

**Planning Commission**  
***Regular Meeting***

October 19, 2023  
6:30PM

Big Rapids City Hall  
226 N Michigan Ave

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
  - a. September 20, 2023
5. Public Comment Unrelated to Items on the Agenda
6. Public Hearing
  - a. Ordinance for Small Cell Wireless Facilities
7. General Business
  - a. Update on previously approved projects
  - b. City Commission actions related to PC Recommendations
  - c. Short Term Rentals
  - d. Housing Education
8. Unscheduled Business
9. Adjourn

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
September 20, 2023  
*Unapproved***

Chair Montgomery called the September 20, 2023 Meeting of the Planning Commission, to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Time Vogel, Rory Ruddick, Sarah Montgomery and Jacob Buse

**EXCUSED** Kate McLeod

**ABSENT** None

**ALSO PRESENT** Michelle Stenger, Community Development Director  
Joey Walker, Planning & Zoning Technician

There were 6 members of the public in attendance.

**APPROVAL OF MINUTES**

**Motion was made by Tim Vogel seconded by Jacob Buse, to approve the minutes of the August 3, 2023 meeting of the planning commission with one correction.**

**Motion was passed with all in favor.**

**PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA**

None heard.

**PUBLIC HEARINGS**

**Special Use Request to allow a drive thru facility at 900 Water Tower Road (PIN 17-15-300-030) for a new Credit Union**

The Public Hearing was opened at 6:31 p.m.

Nick Loeks of Bosch Architecture, on behalf of Consumers Credit Union, spoke about the scope of the project. Consumers' plans involve redeveloping the site, which is currently occupied by a orthodontist office, to support a 4,500 square foot credit union

with remote tellers and space for commercial training sessions. This site would include drive-thru service for the credit union, which is why the special use permit is required.

The public hearing was closed at, and the commission stated they were satisfied to decide on the request as presented.

Those Who Spoke in Favor of the Request: None

Those Who Spoke in Opposition of the Request: None

Telephonic or Written Correspondence Received by Staff: None

**Motion was made by Buse, seconded by Vogel that the Special Land Use Permit Application for a new drive thru facility at 900 Water Tower Road (PIN 17-15-300-030) be recommended to the City Commission for approval, because it meets the Standards set in Section 10.3:8 and Section 11.1:7 of the Zoning Ordinance.**

**The motion passed with all in favor.**

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**Site Plan Review for a new financial institution and training facility/meeting area at 900 Water Tower Road (PIN 17-15-300-030)**

Nick Loeks of Bosch Architecture, on behalf of Consumers Credit Union, spoke more about the Site Plan as presented and went over some of the concerns already addressed by city staff including those about lighting and parking standards as well as detailing communications with staff through the planning process. Loeks noted the dimensions of the parking spaces on the site plan as presented did not meet ordinance standards.

Community Development Director Stenger noted the site plan could still receive approval on the condition the necessary changes were made to the plans.

The Public Hearing was opened at 6:37 p.m.

Those Who Spoke in Favor of the Request: None

Those Who Spoke in Opposition of the Request: None

### Telephonic or Written Correspondence Received by Staff:

Staff received a call in support of the project from Dr. Herb Dulaney, the owner of the dental office currently on site.

The public hearing was closed at 6:41 PM and the board entered into fact finding. The following conversation was had:

Vogel asked city staff if the Department of Public Works had a chance to review the stormwater plans for the site, and asked the applicant if the planned retention pond when be dry unless there was a rain event.

The applicant responded they were in contact with DPW and said the pond was about 3.5 feet deep and mentioned modifications were being considered to improve drainage.

Stenger confirmed that the overflow was the main concern, and that DPW had determined the site plan met ordinance requirements.

Vogel expressed concern that the sewer main is already near capacity. Staff commented that both staff and DPW were not concerned, considering the proposed credit union would likely use less water than a dental office.

Vogel expressed concern about the lighting and how it would affect the nearby neighbors. Specifically, the apartments next door.

The applicant confirmed that this was accounted for by the type of lighting used, which is meant to only illuminate the parking lot below it. He also noted the foliage screening the apartments was not accounted for in the lighting plan.

Vogel asked why there was so much parking on site.

The Applicant explained that in addition to the credit union, the commercial training function of the building might occasionally bring more traffic.

Buse asked about the overall changes to the footprint of the current site, which both Buse and the applicant agreed were not that significant.

Buse asked about the dimension of the proposed parking, which the applicant answered, and then Buse asked staff how difficult it would be for the applicant to get a variance to keep the parking as presented.

Stenger explained the variance process, but the applicant noted complying with the ordinance was not a large problem for them, and that if it needed a variance, they would likely prefer to change the plans.

Vogel asked if the commission could approve the parking as is.

Stenger confirmed that it would require conditional approval for the site plan to be approved as the commission could not grant a variance to the dimensional requirements.

Montgomery asked about the slope of the driveway and whether it would change, the applicant said the entrance was made straighter to help with the slope. Montgomery asked if the applicant would consider a speed bump considering the length of the driveway, in case students might drive fast in the straight-of-way. Montgomery then asked Stenger if this would be a good consideration.

Stenger said it could be considered if the commission deemed it necessary, but in her opinion the slope would mainly be when people are entering the site not when they are leaving, which will require slower moving vehicles with the turns.

The commission discussed the dimensional requirements of the parking again with the applicant to formulate their conditions if they were to approve the site plan.

Montgomery asked about the sidewalk included on the plans, signage, and sewer usage.

Vogel asked that they look over their landscaping plan, taking deer into consideration. Vogel also asked about EV charging spots.

The applicant noted that EV charging spots were being prepared for by electrical work being placed but charging infrastructure not initially installed.

**Motion by Vogel, seconded by Buse that the Site Plan Review Application a new financial institution and training facility/meeting area at 900 Water Tower Road (PIN 17-15-300-030), be approved with conditions. The Application meets the Criteria for Review set in Section 9.6 of the Zoning Ordinance, but conditions are required to bring the site plan into compliance.**

**The following conditions are required to address this need:** *Applicant must make changes determined by the department of public works for stormwater management and planned parking space dimensions must be changed to 10 feet by 18 feet in order to comply with the Big Rapids Zoning Ordinance.*

**The motion passed with all in favor.**

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## **Site Plan Review for MOISD Agricultural Education Site Development at 504 & 602 S Bronson (PIN 17-14-200-014, 17-14-200-019)**

The Public Hearing was opened at 7:04 p.m.

Mark Klumpp, Special Projects Coordinator for the Mecosta Osceola Intermediate School District (MOISD) introduced Matt Heidloff of GMB Architects who would be presenting on the project. Heidloff explained the scope of the project which was broken into two phases. The first phase included a parking lot, drop-off loop, and greenhouse which would all be a part of the whole project, an agricultural education facility. Phase two included a classroom, barn, pasture spaces, and other agricultural fixtures for educational purposes. Heidloff spoke about the current site conditions, stormwater management plans, and future plans to plant sugar maple trees for syrup production, a fruit tree orchard, and several gardens. Heidloff explained the hope was to get approval on the overall plan now, so that both phases could be completed once funding was secured and there was no need to come back to the commission.

Those Who Spoke in Favor of the Request: None

Those Who Spoke in Opposition of the Request:

Mary Vogt, of 436 S Bronson and her son, Brett Vogt, who travels to help Mary take care of the house on Bronson. He clarified that he and his mother were not in opposition but had only recently been able to look over a set of plans that were not full size., so they attended with questions about the project. The Vogt's explained that they had experienced issues with some of the students from the MOISD Career Center crossing Bronson and causing damage to her northern fence and littering. The house on the southern side of 436 S Bronson, which would be demolished in the plans for the project, has been a vacant property owned by the MOISD. The Vogt's explained Mary has enjoyed peace and quiet because of this buffer to the MOISD's bus garage to the south. Brett explained he wanted to make sure that Mary maintained a level of peace and the investment in her house which she has lived in for 27 years. Both of the Vogt's stated Mary wanted to remain in her home for as long as she could still maintain it.

Heidloff used a projector to show the plans and engage with questions from the Vogt's after they asked about the planned fruit trees which were going to be acting as a screen for 436 S Bronson to the facility.

Brett asked that the trees be denser using his estimation from the presented plans. He then asked about the bus loop, and the curb cuts for the new facility.

Mary noted that the buses come close to her house, but that she only hears them if she is awake.

Heidloff noted the new loop for the project would encroach further north.

Brett asked if there was any way the cutout could be moved further south.

Heidloff explained that certain angles needed to be maintained so that buses could pick up students safely.

Brett asked if the applicant could just use the existing cutout to the south.

Heidloff explained that the site slopes to the south, meaning that the grade made some configurations on the site would not work with the buses, and that they wanted to maintain separate cutouts for the bus garage.

Brett asked about what the visibility of the greenhouse would be like, and how tall it would be.

Heidloff stated it was 16 to 18 feet tall at the peak, and that it was a true greenhouse made of glass.

The Vogt's then asked about the fencing planned along the property lines and stormwater retention pond.

Heidloff explained it was planned to fully fence the site eventually.

Brett stated he worried that the stormwater retention pond would discourage homeowners with children from wanting to purchase his mother's house.

Heidloff stated there would be no standing water in the pond except for in heavy rains, and that the soil was sandy enough that the already existing ponds on site were dry.

Brett asked how it would be addressed if the pond didn't drain as planned.

Stenger stated the Department of Public Works could be contacted to help rectify any issues in the future.

Heidloff also noted the plan was to keep that area mowed and maintained, so any issues with the drainage would be addressed by the applicants first.

Brett asked about what water the site would be using.

Heidloff stated the site was using a well.

Brett asked about whether the heavier usage might affect his mother, who was also on a well.

Heidloff explained he did not have much information on the well, and that the well was being tested for depth and capacity the following Monday.

Brett asked that something be done about buffering with trees sooner rather than later if the trees were planned to be in the second phase. He reiterated the Vogt's desires to maintain the investment in Mary's house.

The Vogt's thanked the board and Heidloff, and paused their questions.

Klumpp spoke up to respond and thank the Vogt's for their notes on the project, and stated they wanted to maintain a good relationship with Mary as a neighbor. He explained that changes had been made with consideration for Mary in the planning process including changes to the driveways and to include trees as screening, which Klumpp stated he thought fruit trees would be more desirable than pines which are standard for screening. He also noted that the facility would be much less busy than the career center as it was limited in how many students would be in the classes held there. Klumpp also stated that the school may be interested in buying Mary's property in the future with a fair appraisal to reduce worry about a potential buyer.

Brett thanked Klumpp for his response and reiterated that he and his mother were not opposed to the project.

Mary noted that she knew the school was there when she bought the house, and that she liked where she lived.

Heidloff clarified some of the spacing and placement of existing trees near the site and acting as additional screening not shown on the plans with the aid of satellite imagery. Heidloff and Brett Vogt discussed the property lines in reference to the satellite images at length to give Vogt better knowledge of the project.

Chair Montgomery closed the public hearing at 7:37 PM and the commission entered fact finding.

The following conversation was had:

The commission asked for any notes from staff, to which Stenger responded with several. Stenger noted the city had not yet granted any easements or had any discussion about a drive shown on the plans connecting to the city owned ballfields to the north. Stenger stated this would require further discussion with the Department of Public Works as well as ultimately the Parks and Recreation Board. Stenger noted she spoke with staff at DPW that had reviewed the drainage plans and had no concerns. Stenger also noted the city required parking lot landscaping according to section 8.6 of the zoning code which was not satisfied by the plans.

Buse asked the applicants if the sweep of the bus loop could be maintained and shifted further south, Heidloff responded stating it would have to be studied more noting that



the intent was to give buses the adequate time and proper angles for safe operation so the changes would require some additional math.

Buse then asked about the proposed barns and pastures and what types of animals might be intended to be on site. Applicants confirmed cows, sheep, lambs, etc.. Buse Continued and stated that he could see the agricultural facility going next to a residential site could pose problems. He asked about how the facility might care for animals or be maintained when students weren't on site.

Applicants noted that there was a curriculum that helped govern student responsibilities and maintenance of the site as well as care for the animals. It was explained that staff would help care for animals and the site when students were away for short periods, but that many of the livestock would belong to the students and be taken home in the summer months while others would be on loan from local farmers. The students would take care of the animals, and the school would then return them.

Heidloff explained where the intended pasture areas were on site, which were intended to minimize nuisance.

Ruddick asked if there were zoning concerns with agricultural uses going into the area.

Stenger noted that following recent changes to the ordinance, agricultural uses were allowed for educational purposes.

Buse asked if Brett Vogt had additional comments.

Brett Vogt stated he did and that the conversation left him with more questions including about the road leading to the ball fields kicking up additional dust, and adding to possible traffic north of his mother's property. He also asked if there was any type of "sunset clause" in the event that phase 2 was delayed and asked about scheduling for the project.

Klumpp responded that the new road would serve for livestock and hay deliveries which would be infrequent. He stated that a year would be a perfect scenario, 2 years maximum.

Buse asked about the time limit on approval from the board, and when the applicant would need to start construction to avoid reapplying.

Stenger stated the limit was 12 months to start constructions, and 18 months after construction had commenced to complete the project, at which point they would require an extension from the board.

Buse asked if certain parts of the plan were delayed, if these changes would be sufficient to require another site plan review from the board.

Stenger reviewed a copy of the zoning code while the conversation continued.

Vogel asked if it would be appropriate to approve only phase 1 of the project until questions regarding the site have been resolved. He then asked if the retention pond was adequate for phase two, to which Heidloff responded by explaining phase two would rely on existing retention ponds on site which were more than sufficient.

Klumpp stated he would be willing to move forward on just phase 1 as fundraising or construction costs could change plans going forward as well.

Vogel asked if the facility would require city water, the applicants stated it would.

Vogel then stated the applicant should consider mitigating nuisance from animal waste. He asked staff what the city's requirements for fencing would be.

Stenger explained since the site is zoned commercial, there were no requirements for fencing or any kind of buffering between the school and residential zoning.

Vogel asked if fencing slats would allow greater screening for the Vogt's.

Brett Vogt responded he would appreciate it.

Klumpp noted that the main concern was security for the site from the west. He stated that he would be willing to look at fencing options that would work for Mary.

Vogel asked where heating and cooling units would be placed.

Heidloff stated they would be internal.

Vogel asked Heidloff to explain the photometric plans to him and how the lighting would not affect neighbors, which Heidloff explained in technical detail.

Vogel asked if there were plans for a crosswalk for the students, and if additional safety measures were being considered.

Stenger stated this would likely be up to the Department of Public Works and Public Safety. There was an open discussion about the safety of the stretch of Bronson Avenue in question.

Vogel acknowledged this wasn't part of the site plan review, but asked that the applicants consider helping the city in making this a safe crossing.

Ruddick agreed with commissioner Vogel.

Klumpp chimed in that the MOISD wouldn't mind having a speed bump on Bronson.

Montgomery stated she would be ok with fencing so long as Mary Vogt was ok with fencing and summarized her thoughts on the issues addressed.

Ruddick asked if the new road leading to the ball fields had been approved, to which Stenger reiterated it had not.

Stenger clarified the road was not part of phase 1, so if the commission was just approving phase 1 it would not be of concern and would give the applicants time to seek approval with other city staff.

Montgomery stated the commissioners should decide what conditions to attach to approval of the project, Buse stated he would like conditions regarding the crosswalk and asked if this could be accomplished. Stenger stated she did not think the commission could require the crosswalk signage discussed, but that it could condition the proper discussion with appropriate entities.

Heidloff noted the project would have to abide by certain standards separate from the planning commissions purview.

Vogel and Montgomery asked about the fencing that would be on the south side of the Vogt house, and inquired what type of fencing Mary might like.

Mary stated she would have to be given examples, but that she preferred the fence not be white.

Montgomery asked if the commission could require more vegetation along the fencing, which Stenger affirmed, but noted that should be discussed with the applicant to ensure any vegetation did not interfere with the cultivation of fruit trees.

Ruddick asked about the types of trees and referenced hybrid fruit trees that grow on trellises.

The commission and public discussed where Ruddick had seen such fruit trees.

Klumpp asked about what the goals were with the changes to the fencing so he could help find the solution.

Vogel asked for feedback on what specific type of fencing would be used and that the goal was adequate buffering for the Vogt house. He asked if the applicant could consider additional vegetation for buffering until such time the fruit trees were planted, which was planned for phase 2.

Klumpp noted the school district needed to be prudent and that much additional landscaping especially if it later needed to be torn out to make way for the trees.

Heidloff noted there were already trees acting as screening on the site, and that the fence would supplement this.

There was continued discussion about the type of fencing, and black chain link possibly with vinyl slats was stated to be the desired and planned choice.

Buse asked for clarification on whether the fruit trees were planned for phase 1 or 2, which Klumpp stated they were planned for 2 but with many additional requirements for vegetation in the area they likely would not desire to invest in landscaping and then tear up any plants for the planned fruit trees.

Buse stated that a good compromise might be requiring chain link now and coming back to the fruit tree discussion when phase 2 was more of a solidified plan, since the Vogt's were satisfied with the current vegetation.

Brett Vogt clarified they were satisfied with the current vegetation in its current state, but that the views of the greenhouse would change this.

There was open discussion among the commission and with city staff about the language conditioning the fencing, and possible mediation between the applicant and the Vogt's to find an acceptable solution.

Buse asked if the commission had any other points needing discussion, Stenger noted the required landscaping for the parking area had not yet been discussed.

Vogel stated that he worried the landscaping would cause visibility issues from Bronson Avenue, and that he was ok without requiring the landscaping.

Stenger clarified that the landscaping standards were required by the zoning code, and read the specific section aloud to the commission. Stenger stated the planning commission did not have the authority in this specific instance to not require the standards be met.

Montgomery asked if city staff had recommendations for the issue.

There was open discussion about the city's landscape requirements.

Heidloff stated trees meeting the landscape standards were not included on the plans due to there not being any such trees along the stretch of Bronson Avenue where the site was located. Heidloff asked if the trees could be clumped or spaced in a way to help with visibility issues.

Stenger confirmed they could be.

Telephonic or Written Correspondence Received by Staff: None

**Motion was made by Vogel, seconded by Buse that the Site Plan Review Application for an agricultural education center 'Phase 1' at 504 S Bronson Avenue (PIN 17-14-200-014, 17-14-200-019), be approved with conditions. The Application meets the Criteria for Review set in Section 9.6 of the Zoning Ordinance, but conditions are required to ensure compatibility with adjacent uses of land.**

**The following conditions are required to address this need:**

- 1.) Crosswalk requirements for Bronson Avenue be discussed with the appropriate public entities.**
- 2.) Decide on buffering along the northern property line of 504 S Bronson to satisfy the owners of 436 S Bronson through mediation by city staff.**

**A revised, dated site plan and documents addressing the above shall be submitted for staff approval within 60 days.**

**The motion passed with all in favor.**

### **GENERAL BUSINESS**

- a. Update on previously approved projects

*(See item b.)*

- b. City Commission actions related to PC Recommendations

Community Development Director Stenger gave a brief summary of the progress of some of the previously approved projects that came before the commission as well as City Commission actions taken pursuant to Planning Commission recommendations; These included a cell tower project which had gotten its needed additional approvals after approval by the commission, a rezone request which was recommended to be denied by the planning commission and subsequently denied by the city commission, and that the city was moving forward with the sales of Rust Avenue properties the board had designated as surplus.

Commissioner Vogel asked if the commission could have an update regarding the city's new master plan, to which Stenger gave a summary of progress.

c. Short Term Rentals

*(Delayed until the October 18th meeting for time.)*

d. Housing Education

*(Delayed until the October 18th meeting for time.)*

**UNSCHEDULED BUSINESS**

**There being no further business, Chair Montgomery adjourned the meeting at 8:03 p.m. with all in favor.**

Respectfully submitted,

Joey Walker  
Planning & Zoning Technician and Planning Commission Secretary

## ORDINANCE NO.

Commissioner \_\_\_\_\_ moved, supported by Commissioner \_\_\_\_\_, the adoption of the following Ordinance.

### **ORDINANCE AMENDING THE CITY OF BIG RAPIDS ZONING ORDINANCE TO ADD A NEW SUBSECTION 11.1:31 TO ARTICLE 11 OF THE ZONING ORDINANCE TO REGULATE ZONING REVIEW AND APPROVAL OF SMALL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES**

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Article 11 of the City of Big Rapids Zoning Ordinance is amended by adding a new subsection 11.1:31 to read in its entirety as follows:

#### **§ 11.1:31 SMALL CELL WIRELESS FACILITIES.**

##### **(A) GENERAL.**

The co-location of a small cell wireless facility and associated support structure within a public right of way ("ROW") is not subject to zoning reviews or approvals under this ordinance to the extent exempt from such reviews under Act 365 of 2018, as amended ("Act 365"). In such case, a utility pole in the ROW may not exceed 40 feet above ground level without special land use approval (pursuant to Section 11.1:31(D)) and a small cell wireless facility in the ROW shall not extend more than 5 feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

Co-location of a small cell wireless facility or installation of an associated support structure shall require that the wireless provider apply for and obtain a permit from the City consistent with the City Code.

Small cell wireless facilities and associated support structures not exempt from zoning reviews are only permitted in accordance with the provisions of this zoning ordinance and Act 365, and upon application for and receipt from the City of a permit consistent with the City Code.

##### **(B) DEFINITIONS.**

**WIRELESS COMMUNICATION EQUIPMENT.** The set of equipment and network components used in the provision of wireless communication services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, coaxial and fiber optic cables, but excluding wireless communications support structures.

**WIRELESS COMMUNICATION SUPPORT STRUCTURE.** A structure that is designed to support, or is capable of supporting, wireless communication equipment. A wireless communication support structure may include a monopole, lattice tower, guyed tower, water tower, utility pole or building.

**SMALL CELL WIRELESS FACILITY.** A wireless facility that meets both of the following requirements:

(1) Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet.

(2) All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

**(C) WIRELESS COMMUNICATIONS EQUIPMENT.**

Wireless communication equipment (but not wireless communication support structures) is a permitted use and allowed in all zoning districts. Wireless communication equipment does not have to be related to the principal use of the site. Wireless communications equipment is not subject to zoning review and approval if all of the following requirements are met:

(1) The wireless communications equipment will be co-located on an existing wireless communications support structure or in an existing equipment compound.

(2) The existing wireless communications support structure or existing equipment compound is in compliance with the City's zoning ordinance or was approved by the Director of the City's Community Development Department or his/her designee.

(3) The proposed co-location will not do any of the following:

(a) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.



(b) Increase the width of the wireless communications support structure by more than the minimum necessary to permit co-location.

(c) Increase the area of the existing equipment compound to greater than 2,500 square feet.

(d) The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Director of Community Development for the City.

Notwithstanding the foregoing, wireless communications equipment otherwise exempt must still comply with all other applicable City codes including a requirement that the building inspector determines that the co-location will not adversely impact the structure to which it is attached.

A co-location that meets the requirements of subsections (a) and (b), above, but which does not meet subsections (c) or (d), is subject to special land use review by the Planning Commission in accordance with Sections 11.1:6 and 11.1:7 of the zoning ordinance and Section 514 (2-6) of Act 366 of 2018, as amended ("Act 366"). Any equipment placed in a residential district shall not be erected at a height that requires lighting. Any equipment placed adjacent to a residential district or use that requires lighting shall be a continuous red beacon at night.

Wireless communications equipment that is not attached to an existing structure (thus requiring the installation of a new wireless communications support structure), is subject to special land use review consistent with the City's zoning ordinance and consistent with the City's Master Plan.

#### **(D) SPECIAL LAND USE STANDARDS FOR WIRELESS COMMUNICATION FACILITIES.**

(1) Wireless communications support structures must be installed on a lawful lot for the zoning district in which it is located, either as a principal use, or as an accessory use related to the principal use.

(2) Wireless communication equipment that is not attached to an existing structure (thus requiring the installation of a new wireless communications support structure) or that is not exempt under Section 11.1:31(C) hereof, is subject to special land use review consistent with Sections 11.1:6 and 11.1:7 and Article 10 of this zoning ordinance; provided, however, that in the event of conflict between these provisions and Act 366, the provisions of Act 366 shall control. Processing of a special land use application is subject to the following requirements:

(a) Within 14 business days after receiving an application under this Section, the City Department of Community Development shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 14-business-day period.

(b) The running of the time period tolled under subdivision (i) resumes when the applicant makes a supplemental submission in response to the City's notice of incompleteness.

(c) If the application is for a collocation of wireless communications equipment that satisfies the requirements of Section 11.1:31(C)(a) and (b) hereof, but does not satisfy the requirements of (c) and (d) hereof, then the City Commission shall approve or deny the application and notify the applicant in writing within 60 days after an application is deemed complete by the City Commission.

(d) If the application is for a new wireless communications support structure and accompanying wireless communications equipment, then the City Commission shall approve or deny the application and notify the applicant in writing within 90 days after an application is deemed complete by the City Commission.

(e) The fee for zoning review of a special land use and associated site plan shall be as established by the City Commission by resolution from time to time, but shall not exceed the lesser of (a) the City Commission's actual, reasonable costs to review and process the special land use application, or (b) \$1,000.00.

(3) Small cell wireless facilities and wireless support structures not exempt under Act 365 shall be subject to special land use approval pursuant to Section 11.131(e) hereof.

#### **(E) SPECIAL LAND USE STANDARDS FOR NON-EXEMPT SMALL CELL WIRELESS FACILITIES.**

The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with Act 365 shall be subject to special land use review and approval in accordance with the following procedures and standards:

(1) The processing of an application is subject to all of the following requirements:

(a) Within 30 days after receiving an application under this section, the City shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 30-day period.

(b) The running of the time period tolled under subdivision (a) resumes when the applicant makes a supplemental submission in response to the City's notice of incompleteness.

(c) The City Commission shall approve or deny the application and notify the applicant in writing within 90 days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or 150 days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and City Commission.

(2) The Planning Commission shall base its review of the special land use request on the standards contained in Article 10 of the Zoning Ordinance; provided, however that a denial shall comply with all of the following:

(a) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.

(b) There is a reasonable basis for the denial.

(c) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.

(3) In addition to the provisions set forth in Article 10 of the Zoning Ordinance, in the Planning Commission's review:

(a) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.

(b) An applicant shall not be required to submit information about its business decisions with respect to any of the following:

(i) The need for a wireless support structure or small cell wireless facilities.

(ii) The applicant's service, customer demand for the service, or the quality of service.

(c) The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.

(d) The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.

(4) The fee for zoning review of a special land use and associated site plan shall be as established by the City Commission by resolution from time to time, but shall not exceed the lesser of (a) the City Commission's actual, reasonable costs to review and process the special land use application, or (b) \$1,000.00.

(5) Within 1 year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the City Commission and the applicant agree to extend this period, or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void.

Section 2. This ordinance shall be effective upon publication.

Section 3. The City Clerk is directed to publish this ordinance in The Pioneer.

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

The Mayor declared the ordinance \_\_\_\_\_.

Dated: \_\_\_\_\_

Published: \_\_\_\_\_

11.1:31 Short Term Rentals are permitted by right in all residential and the C-2 zoning district, provided the following standards are met

(1) All occupancy standards within the zoning district shall be met.

(2) Options for occupancy maximums

a. There shall be a maximum of 12 people (not including children 2 and under)

b. A maximum of two adults per bedroom (no limitation on children 17 and under)

(3) Maximum length of stay is 28 days

(4) In the R-1 District the house must be owner occupied

*We need to clarify if we want it to be owner occupied at the time of the rental i.e. owner must be present or just that it has to be considered an owner occupied dwelling that could be rented when owner is on vacation/not there.*

*I spoke with the City of Houghton; they require the homeowner to be present during the rental period – They were trying to deter the influx of snowmobile traffic in town when residents are going to Florida for a month or two.*

(5) All short-term rentals must adhere to Chapter 151: Housing Regulations of the City Code of Ordinances.

#### Definitions:

Short-term rental – the rental or subletting of any dwelling for a term of 28 days or less, but does not include the use of campgrounds, hotel rooms, transitional housing operated by a nonprofit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance abuse rehabilitation clinic, mental health facility, or other healthcare related clinic.

#### Additional Changes

- Each residential zoning district and the C-2 district will have Short Term Rentals listed under permitted use.

#### Houghton's Definition:

Owner-Occupied Rental means one or more Owner(s) of record of the dwelling unit are living in the dwelling unit, the dwelling unit qualifies for a personal residence exemption, and the owner is allowing one or more persons to rent a portion of the dwelling unit for a period of time.

Sec. 14-149. Owner-Occupied Rental. A dwelling that meets the definition of an Owner-Occupied Rental as defined in this Article is not required to obtain a license for the rental property which would otherwise be required by Section 14-148 above as long as the dwelling continues to meet the Owner-Occupied definition contained in 14-147. However, Owner-Occupied Rentals are required to: A. Submit an application to the Code Enforcement Officer that includes the following: 1. Name(s) of all owners of record of the property; 2. Address of the property; 3. Zoning Designation; 4. Floor plans and site plans, which must include parking area; 5. Copy of the lease6. Initial application fee of \$100. B. Comply with Sections 14-150, 14-151, and 14-152. C. Comply with the zoning ordinance in regard to the number of tenants allowed. D. Comply with any other City of Houghton, Michigan, or Federal law, code, ordinance, rule or regulation. 1. Provide off-street parking in compliance with the property review standards in Section14-148 (2)(a)(1). E. Submit to an annual inspection by the Code Enforcement Officer. F. Pay an annual administrative fee of \$50 and upon submission of the annual administration fee, provide a copy of the then existing lease. G. Appeals of any decision in this Section follow the process in Section 14-148 (M). The Code Enforcement Officer will keep records of all Owner-Occupied rentals in the City. An Owner-Occupied rental's exemption from licensing ends when it fails to meet the Code definition of Owner Occupied, or when the property changes ownership

The background of the slide features a series of thin, light-brown lines that intersect to form various geometric shapes, including triangles and polygons. These lines are scattered across the upper half of the slide, creating a complex, abstract pattern.

# Local Power and The Housing Crisis

**PLANNING  
COMMISSION**

City of Big Rapids

# Framing the Problem

## The Nation

Housing is a basic human need. It is also a commodity so its availability is affected by the basic market forces of supply and demand. Since the 2008 financial crisis, nationwide rates of new housing stock construction have not recovered.

## Big Rapids

Big Rapids has little in terms of housing choice. Many of the rental options in the city are geared towards students, and this is also eating into the amount of single family homes available. Much of the current housing stock is aging out of its lifespan.

## Michigan

A 2019 study determined that despite Michigan's relatively slow population growth, the number of households is increasing by almost twice the rate of its population. This is due in part to a trend of smaller family units and more people living alone.

## What Changed?

Construction costs, strict land use regulations, and changes in demand have all contributed to the current shortage. Localities can't change the demand, so we have to address the supply.



Supply

### New Private Housing Units Authorized by Building Permits in Michigan



Federal Reserve Bank of St. Louis

Demand

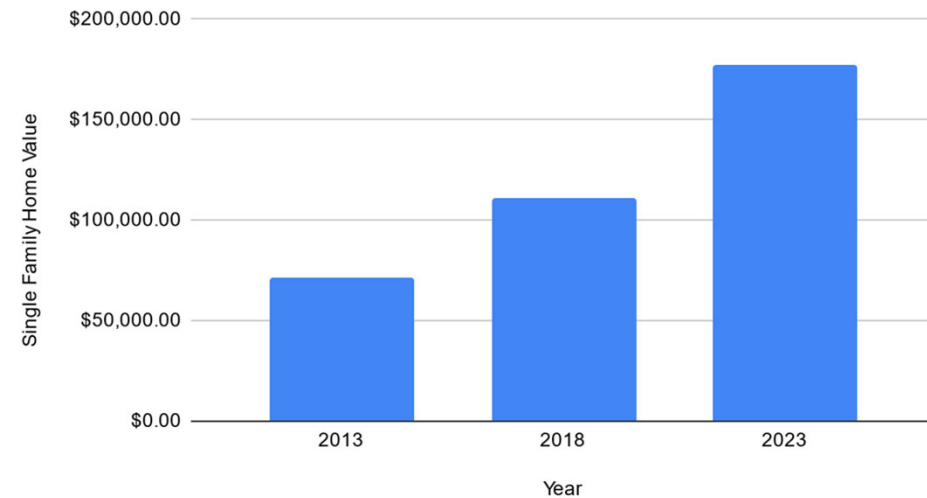
### Housing Price Index and Real Median Housing Income in Michigan



Federal Reserve Bank of St. Louis, Housing Price Index for Michigan (blue) and Real Median Household Income in Michigan. Adjusted (red)

# Big Rapids Assessing Data

Big Rapids Average Single Family Home Sale Value



Average Sale Price of SFH 2013

\$71,072

Average Sale Price of SFH 2018

\$110,903

Average Sale Price of SFH 2023

\$177,292 (Increase ~150%)

# Limiting Factors

## LABOR

Shortages of labor in the skilled trades have a great effect on housing. New builds require plumbers, electricians, carpenters, drywallers, etc.

## LUMBER

The cost of construction materials has risen steadily for decades which is not abnormal. However these prices skyrocketed 33% between the start of the pandemic and March of 2022.

## LAND

The availability and viability of land is often determined by forces outside of anyone control. Soil, surrounding environment, proximity to needed services and goods, all affect the viability of land. But land use regulations and public input also effect this.

## LAWS

This is the primary lever of power that government holds when effecting housing availability. While other factors can be affected by natural factors, federal and state policy, or the economy at large; local governments have control of their land use and zoning regulations.

# Big Rapids Housing Study Findings (2020)

## Average Apartment Costs (Mecosta County)



\$612/month



\$713/month

**\$24,480** **\$28,520**

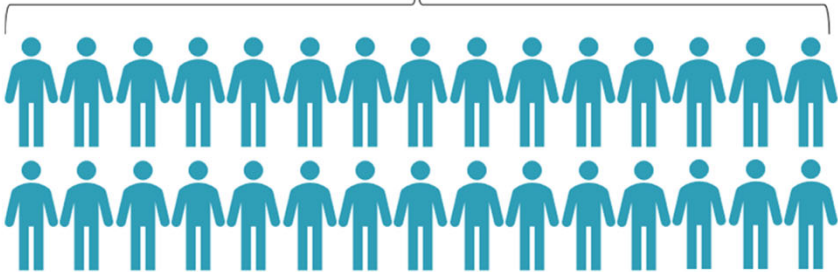
\$612/Month

\$713/Month

This is the **minimum annual salary**  
required to afford rent in Mecosta County

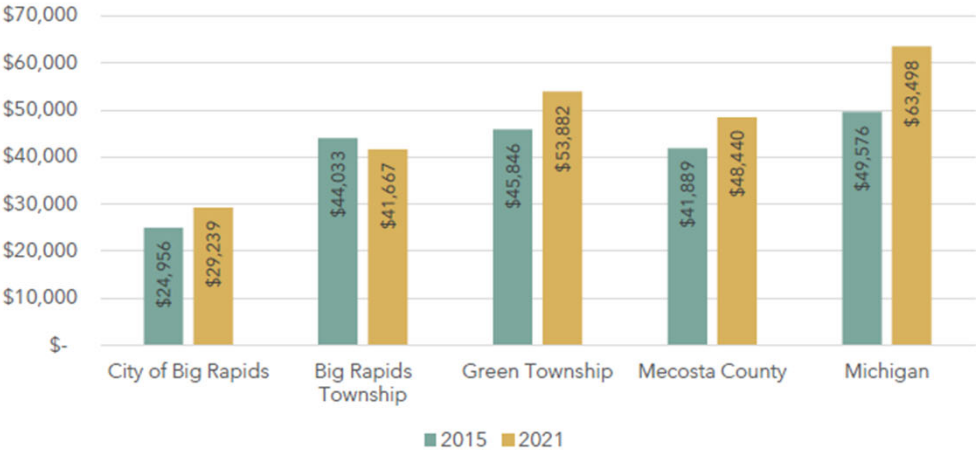


For every 4 people who live  
and work in Big Rapids



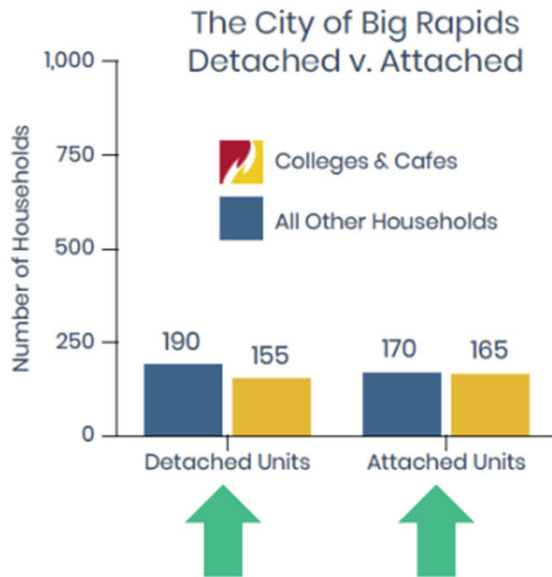
30 people live elsewhere and commute  
to the city to work.

Figure 1.4 | Median Income Comparison, 2015-2021

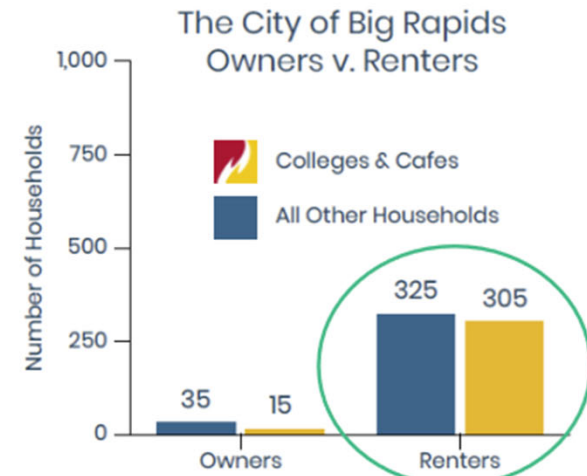


## Housing Study Cont.

Conservative Market Potential | 2020  
New Builds Only | Big Rapids City



- Households are looking for both detached and attached housing units, whether associated with the university segment or not



- Renters in **both** the university segment and the rest of the community segments are active looking for units – a total of at least 630 new rental units could be captured



# POLITICS OF HOUSING

(MAP Zoning Reform Toolkit, 2022)

## Incentives

*“Homeowners are the dominant faction in local government politics. Owner-occupied homes provide both consumer services (housing) and an undiversified, durable investment (house and land) that is sensitive to what local governments do. As a result, homeowners monitor local government activities and discipline local officials whose actions jeopardize home values.”*

- William Fischel, Dartmouth Economist specializing in housing issues

## Fears

- It is only rational that a homeowner would oppose things they might see as threats to their investment, or simply as a change in their environment or way of life.
- Some of these fears should be weighed and addressed by the board, some should be heard but not weigh on decision making.
- No matter where new development comes, there will be those with concerns about its location and use. (Not In My Back Yard)

## Addressing Both

Recent studies have begun to show that perception is not the same as reality when it comes to the effect of new development on home values. In fact, there is no discernable difference in the rate of appreciation between homes located near higher-density development and those that are not, nor does it create more congestion or crime.



# WHAT LOCAL POWER CAN CHANGE

## Zoning

Zoning is the mechanism that dictates land development decisions and, ultimately, determines the patterns of our built environment. Minimum lot dimensions, maximum densities, use districts, and other regulations have shaped how - and where - we live, work, and play. Zoning influences:

- Where businesses can grow;
- If the workforce can find housing at a price point that fits their paycheck;
- How much time and resources must be dedicated to a commute;
- If a family's school-age children can attend a good school district;
- Whether aging adults can stay in their neighborhood; and even
- What an individual's life expectancy is likely to be simply simply by knowing their zip code

## The Master Plan

- The new Big Rapids Master Plan will be both our roadmap and justification for change going forward.
- Establishing a narrative that embraces housing supply and choice with a greater variety of housing types and policy to ease administrative burden should start with the public's input.
- Public engagement should give people a space to express issues with the status quo, and we need to communicate how it can change.



## Resources to Review

### Big Rapids Housing Report (2020)

[https://www.cityofbr.org/government/community\\_development/housing\\_report.php](https://www.cityofbr.org/government/community_development/housing_report.php)

### MAP Zoning Reform Toolkit (2022)

[https://www.planningmi.org/assets/images/ZoningReformToolkit/MAP\\_ZoningReformToolkit\\_2022%2008%2002\\_Gradient.pdf](https://www.planningmi.org/assets/images/ZoningReformToolkit/MAP_ZoningReformToolkit_2022%2008%2002_Gradient.pdf)