is in dire need of different housing types, so why demolish even more housing for residents. Mrs. Farrier also stated that there has been a gas station at the proposed location in the past and asked if Krist Oil has a plan to address any existing contamination before beginning their development.

Pam Borstler of 819 Marion Avenue expressed frustration with Krist Oil Company for wanting to locate so close to a residential neighborhood. Mrs. Borstler stated that there are many families that attend St. Mary's Catholic Church so why ruin the character of the neighborhood with a gas station.

A Representative of Farm Bureau Insurance at 826 N State Street stated that he is neither for nor against the project, he simply has a few questions. He stated according to MDOT, State Street was the highest accident-prone corner in Big Rapids up until a few years ago, so he is curious if the traffic pattern will change after this facility is open. He also asked about the likelihood or the feasibility of the City widening the existing alley approach to help mitigate traffic concerns.

Telephonic or Written Correspondence Received by Staff:

Staff received one phone call:

Sandy Hatchew of Mighty Muffer, 1204 N State Street, expressed their support for the proposed project, stating that the facility will be a nice new development for the north side of town. The food mart will be a nice addition and provide a convenient food option for staff during the workday.

Staff received four written responses regarding this proposal. The written notices are attached to these minutes. A summary is as follows:

Edward Calhoun of Paris, Michigan stated that "...as a factory worker in Big Rapids, having a nice gas station is needed for that part of town. There are lights that can be installed to help with traffic concerns."

Dan Farrow of 929 N State Street stated "...I believe that two gas stations located next to each other in that block would create an undesirable density of such businesses in that neighborhood.

The addition of a gas station/convenience store in that block would lead to an increase in traffic. Traffic in that part of our city already exceeds the capacity of the streets and traffic flow controls...”

Jane Johansen of 117 S Stewart Street stated, “I am writing to express my position of being against the proposed gas station... We have two gas stations on Northland Drive and 19 Mile Road... No one needs more overhead lights and the increased traffic and noise this would generate...”

Annie Cross wrote, “...There is no logical reason for building new gas stations; that is called “built-in obsolescence” and should not be implemented... The City should not encourage commercial development, especially such a polluting one, so near the river... It is my hope that the City of Big Rapids will do everything in its official power and authority to express love and appreciation for the magnificence of the Muskegon River and environs through their policies and planning.”

Krist Atanasoff of Krist Oil Company responded to the concerns voiced, stating that Krist Oil wishes to improve the Big Rapids community with this new development. Since 1917, Krist has located within small communities in Michigan and Wisconsin and assures that they are good neighbors and a good employer. In regard to the concerns:

- Snow will be plowed to the designated snow removal location on site and then hauled away by a local plow company.
- The lighting is environmentally friendly and does not flood the area with harsh light.
- There was an old gas station located on this site and old underground fuel tanks exist. EGLE is the regulatory agency for the State and Federal Government and any residual pollution will be addressed appropriately according to their guidelines.

Chair Jane closed the Public Hearing at 7:35 PM and the Commission entered into Fact Finding.

The Planning Commission asked KC Atanasoff of KSK Construction specific questions regarding the site plan. The conversation ensued the following topics:

- With the utility poles needing to be moved if the Plans are approved, does Krist have an idea of where the new location will be? Engineers of Krist Oil are currently working on alongside staff of Consumer’s Energy. There is not anything set in stone, but this issue needs to be addressed in order for Krist Oil to proceed with the project.
- Does Krist have any plans for making the hours of operation 24-hours? None of Krist’s 77 locations are open 24-hours.
- What does the process look like if there are old fuel tanks located on site? A Phase 1 Environmental Study is required by the State of Michigan. That Study will determine any ground contamination, asbestos, and any overall environmental concerns. The State will then provide Krist Oil with a list of recommendations of clean-up. The clean-up process will be addressed in-house by Krist Staff.

- How will Krist mitigate light emissions for the surrounding residences? The new LED lighting is designed to limit the number of emissions given off. The lighting plan is included in the Site Plan and indicates that the level of lighting is virtually zero around the perimeter of the property.
- Krist Oil is willing to work with surrounding homeowners to address the concerns of creating an adequate buffer between the residential properties and their commercially zoned property.
- What made Krist want to locate on the north side of town? A traffic study was conducted along with a population density study and the results indicate that the north side is in desperate need of a corner store offering milk, potatoes, and other meal necessities.
- With concerns of the alley access, would Krist be willing to explore encroaching more onto Krist's property instead of the alley right-of-way?

Motion was made by Jacob Buse, seconded by Kate McLeod, to table the final decision on the State Plan Review for a new gas station and food mart at 827 N State Street (PIN 17-10-278-008) until a future meeting, based on several conditions that need further review. Revised plans are to be brought to a future meeting for review by the full Planning Commission at which time the issue will be taken off the table and a decision will be made.

The conditions are required to ensure public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by land use or activities and to ensure compatibility with adjacent land uses.

The conditions are as follows:

- 1. Bollard posts in front of the propane cages.**
- 2. New fire hydrant in the Right-of-Way along N State Street near the northeast corner of the building.**
- 3. Change material behind the building, next to the privacy fence, from mulch to stone.**
- 4. Permission from MDOT to connect into MDOT's stormwater system.**
- 5. Upon review and approval of the City's Engineering Firm, Fleis & VandenBrink, install speed deterrents in the alley.**
- 6. Where practical, install a fence to provide a buffer between the business and adjacent residential parcels.**
- 7. Replace the proposed bike racks with "inverted U" or "post and ring" style racks, as required in Section 5.7:2(3) of the Zoning Ordinance.**
- 8. Review the relocation of the utility pole to ensure service will not be disrupted.**
- 9. Engineering review of the 45' driveway approach to examine if approach could encroach more on the Applicant's property instead of the alley right-of-way.**

Motion passed with all in favor.

GENERAL BUSINESS

Continued Discussion of Proposed RRC and Form-Based Code Amendments to the Zoning Ordinance – Residential Districts and Zoning Map

Priebe summarized the Staff Report summarizing that Staff and Planning Commissioners have been working on the big Zoning Amendment compilation for the last several years. Discussion thus far included downtown district standards, the use table, and housing types. This meeting will look at the residential design standards and zoning map alterations. The key purpose behind the changes in the residential districts is to “right-size” the zoning district standards to the actual lot sizes in Big Rapids. The current Zoning Ordinance has district standards that make the vast majority of residential lots in Big Rapids non-conforming because they require very large lots. In regard to the map amendments, Staff put together sample Map Amendments to get the conversation started for the Planning Commission. These maps are for educational and discussion purposes only.

Staff proposes that two or three Planning Commissioners join Staff in a Working Group on this topic over the next few weeks to create a Draft Amended Zoning Map for recommendation at the Public Hearing. The Working Group will consist of Megan Eppley, Chris Jane, and/or Jacob Buse and Kate McLeod.

The tentative timeline to see this project through to Adoption is as follows:

- August 17 – Planning Commission Meeting
 - Present compiled Amendments in Full Draft Form
- August 22 – September 20 – Educational Sessions and Feedback
 - Publish information on City Website and hold two in-person meetings to inform the public, answer questions, and receive feedback on the proposed Amendments
- September 21 – Planning Commission Meeting
 - Formal Public Hearing on the Compiled Zoning Amendments
 - Recommendation to the City Commission
- October 3 – City Commission
 - City Commission acts on the proposed Ordinance

UNSCHEDULED BUSINESS

Skate Meet Up at Swede Hill Park on July 30 from 12:00 – 3:00 PM

Grab your wheels, tell your friends & come skate to get a peek of what it would be like to have a skatepark in the City of Big Rapids! On the day of the event, several local vendors will be at Swede Hill Park selling food and drinks. Some have agreed to donate a portion of their proceeds from their overall sales that day back to the Big Rapids Skatepark Project. Hope to see you all there!

There being no further business, Chair Jane adjourned the meeting at 8:45 PM with all in favor.

Respectfully submitted,

Emily Szymanski
Planning & Zoning Technician and Planning Commission Secretary

Paula Priebe

From: DA Cross <jfcross17671@charter.net>
Sent: Tuesday, July 19, 2022 7:56 PM
To: Paula Priebe
Subject: [External Sender] Krist Oil Company proposal

Dear Ms. Priebe:

I am writing in regard to the Krist Oil Company's proposal for establishing a gas station and food mart/convenience store in Big Rapids. This is a repeated effort on Krist Oil's part to establish a new gas station in Big Rapids.

I am writing in opposition to this plan for the following reasons:

The country is moving away from (and should be moving away from) gasoline-powered vehicles. Realizing this transition won't happen overnight and existing gasoline-powered vehicles will remain on the road even when new gas-powered vehicles are no longer being produced for some period of time, I understand that there will be continued need for gas stations. However, the need for gasoline and gas stations will inevitably be in increasing decline. With that uppermost in mind, there is no logical reason for building *new* gas stations; that is called "built-in obsolescence" and should not be implemented. Furthermore, there are plenty of gas stations in and around Big Rapids already, whether on State Street, Perry, Maple, or surrounding nearby areas. Gasoline stations, while a necessity, are inevitably an eyesore. There is contamination from debris and litter and there is light pollution from the usually extensive and garish lighting for such businesses.

Another reason to oppose the establishment of another gas station in Big Rapids, and particularly so near the Muskegon River is just that: the City should not encourage commercial development, especially such a polluting one, so near the river. The Muskegon is the area's most precious natural feature, and every effort should be made to protect, and enhance it, not add new threats to its beauty and water quality. Realizing that this proposed gas station is not *on* the river, it is near enough to have an effect on the river and on those who would want to enjoy or use the river. What is apparent in the proposal is a large commercial presence near the river and its presence will attract other influences that are unlikely to be very compatible with using or enjoying the river and its near environment.

This proposal is for a new business that just isn't needed, not from any perspective other than the business owner's. One wonders why Krist Oil Company is so set on building a new gas station in Big Rapids, as their representative realtor McNally said that "Krist Oil really wants to bring a gas station to Big Rapids." Why? Big Rapids doesn't need another gas station and doesn't need another gas station "brought to" it.

It is my hope that the City of Big Rapids will do everything in its official power and authority to express love and appreciation for the magnificence of the Muskegon River and environs through their policies and planning.

Thank you for the opportunity to express an opinion on this matter.
Best wishes,
Annie Cross

Daniel F. Farrow, EMT-P
929 North State Street
Big Rapids, MI 49307
Ph: 231-250-1063


July 14, 2022

City of Big Rapids
Planning Commission
Chris Jane, Chairman

Dear Chairman Jane,

My name is Dan Farrow and I have been a resident of the City of Big Rapids for over 40 years. It has come to my attention that a company is seeking permits to build a gas station/convenience store in the 800 block of North State Street on the northernmost 2-3 parcels immediately north of the existing Admiral gas station. I am writing to you to tell you that I am opposed to locating a gas station on that property. I believe that two gas stations located next to each other in that block would create an undesirable density of such businesses in that neighborhood. The addition of a gas station/convenience store in that block would lead to an increase in traffic. Traffic in that part of our city already exceeds the capacity of the streets and traffic flow controls. Furthermore, the proposed development includes the demolition of two structures that are currently multi-unit residential dwellings – removing something that is already in short supply in our community. In closing I ask you to please take into consideration my concerns when reviewing the above-mentioned business plan.

Sincerely,



Daniel F. Farrow, EMT-P

cc: Mayor Fred Guenther
Jana Grunst

CHRIS,
THANKS FOR
LISTENING TO MY
CONCERNS.
DAN

From: [Jane Johansen](#)
To: [Paula Priebe](#)
Subject: [External Sender] Krist Oil
Date: Sunday, July 17, 2022 11:03:26 AM

Hi, I am writing to express my position of being against the proposed gas station. In driving by today, I noticed there would be two stations within basically a block.....a little over kill. Another reason, we do have two stations on the intersections of Northland Dr. and 19 Mile road, so the excuse that we have no access to fuel for folks coming into town from the north is not true. And my main reason is quality of life for the neighborhood, especially Marion.....no one needs more overhead lights and the increased traffic and noise this would generate. Our citizens and their quality of life should be more important than a new business. Marion is a nice neighborhood and let's keep it that way. Jane Johansen

BEWARE OF THE RISK OF WIRE FRAUD

If you are wiring funds, please verify wire instructions by calling your local title office to confirm accuracy. Do not reply on the telephone numbers provided in the email. NEVER wire money without first confirming verbally that wire instructions are correct.

Jane Johansen 117 S. Stewart
Big Rapids, MI 49307

1-231-250-2507-Cell
1-231-598-9558-Fax

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Paula Priebe

From: Ed Calhoun <ed_clhn@yahoo.com>
Sent: Monday, July 18, 2022 3:27 PM
To: Paula Priebe
Subject: [External Sender] Krist gas station

I would like to see a better gas station on those lots as a factory worker it would be awesome and also a resident of paris a nicer gas station. Admiral is old and small, Bridge and beacon barley holding on same as speedway. There is lights there to help with traffic. Thnx Edward Calhoun



PROTECT YOUR RESISDENTS



BENZENE - a colorless volatile liquid hydrocarbon present in coal tar and petroleum, and used in chemical synthesis. Its use as a solvent has been reduced because of its carcinogenic properties. (THE GAS THAT IS RELEASED FROM A GAS STATION)

According to WHO (World Health Organization) – there is **NO** safe level of BENZENE.

- A 1993 study published by the Canadian petroleum industry found average benzene concentrations of 146 and 461 parts per billion (ppb) at the gas station property boundary in summer and winter, respectively.
- A 2001 study noted median ambient benzene levels of 1.9 ppb in houses up to 328 feet from a service station.
- A 2003-2004 study conducted in France documented a significant relationship between childhood leukemia and living near a gas station.
- A 2010 study conducted in Spain documented elevated air pollution within 100 meters (**328 feet**) of a gas station.
- In 2012, Brazilian researchers found that air quality was significantly degraded up to 150 meters (**492 feet**) from gas stations.

Source: [gasstation](http://gasstation.com) - Community & Environmental Defense Services (ceds.org)

EVERYONE THAT LIVES WITHIN 500 FEET IS IN DANGER !!!!

OTHER IMPACTS: LIGHTING, NOISE, POLLUTION, DECREASE IN HOME VALUES

THESE ARE JUST SOME FACTS AND STATISTICS THAT PROVE PUTTING A GAS STATION IN A RESIDENTIAL AREA IS EXTREMELY HARMFUL & DANGEROUS