

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
January 16, 2019**

Vice Chair Jane called the January 16, 2019, regular meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Renato Cerdena, Paul Jackson, Chris Jane, Rory Ruddick, Tim Vogel, Bill Yontz

**EXCUSED** John Schmidt

**ABSENT**

**ALSO PRESENT** Cindy Plautz, Neighborhood Services Coordinator  
Paula Priebe, Neighborhood Services Director

There was 1 audience member.

**APPROVAL OF MINUTES**

**Motion was made by Tim Vogel, seconded by Renato Cerdena, to approve the minutes of the December 20, 2018, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

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

The Commission discussed the Chair position and identified those whose terms will be up soon.

**PUBLIC HEARINGS** None

**GENERAL BUSINESS**

**Public Participation Plan**

Priebe reviewed the Public Participation Plan staff report for the Commission. The Plan is required to obtain Redevelopment Ready Community status. It falls under Best Practice 1.2.1 which requires the community to have a Public Participation Plan for engaging a diverse set of community stakeholders. Best Practice 1.2.3 asks the City to establish a consistent method of sharing the results of public outreach efforts.

She reported that the City is about half way through the process to become a Redevelopment Ready Community (RRC). The upcoming Hanchett Charette will satisfy another aspect of the requirements, and the Zoning Ordinance will be reviewed in the near future.

Priebe added that examples of other plans and RRC Best Practices guidelines were used in developing the City's Public Participation Plan.

She reviewed the Goals section of the Plan saying that they will be used to guide public participation for larger projects. The information will be posted on the City's website. The Regulations section lists local and state regulations that are used to help guide public participation activities. They include provisions for the public review process, public participation, and public hearings.

Priebe reviewed the list of Stakeholders saying that it includes groups that may assist and enhance the public participation process. The list can be built upon as needed.

The Communication Toolbox section includes tools that can be used to inform the community and also gain community feedback. It includes the following sections:

- Inform – to provide information and assist public understanding,
- Consult – to obtain public feedback,
- Involve - to work directly with the public throughout the process,
- Collaborate – to partner with the public in each aspect of decision making.

She added that this section has been revised to include the City's previously established Public Information Distribution Policy.

The Opportunities for Public Participation section lists examples of areas where public participation is desirable, and the Communicating Results and Public Participation Evaluation sections address the outcome of the information gathered and the public's opinion of the process.

Vogel commented as follow:

He suggested adding the Intermediate School District to the Stakeholders list. It will be added. He suggested that the general information disseminated by the City has diminished in value in the last few years. He believes that people generally don't fully understand what is presented and suggested that an improved newsletter outlining items and projects in a more in-depth manner should be available. He suggested putting meeting agendas and packets on the City's website before the meetings.

Priebe said that she and Gifford have recently been talking about overhauling the newsletter. It may be presented every other week or perhaps monthly and include information about what goes on in the different departments and who are the people involved.

Jane asked what was needed from them tonight and Priebe said any feedback on the Goal section would be helpful. The Plan is a guide that can be revised and amended as needed. The Opportunities section on page 5 could perhaps use a few more examples and Jackson said that membership on the various boards could be listed as a participation opportunity.

Cerdena questioned the third Goal concerning creative ways to involve a diverse set of community stakeholders in decision making and Priebe said that this goal hopes to ensure that participation is not limited to any one type of person or persons from any one geographic area of the city. This Goal would involve seeking alternative ways to keep people involved.

Cerdena suggested seeking out those who are normally passive. He would like to see the City keep track of from where in the City the feedback is coming. Perhaps the surveys could indicate the location of the participant while keeping his/her privacy. Priebe agreed to come up with a plan to divide the City into “neighborhoods” for gathering this information. Vogel added that the neighborhoods could be designated per the neighborhood school areas. Priebe will be the staff person responsible for monitoring use of the Public Participation Plan processes.

Cerdena also added that the Master Plan should be updated. The City recently completed an update to the plan, but Priebe said the CIP will include a project to develop a new Master Plan and that process will involve a lot of public participation.

## **MOTION**

**Motion was made by Tim Vogel, seconded by Bill Yontz, to recommend to the City Commission, the adoption of the Public Participation Plan with the following additions:**

- **add Intermediate School Districts to the Stakeholders list,**
- **expand the Introduction to add broader participation of the community.**

**Motion passed unanimously with Renato Cerdena, Paul Jackson, Chris Jane, Rory Ruddick, Tim Vogel, and Bill Yontz in favor.**

## **Hanchett Charrette**

As stated before, the City is pursuing certification through the Michigan Economic Development Corporation’s Redevelopment Ready Community program. Another element of this process, Best Practice 5, focuses on Redevelopment Ready Sites. It requires communities to select sites, gather information and establish a community vision for the site which will then be marketed for development opportunities.

A charrette will be held on January 24, 2019 to discuss the Hanchett property. Priebe explained that the goal of the charrette is to come up with designs and concepts of what could be developed at the site. The idea is to involve the community in the process.

The Smith Group has been hired to help with this process and invitations have been distributed throughout the community to gain their involvement. The charrette will start at 11:00 with a site tour and end at 6:00 with a session to evaluation alternative suggestions.

Yontz would like to ask the developer of the Water Tower Apartments to the charrette. Priebe said all are welcome and to invite whoever is interested.

Jackson stated that he gave a list of Grand Rapids developers to Gifford and wondered if any possibilities came out of that list. Priebe will follow up on the possibility.

Michigan Association of Planning “Managing Risk” Training Opportunity

Priebe stated that she was asked to come up with some training opportunities for Planning Commission members. The Michigan Association of Planning has many opportunities and City staff would like to bring the training to Big Rapids and make it available to the surrounding Townships and Mecosta County. Managing Risk, a 2.5 hour program was selected and is described as follows:

As more communities face litigation related to planning and zoning decisions, this is essential training for all elected officials, planning commissioners, and zoning board of appeals members. Topics include identifying a conflict of interest, applying discretionary standards during special land use reviews, reasonable expectations of a developer, and how your comprehensive plan can minimize risk.

April was suggested for the meeting as updates to the material will be completed by then.

The board agreed that Wednesday or Thursday the first or second week of April would work for them.

The City is hoping that the Townships and County will help share the cost of bringing the training to Big Rapids.

Other trainings are available and perhaps they could occur yearly.

The Commission was interested in receiving additional information on Form Based Codes.

**Motion**

**Motion was made by Tim Vogel, seconded by Paul Jackson to close the Planning Commission Meeting.**

**There being no further business, Vice Chair Jane closed the Planning Commission meeting at 7:11 p.m. All were in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
February 20, 2019**

**CALL TO ORDER** Acting Chair Vogel called the February 20, 2019, regular meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** Paul Jackson, Rory Ruddick, Tim Vogel, Bill Yontz

**Excused:** Roberto Cerdena, Chris Jane, John Schmidt

**Absent:**

**Also Present:** Cindy Plautz, Neighborhood Services Coordinator  
Paula Priebe, Neighborhood Services Director

There were 2 audience members.

**APPROVAL OF MINUTES**

**Motion was made by Paul Jackson, seconded by Bill Yontz, to approve the minutes of the January 16, 2019, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

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

None

**PUBLIC HEARINGS** None

**GENERAL BUSINESS**

**Hanchett Charette**

Priebe provided a follow-up to the Hanchett Charrette that was held January 24, 2019, to gather information and staff/community input on a vision for the Hanchett property. The SmithGroup consultants found it useful to develop a few designs for the property and will present them to the City in March. The Planning Commission thought this was a good experience.

## **Capital Improvement Program**

The annual 6-year CIP is prepared according to a process laid out by the Michigan Economic Development Corporation as required by the Michigan Planning Enabling Act. The process, which started in November of 2018, resulted in the draft presented. The recommendation made by the Planning Commission tonight will go to the City Commission at its first meeting in March.

Priebe explained the tables as follows:

- Table One includes the Treasurer's Fund Projections for years 2019 through 2025.
- Table Two lists all the proposed Projects by Department for years 2019 through 2025.
- Table Three lists proposed Projects for FY 2019/2020.
- Table Four lists proposed Projects for FY 2020/2021.
- Table Five lists proposed Projects for FY 2021/2022.
- Table Six lists proposed Projects for FY 2022/2023.
- Table Seven lists proposed Projects for FY 2023/2024.
- Table Eight lists proposed Projects for FY 2024/2025.

Priebe reviewed the narrative of the Plan and asked for the Commission's comments.

Jackson asked how the Treasurer came up with the numbers for Table One. He wondered if it reflects a diminishing population to which Priebe said she was not aware and will consult with the Treasurer and report back to him.

Vogel asked if the Treasurer's numbers reflect the proposed projects. Priebe said that dollars for some of the projects were deferred, some decreased, but none were cut. She said that rather than having a certain amount of money to start with, the Treasurer looked at the projects and said the City will work to find the money to support them.

Vogel asked about the new sewer to accommodate increased flow needed for the Spectra development on Water Tower Road. It is included in FY 2021/2022 on pages 14 and 20.

Vogel added that he enjoyed the process and it was helpful to have the Department Heads prioritize the projects beforehand and to then go over the list and ask any questions needed before inclusion in the CIP. He thanked Chris Jane for his involvement this year.

## **MOTION**

**Motion was made by Paul Jackson, seconded by Bill Yontz, to recommend approval of the 2019 -2025 Capital Improvement Plan to the City Commission.**

**Motion passed unanimously with Paul Jackson, Rory Ruddick, Tim Vogel and Bill Yontz in favor.**

## **Annual Report of Planning**

Priebe reported that the Planning Commission is required to report its actions to the City Commission on an annual basis. She provided a report and briefly went over the main topics such as the members, meeting dates, and what was discussed at each meeting. Although there were no trainings in 2018, she reported that Managing Risk and Form Based Code training will take place in 2019. A list of Zoning Ordinance Amendments that were made and Site Plan Reviews that were performed are presented in the report as well. The Zoning Board of Appeals did not meet in 2018.

The Master Plan identifies 7 goals for the Planning Commission to work on each year. They focus on the following topics: Population, Housing, Transportation, Downtown, Cooperation and Coordination, Public Facilities and Services, and Economic Development.

Priebe asked the Commission to identify some Master Plan goals they would like to see highlighted as priorities for the coming year.

Yontz was concerned with promoting the City and feels we do not do enough to draw people here. Priebe mentioned that there is a Public Participation Plan that involves the community in City matters but we have not had a designated Public Relations Officer. Over the past years, Jackson doesn't remember promotion of the City being discussed at either the Planning Commission or the Zoning Board of Appeals.

The following areas were discussed as being possible priorities:

- Promotion of the City to draw people to area,
- Continue to review/update the Zoning Ordinance,
- Explore Formed Base Code,
- Complete requirements to obtain Redevelopment Ready Community (RRC) status,
- Expand non-student rental housing options,
- Address the lack of child care, and
- Enhance Economic Development efforts.

Ruddick said that people need a reason to come to Big Rapids - perhaps a big festival. We have the Arts Festival but could use more to get people here. We have hotels available and highway advertising seems to be up to date. Yontz said we should advertise our trails and work at keeping young people in Big Rapids by offering things that interest them.

The Commission agreed that traditionally it is the Convention and Visitor's Bureau and Chamber of Commerce's responsibility to promote the area, but the City could do more.



Priebe asked if the Commission had priorities for the housing or downtown development goals and they agreed that housing for single family and professionals is lacking.

## **Zoning Discussions**

### Child Care

A staff report was provided outlining the 3 different types of Child Care permitted in the Zoning Ordinance. They are Family Child Care Home, Group Child Care Home, and Child Care Center. She also provided a map suggesting areas where each is currently permitted as a principal use by the Zoning Ordinance.

When the previous Planning Commission recommendation concerning Child Care in the R-P district went to the City Commission there was a lot of discussion. Lack of Child Care is a real problem in Big Rapids. The City Commission asked the following topics to be discussed by the Planning Commission and to come up with some preliminary decisions:

Should Child Care be allowed in the Industrial district?

Should Group Child Care Homes be expanded into the R-1 district?

What other changes could be made to the Zoning Ordinance to address the lack of child care?

The Commission could not see a reason for disallowing child care centers the Industrial district. On the other hand, the Commission has strived to maintain the R-1 District for single-family use. They are not sure if Child Care Centers would be a good fit in the R-1 district. Priebe suggested group child care homes in the R-P district as another alternative.

The Commission asked staff to prepare amendments for permitting child care centers in the Industrial District and group child care homes in the R-P district for the next meeting.

### New Economy

Priebe reviewed her report for the Commission saying that as part of complying with the RRC regulations, the City must explore allowing by right some “new economy” businesses. Examples include: filming studios, live/work spaces, indoor recreation venues, breweries/distilleries, IT offices, shared office space, heavy arts, and catering services. The focus would be on the types of businesses that are not expressly permitted in the Zoning Ordinance now.

Priebe asked the Commission to think about these types of businesses and see where they might fit within the Ordinance. Vogel said if people see it in the Ordinance they will know that the City has already explored these ideas and are willing to permit and promote the businesses.

## Recreational Marihuana

Priebe provided information about the Michigan Regulation and Taxation of Marihuana Act (MRTMA) which was approved by Big Rapids voters approximately 2-1. Information provided includes a memo from City Attorney Eric Williams, the Initiated Law, and information from the Michigan Municipal League.

In Williams' memo, he recommends the City Commission to direct City Staff to prepare zoning regulations for marihuana establishments and present them to the Planning Commission. The Planning Commission will then make a recommendation to the City Commission for their review. Priebe is asking the Planning Commission to think about the MRTMA, discuss it over the next few months and come up with a recommendation as to where different types of establishments would be permitted in our Zoning Districts. She is asking for their input giving staff direction for further research and analysis to facilitate their discussions and recommendation.

There has been one meeting between the City Commission and other local governments to talk about the decision to "opt in". Vogel thought it would be a good idea for the City Commission to meet with other local governments again to discuss and gather a consensus and hopefully come to a united decision. If a decision is made to opt out, a community can always reverse it and opt in, but it is harder to opt in and reverse to opt out once already in place. The City could always opt out now to bide more time.

Priebe said the conversation needs to start now and until a decision is made to opt out, the City is considered as "in". The decision falls on the Planning Commission as to where businesses will be permitted to operate and the parameters under which they will be allowed.

Yontz thought it would be a good idea to contact other communities our size and see what they are thinking and if they have opted in, what conditions must be met for operation. Priebe will look into this.

It was noted that Mt. Pleasant has opted in to allow medical marihuana facilities and will cap the number of businesses allowed to operate - a lottery system was used to choose from the many applicants.

Vogel stated it is important to do the work ahead of time to prepare the ordinance before opting in. He suggested looking at the section of the Zoning Ordinance that regulates Adult Entertainment. The City spent a lot of time on this and seems like it would be similar for allowing marihuana related establishments. It could serve as a template.

Vogel asked about medical verses recreational marihuana. This law deals with recreational marihuana which is more permissive. If recreational is allowed, marihuana can be purchased at

the same establishment for any use including medical and there is no reason to also get into the medical side of the issue.

LARA has up to December 6, 2019 to make rules for obtaining a license. If not established by then, the City would decide on licensing for the course of one year.

### **Unscheduled Business**

The upcoming training about Managing Risk for Planning and Zoning Decisions has been scheduled for April 3, 2019, from 5:00 to 8:00 p.m. Priebe asked the Commissioners to let her know if they will be attending.

A small task force for review of the Depot property is being formed. It will consist of two individuals from each of the following groups: Parks and Recreation Board, City Commission, Planning Commission, Staff. Yontz and Jackson volunteered to serve on this task force. This group will narrow the public vision for the property from the public open house in 2018. That vision will be given to the SmithGroup to come up with new plans for the site.

**Motion was made by Bill Yontz, seconded by Paul Jackson to adjourn the Planning Commission Meeting.**

**There being no further business, Acting Chair Vogel adjourned the Planning Commission meeting at 7:40 p.m. All were in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
March 20, 2019  
APPROVED**

Acting Chairperson Vogel called the March 20, 2019, regular meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Renato Cerdena, Paul Jackson, Tim Vogel, Bill Yontz

**EXCUSED** Chris Jane, Rory Ruddick, John Schmidt

**ABSENT**

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator

There were 0 people in the audience.

**APPROVAL OF MINUTES**

**Motion was made by Bill Yontz, seconded by Paul Jackson, to approve the minutes of the February 20, 2019, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

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

None heard.

**PUBLIC HEARINGS**

**Text Amendment to the Zoning Ordinance to add Licensed Group Child Care Home as a Principal Use in the R-P District.**

Priebe reviewed her Staff Report for the Commission saying that after the Planning Commission recommended a text amendment to the Zoning Ordinance to allow Child Care Centers as a Principal Use in the R-P District, a number of community members attended the City Commission meeting to express the need to expand child care in Big Rapids. Last month, the Planning Commission decided to move forward with two text amendments to the Zoning Ordinance related to child care:

- To permit Group Child Care Homes in the R-P District as a Principal Use
- To permit Child Care Centers in the Industrial District as a Principal Use

The Planning Commission is asked to consider recommendation of these text amendments to the City Commission. We will consider Group Child Care Homes in the R-P District as a Principal Use first.

**Public Hearing for Text Amendment to the Zoning Ordinance to add Licensed Group Child Care Home as a Principal Use in the R-P District.**

**Applicant Statement**

As above.

**Acting Chair Vogel opened the Public Hearing at 6:33 p.m.**

**Those Who Spoke in Favor:**

None heard.

**Those Who Spoke in Opposition:**

None heard.

**Written or Telephonic Correspondence Received by Staff:**

None

**Applicant Rebuttal:**

None

**Acting Chairperson Vogel closed the Public Hearing at 6:34 p.m. and the Commission entered into Fact Finding.**

Vogel referred the Commission to the Standards for Zoning Amendment Review found in Section 14.2:4 in the Zoning Ordinance and outlined in the Staff Report and asked the Commission to consider the standards in making their decision.

Standard (1) No issues heard.

Standard (2) No issues heard.

Standard (3) No issues heard.

Standard (4) No issues heard.

**MOTION**

**Motion was made by Paul Jackson, seconded by Renato Cerdena, to recommend approval to the City Commission for a Text Amendment to the Big Rapids Zoning Ordinance under**

**the Residential Professional (R/P) District, 3.3:2 Principal Uses, that would add Licensed Group Child Care Home as a Principal Use.**

**Motion Passed with Renato Cerdena, Paul Jackson, Tim Vogel and Bill Yontz in favor.**

**Public Hearing for Recommendation on Text Amendment to the Zoning Ordinance to add Licensed Child Care Center as a Principal Use in the Industrial District.**

Priebe introduced the request by saying that many of the people who spoke in favor of increased child care opportunities at the afore mentioned City Commission meeting expressed a desire to include Child Care Centers in the Industrial District. Priebe added that to her knowledge, there are no industries that might be considered harmful to children being cared for in a Child Care Center in the Industrial District.

**The Public Hearing was opened at 6:40 p.m.**

**Those Who Spoke in Favor of the Request:**

None heard.

**Those Who Spoke in Opposition of the Request:**

None heard.

**Telephonic or Written Comments Received by Staff:**

None received.

**The Public Hearing was closed at 6:41 p.m. and the Commission entered into Fact Finding.**

Cerdena asked if the Zoning Ordinance prohibits heavy industry in the Industrial Park. Priebe answered that heavy industry is permitted by Conditional Use Permit which would require review and approval by the Planning Commission.

Cerdena wondered that if this request for Text Amendment is approved, would it deter future development in the Industrial District. Priebe responded by saying that there is a variety of vacant land in the Industrial District and it is spread out so it is possible that both could occur.

Vogel asked if an employer in the Industrial District could create a Child Care Center. Priebe said that if the amendment is passed, it could be possible.

Yontz felt that Child Care Centers in the work place could cut down on absenteeism.

Priebe said that Child Care Centers would need to comply with State licensing and that too would regulate any proposed location. She added that other Districts permit Child Care Centers, and some are close to the Industrial District.

Vogel added that in the past there have been complaints of noxious odors, but the company worked with those who made the complaints and the matter was resolved.

The Commission applied the Standards for Zoning Amendment Review to this request and found the following:

- (1) No issue heard.
- (2) No issue heard.
- (3) No issue heard.
- (4) Jackson asked if there might be a conflict with the Master Plan and Priebe said she had reviewed it and found no issue.

### **Motion**

**Motion was made by Bill Yontz, seconded by Paul Jackson to recommend approval to the City Commission of a Text Amendment to the Big Rapids Zoning Ordinance under the Industrial (I) District, 3.12.2 Principal Uses, that would add Licensed Child Care Center as a Principal Use.**

**Motion passed with Renato Cerdena, Paul Jackson, Tim Vogel and Bill Yontz in favor.**

### **GENERAL BUSINESS**

#### **Annual Report of Planning**

Priebe reported that per the Michigan Planning Enabling Act, it is required of the Planning Commission to submit a written report to the City Commission on a yearly basis. It is also recommended by the MEDC. The report increases communications between the Planning and City Commissions and aids in preparation and budgeting for upcoming issues and priorities. At last months Planning Commission meeting the Commission identified some Master Plan goals to be highlighted as priorities for the coming year. They are included in the Report as follows:

- Promotion of the City through advertising.
- Working with FSU to explore creating a business incubator.
- Review the Zoning Ordinance to consider updating it with Formed Base Code.
- Achieve MEDC Redevelopment Ready Community (RRC) status.
- Expand non-student rental housing options.
- Address the lack of child care.

Priebe briefly reviewed the Report and asked the Commission for comments.

Vogel asked that “board” be taken out of the first sentence under the Planning Commission heading on page 1. He also asked that the Capital Improvement Plan be added to page 10 under *Other Notable Planning Actions or Topics of Discussion*.

## **Motion**

**Motion was made by Renato Cerdena, seconded by Bill Yontz to recommend approval to the City Commission of the Annual Report of Planning with the following conditions: Strike the word “board” on page 1 in the first sentence under the Planning Commission heading and, add the CIP process on page 10 under *Other Notable Planning Actions or Topics of Discussion*.**

**Motion passed with Renato Cerdena, Paul Jackson, Rory Ruddick, Tim Vogel and Bill Yontz in favor.**

## **Zoning for New Economy-type Businesses**

Priebe reviewed her report saying that to achieve RRC certification through the MEDC, it is recommended for the City to consider adding zoning to allow “new economy-type uses. Some of the uses are film/recording studios, live-work spaces, indoor recreation areas, breweries, distilleries and/or arts and crafts studios. Based on last month’s conversation on the topic and research of what other communities permit, Priebe prepared recommendations for amendments to the Zoning Ordinance concerning where they should be permitted. Recommendations are outlined in her report.

Arts and Crafts Studios – C-2, C-3 and Industrial. This is similar to what is permitted in other communities.

Catering Services – C-2, C-3 and Industrial.

Film and Recording Studios – Industrial. Some communities don’t permit them anywhere. Large buildings would be needed for film. Recording studios could be smaller and are permitted elsewhere. Jackson brought up the possibility of studio residences in which artists could relax/rest throughout the day. Since FSU has a Music Industry major, we could see a need for recording studios down the road. Priebe stated that radio stations are permitted. It was suggested that the City could zone for recording studios and strike film studios. They could be allowed in the C-2 and C-3.

Indoor Recreation Areas – C-1, C-3 and Industrial. These could be public or private facilities that allow ice arenas, indoor pools, community rec centers or facilities that provide indoor/outdoor exercise or court/field facilities. The Commission asked about allowing in the C-2 district to which Priebe stated that C-2 is primarily the downtown area. Cerdena asked why Auditoriums and Stadiums are not included. They could attract more people to the area as would more festivals. The Convention and Visitors Bureau does some promotion of the area and what it has to offer.



Microbreweries and Brewpubs, Craft Distilleries, and Small Wineries – C-3 and Industrial. Some cities allow these types of use in downtowns. Priebe asked if the Commission felt they should be allowed, and they believe that smaller establishments could be allowed. Vogel suggested having conversations with the City Commission and the Downtown Business Association to gain their thoughts on allowing these uses in the C-2 district. Priebe will talk with them and bring back their thoughts to the Planning Commission.

Scientific, Engineering, and Medical Research and Development Laboratories – Industrial. Priebe's thought was to keep these uses separate from the C-1, C-2, and C-3 districts as some of the uses could be objectionable.

Priebe will consider the Commission's comments and fine tune the Zoning uses for a future Planning Commission decision and direction.

### **Hanchett Site Redevelopment Process Update**

The City hosted a design charrette for the Hanchett property to collect community comments on the future development of the Hanchett property. The SmithGroup was hired to gather information and come up with several ideas for development. This process fulfills another requirement to achieve RRC status by selecting and showcasing a property that is available for development. Their proposal/report was presented for the Commission to study and make recommendations as to the direction the City should pursue. Some of the things to consider are what will be allowed at the site, how will the site be marketed, and what incentives will be offered a developer. The City has a big investment in this site.

A Planned Unit Development would outline what the City would like to see at the site and would put development on a fast tract. The SmithGroup presented three concepts for the site. All meet the general idea the City/community would like to see here. Jackson did not like the all residential nature of Concept 2. Yontz and Jackson like the idea of a pedestrian bridge over the river. Jackson said Concept 3 makes the most sense.

Vogel said it is hard to get over what happened at Tioga Park. He would like to see a list of design standards/requirements for the site.

Priebe asked if the Commission thought this development which would include commercial use would compete with the downtown. Jackson would like to link this area to the downtown to make it an attraction/destination along the river. Rockford is a good example of this. Jackson and Vogel stated that they do not think the downtown would suffer with this development but would be supportive. Priebe added that the Master Plan links Hanchett to the old Pine Shop. She would like to envision the downtown commercial area developed to the river. It could be included in the long-term visions in the next Master Plan revision.

**There being no further business, the meeting was adjourned at 7:40 p.m. with all in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
April 17, 2019**

Chairperson Schmidt called the April 17, 2019, regular meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Renato Cerdena, Chris Jane, Rory Ruddick, John Schmidt, Tim Vogel,

**EXCUSED** Bill Yontz

**ABSENT** Paul Jackson

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator

There were 6 people in the audience.

**APPROVAL OF MINUTES**

**Motion was made by Tim Vogel, seconded by Renato Cerdena, to approve the minutes of the March 20, 2019, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

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

None heard.

**PUBLIC HEARINGS**

**Site Plan Review for Construction of an Employee Resource Center at 1315 Hanchett Drive (Big Rapids Products).**

Priebe introduced the site plan review saying that Big Rapids Products intends to add a 3,442 sq. ft. addition of office space onto the existing 6,000 sq. ft. ware house that was previously owned by Acme Propellers. Parking for the site will be provided by the City parking lot located immediately to the east of the property. Big Rapids Products has addressed the ADA requirements for parking and building entry. The plan was reviewed by the Mecosta County Building Inspector, Big Rapids Public Safety and Big Rapids Public Works.

Staff recommends approval of the Site Plan.

**Applicant Statement**

John Chaput, Big Rapids Products President, explained that the addition is for the creation of an Employee Resource Center for their business that is intended to retain talent and employees. It will offer a space to offer meals, a gym and restrooms. They believe it will be a nice improvement for the company and will help retain employees.

**Chairperson Schmidt opened the Public Hearing at 6:35 p.m.**

**Those Who Spoke in Favor:** None heard.

**Those Who Spoke in Opposition:** None heard.

**Written or Telephonic Correspondence Received by Staff:** None

**Applicant Rebuttal:** None

**Chairperson Schmidt closed the Public Hearing at 6:38 p.m. and the Commission entered into Fact Finding.**

The following information was obtained during fact finding:

- The property was acquired by Big Rapids Products in December 2018.
- The addition will be added to the front of the building.
- The property is in the Industrial Zone on a flat piece of property. It will be properly landscaped by a professional company.
- The property will be irrigated.

**MOTION**

**Motion was made by Chris Jane, seconded by Rory Ruddick, to approve the Site Plan Review for construction of a 3,442 sq. ft. addition to serve as an Employee Resource Center for Big Rapids Products, on Parcel # 17-11-400-016, 1314 Hanchett, as it meets all of the Criteria for Review set forth in Section 9.6 of the Zoning Ordinance.**

**Motion passed with Renato Cerdena, Chris Jane, Rory Ruddick, John Schmidt, and Tim Vogel in favor.**

**Conditional Use Permit Application for a Home Occupation at 822 Bjornson Street**

Priebe introduced the request saying that the applicant, Chad Thumser, is applying for a Conditional Use Permit for a Home Occupation at his home at 822 Bjornson Street. He will use

this address for his new business of selling firearms outside of Big Rapids at trade shows, gun shows, etc. He will only store the firearms on the premises – he will not sell out of his home. In order to run this type of business he must obtain a Federal Firearms License. The process of obtaining the license requires the local municipality to grant zoning approval. The applicant has addressed the Standards for Conditional Use found in Section 10.3:8.

Staff recommends approval of the request.

### **Applicant Statement**

Chad Thumser, 822 Bjornson, stated that he is applying to the ATF for a license for his business and he needs an address for the application. He doesn't want people to know that he keeps a number of firearms at his home so will not be selling out of his home or receiving deliveries there. He stated that his yard is fenced, he has dogs and is thinking about installing video cameras. He has addressed each Standard for Conditional Use in his application which is included within the Staff Report.

### **Those Who Spoke in Favor of the Request**

John Urbanick, 813 Bjornson, stated he is not against the request but just wanted some clarification. He asked that if the Conditional Use Permit is approved for this use and if the applicant wanted to change the business, would he have to come back and apply specifically for that new business. The answer is yes, the permit is specific for the business. Urbanick mentioned that there are others who sell firearms in Big Rapids and he wanted to make sure he was not selling from his home. Once he was satisfied that Thumser will not be selling firearms from his home, Urbanick stated that he was in favor of the request.

Priebe added that all those with licenses to sell in the Big Rapids are mapped and are made public information. There are two in the City (Dunhams and State Street Hardware). There are others outside of the City limits that are licensed to sell firearms.

### **Those Who Spoke in Opposition of the Request**

None Heard

### **Telephonic or Written Correspondence Received by Staff**

Priebe stated that those she heard from were present at the Public Hearing.

### **Chairperson Schmidt Closed the Public Hearing at 6:43 p.m. and the Commission entered into Fact Finding**

Vogel referenced Section 3.4:64 of the Zoning Ordinance which states that no more than 25% of the ground floor of a home occupation can be devoted to the business. The applicant stated that he has a 10 X 8 ft. room with gun safes in which he keeps the guns.

## **MOTION**

**Motion was made by Chris Jane, seconded by Renato Cerdena, to recommend to the City Commission, the approval of a Home Occupation at 822 Bjornson for the keeping of firearms to be sold other than from the home. The request meets Standards set forth in Section 10.3:8 of the Zoning Ordinance.**

**Motion passed with Renato Cerdena, Chris Jane, Rory Ruddick, John Schmidt and Tim Vogel in favor.**

## **GENERAL BUSINESS**

### New Economy Business

Priebe stated that as a part of satisfying the requirements for the MEDC Redevelopment Ready Community program, the City is asked to consider adding zoning for new economy-type uses such as film/recording studios, live/work spaces, indoor recreation areas, breweries, distilleries and/or arts and crafts studios. The Planning Commission has been having an ongoing conversation concerning the New Economy Businesses and has narrowed down where some of the businesses could fit within the Zoning Ordinance.

Priebe reviewed the definitions of the businesses presented in her Staff Report with the Commission. She added that she met with the DBA and the DDA and their feedback was positive. One adverse comment was that “catering” doesn’t bring business and foot traffic to the downtown – it would just take up space. Perhaps it doesn’t belong downtown.

The Commission discussed catering and breweries. Some of the restaurants downtown do catering as well, those businesses focused on only catering would be singled out. The restaurants would still be able to provide catering and the Zoning Ordinance would spell that out to make it more clear. The Commission discussed the size of breweries. Vogel thought that 20,000 barrels for a Micro-Brewery sounded like a lot but was not familiar with the business so didn’t have a reference. As a comparison, Founders brews 400,000 barrel a year and would be considered a Craft Distillery. Priebe said she would find out Cranker’s yearly output to use as a comparison for size. Priebe added that not all definitions are included in the Zoning Ordinance. She thought that for the Zoning Ordinance, we would just include the category and not the definition. Schmidt replied that he would like to see the categories defined.

Vogel asked if there were any other categories we should include. Priebe will give it some thought. She stated that it is a City goal to have achieved RRC Certification by this time next year.

Ruddick asked about an establishment that grows and no longer fits the definition of the category. Priebe said if the building space needed to be increased it would be another process or they could go elsewhere within the City.

The Commission is ready to see draft language on adding the New Economy-type Businesses in the Zoning Ordinance. Priebe said she could have it for the May meeting and there would need to be a Public Hearing if a motion is to be made.

### Zoning for Recreation Marihuana

Per her Staff Report, Priebe stated that the City of Big Rapids voted 2-1 to pass the Michigan Regulation and Taxation of Marihuana Act (MRTMA). The City Commission has asked the Planning Commission to prepare zoning regulations for potential local Marihuana establishments so that once they make their decision on whether or not to opt out, the City has zoning recommendations in place. We need to move forward as if the City is going to opt in.

The Medical Marihuana regulations have already been established at the State level but the recreational have not. Priebe believes the City will not opt out, thus allowing Recreational Marihuana. She included samples of other Cities that have included Recreational Marihuana in their Zoning Ordinances. No one is currently licensed in Mecosta County. CBD is sold here – it does not include THC.

Per the samples Priebe provided, Glenwood Springs, CO and Mt. Pleasant, MI currently permit Marihuana businesses. Once the Planning Commission identifies where these types of businesses fit within the Zoning Ordinance, it will come before the Commission for a decision. Mt Pleasant is allowing Medical Marihuana and they limit the number of businesses that can sell it. They have implemented a lottery system to select those able to obtain licenses.

We would need to decide how many businesses to allow and come up with a buffering regulation. Grand Rapids has outlined a process and they buffer 600 ft. from schools, parks, childcare centers and religious organization. Priebe added that if we were to use 1000 ft to buffer, there wouldn't be much area left in Big Rapids to allow sales. Vogel stated that a lot of time was spent on the decision to allow Adult Book Stores in Big Rapids. He wondered if we could piggy back on that ordinance. Section 11.1:1 permits Adult Book Stores in the C-3 as a Conditional Use. Rory asked if we should limit the area to Industrial only. It will be up to the Planning Commission to decide where to allow the businesses and the number of feet to buffer from adjoining zones and uses.

**MOTION**

**Motion was made by Chris Jane, seconded by Tim Vogel to adjourn.  
The meeting was adjourned at 7:34 p.m. with all in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary



**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
May 15, 2019**

Chairperson Schmidt called the May 15, 2019, regular meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Paul Jackson, Chris Jane, Rory Ruddick, John Schmidt, Tim Vogel, Bill Yontz

**EXCUSED** Renato Cerdena

**ABSENT**

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator  
Eric Williams, City Attorney

There were 9 people in the audience.

**APPROVAL OF MINUTES**

**Motion was made by Paul Jackson, seconded by Tim Vogel, to approve the minutes of the April 17, 2019, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

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

None heard.

**PUBLIC HEARINGS**

**Review of the Conditional Use Permit Application for a Change of Use at 730 Water Tower Road.**

Priebe introduced the request for Conditional Use Permit at 730 Water Tower per her Staff Report. The request was made by Lionel Thomas of Gardner Investment Properties for a Conditional Use Permit to allow a change of use from Office to Clinic. The property is designated R-2 and a Conditional Use was granted for the original use of the property to allow an office building. The change of use will not alter the site but would allow it to be used as a

medical clinic. Staff recommends approval as it meets the Standards set forth in Section 10.3:8 and Section 11.1:11 of the Zoning Ordinance.

**Applicant Statement**

Doug Mansfield of Mansfield Land Use Consultants, 830 Cottage View Drive, Suite 201, Traverse City, MI 49685, added that this will be a good use of the building and it is in compliance with all of the Standards (See Applicants application addressing Standards). He does not foresee any negative impacts.

**Chairperson Schmidt opened the Public Hearing at 6:35 p.m.**

**Those Who Spoke in Favor:** None heard.

**Those Who Spoke in Opposition:** None heard.

**Written or Telephonic Correspondence Received by Staff:** A phone call was received from Pat Czyzio who was concerned about what type of care will be provided at the clinic. She was told it is to be a primary care medical clinic and Czyzio said she was not opposed to that type of use.

A letter was received from Lynn Wolgast, owner of Wolgast Development, LLC, 4835 Towne Centre Road, Suite 100, Saginaw, MI 48604, and owner of 800 Water Tower Road, which stated that they are against the change of use as they thought it would increase the amount of traffic on Water Tower Road.

**Applicant Rebuttal:** Mansfield stated that the building is on a primary road and the previous use was for the Social Security Administration that would have had similar traffic amounts. He does not foresee an increase or a decrease in traffic at the site. He added that there will not be any truck traffic to the site.

**Chairperson Schmidt closed the Public Hearing at 6:37 p.m. and the Commission entered into Fact Finding.**

The following information was obtained during fact finding:

Kathy Sather of Family Health Care, 1615 Michigan Ave, Baldwin, MI 49304, stated that they will provide a primary medical service. It will consist of 1 doctor offering ½ hour appointments, 1 dentist and 1 therapist who will both offer 1-hour appointments.

This will be their first Family Health Care Clinic in this area. They will not perform any surgeries on site.

## **MOTION**

**Motion was made by Chris Jane, seconded by Bill Yontz, to recommend the Conditional Use Permit Application for a medical clinic at 730 Water Tower Road for approval by the City Commission because it meets the Standards set forth in Section 10.3:8 and Section 11.1:11 of the Zoning Ordinance.**

**Motion passed with Paul Jackson, Chris Jane, Rory Ruddick, John Schmidt, Tim Vogel and Bill Yontz in favor.**

## **Review of the Request to Vacate Two Alleys on Ferris State University Property near the corner of Maple and Howard Streets.**

Priebe introduced the request per her Staff Report. Ferris is requesting the City vacate a couple of alleys on their property. The request was made to the City Commission and they referred it to the Planning Commission for a Public Hearing and review. The alleys are not improved. Staff consulted with Public Works and no easements were found in the areas proposed to be vacated. Two water service lines run across the northern alley, each 6 feet below the surface but they are not considered to be a reason to disallow the vacation of the alleys. Public Safety reviewed the request and said that vacating the alleys would not impact access of Public Safety vehicles to buildings on the site.

## **Applicant Statement**

Mike Hughes, FSU Associate Vice-President, Physical Plant, did not have anything to add but will answer any questions the Commission may have.

**Chairperson Schmidt opened the Public Hearing at 6:43 p.m.**

**Those who spoke Favor of the Request:** None heard.

**Those Who Spoke in Opposition of the Request:** None heard.

**Telephonic or Written Correspondence Received by Staff:** None

**Chairman Schmidt closed the Public Hearing at 6:44 p.m. and the Commission entered into Fact Finding.**

Ruddick asked about the possibility of utility companies needing the alley and Williams suggested that if the alley vacation is to be approved, it should be contingent on an easement for the existing watermain. The alleys are not currently constructed.

The Commission discussed the location of the alleys and the possible consequences of vacation. Vogel asked about the water main and Hughes said they are planning on building on the property and if the watermain needed to be relocated they would take care of it. The existing building on the lot is used for dry storage.

Half of the alley off of Linden Street is in use, but the half that is on FSU property is currently not used.

**MOTION**

**Motion was made by Tim Vogel, seconded by Chris Jane to recommend the City Commission approve the alley vacation request made by Ferris State University for two alleys located on their property as depicted on the attached map (a northern alley perpendicular to Maple Street and the western portion of the southern alley that lies across from Linden Street). Vacation is contingent on any easements needed for existing water main maintenance.**

**Motion passed unanimously with Paul Jackson, Chris Jane, Rory Ruddick, John Schmidt, Tim Vogel and Bill Yontz in favor.**

**Review of a Text Amendment to the Zoning Ordinance to Permit Additional Business Types in the Commercial and Industrial Districts.**

Priebe introduced the request by stating that this is an effort to satisfy Redevelopment Ready Community status. The Planning Commission has spent the last few months discussing “New Economy-Type Businesses” as principal uses in several districts. She added that she spoke with local business owners at the DBA’s Executive Board and General meetings, and at the DDA Board meeting. They were in favor of the changes.

The Planning Commission asked Priebe to come up with definitions for the New Economy Business uses to be included in the Zoning Ordinance. Attached is a draft Ordinance to be considered. Staff recommends approval.

**Applicant Statement**

As above.

**Chairperson Schmidt opened the Public Hearing at 6:47 p.m.**

**Those Who Spoke in Favor of the Request: None Heard**

**Those Who Spoke in Opposition of the Request: None Heard**

**Telephonic or Written Correspondence Received by Staff:** None

**Chairperson Schmidt Closed the Public Hearing at 6:48 p.m. and the Commission entered into Fact Finding**

The Commission was in favor of the draft Ordinance.

**MOTION**

**Motion was made by Tim Vogel, seconded by Rory Ruddick, to recommend the adoption of the attached Draft Ordinance Amending Articles 2 and 3 of the Big Rapids Zoning Ordinance to Define and Permit New Economy Type Businesses**

**Motion passed with Paul Jackson, Chris Jane, Rory Ruddick, John Schmidt, Tim Vogel and Bill Yontz in favor.**

**GENERAL BUSINESS**

**Zoning for Marihuana Businesses**

Per Priebe’s staff report, the Planning Commission is charged with identifying where in the City the different types of marihuana businesses will be allowed if the City opts into allowing them. She presented a 2018 MML report entitled “Medical Marihuana Facilities – Opt In/Opt Out” that includes helpful information for the Commission to review. City Attorney Eric Williams was present to review some of the legal issues related to the various Michigan marihuana laws and to answer questions from the Commissioners.

Initially, the City opted out of allowing medical marihuana and has not yet given a response for allowing recreational marihuana. Since the initial passing of the Federal government allowing medical marihuana, reverse reactions have waned. Many took a wait and see attitude before jumping in. Michigan cities are reconsidering their decisions for allowing both medical and recreational marihuana. The City must now make a decision as to opt in or opt out. The Commission has asked the Planning Commission to come up with zoning regulations so that if they decide to opt in, zoning decisions are already in place. It will also help them to make a decision.

Williams recommends opting in to be congruent with the rest of the State. Other communities who have opted in are not having problems. However, there is a problem with real estate being available to house the businesses and there is a scramble to find sites. Grand Rapids and Ann Arbor are in the approval phase. Adrian has opted in and has come up with some zoning regulations. The City of Adrian would make 10 permits available. Locations must be 1,000 ft. from schools and 250 ft. from churches, parks, playgrounds day care centers and single-family

homes. Businesses would be allowed one sign. One problem is that they cannot stop someone who was granted a license from selling it to someone else.

The Commission would like to see a map of the areas of the City that would be available for marihuana business establishments given the space designated to be set back from schools, churches, etc. They were concerned about other businesses not being able to operate in a certain area once the marihuana businesses are established.

Williams recalled the process the City went through trying to find areas within the City in which “adult businesses” would be allowed. We found that we had to lower our regulations or there would have been nowhere for them to operate. Schmidt suggested limiting the marihuana businesses to a certain zone as that would simplify the process. Williams said it could be done.

Jane told of his recent visit to Boston where he witnessed very long lines of hundreds of people waiting to get into recreational marihuana dispensaries. In Boston people could order marihuana on line and then pick up their purchase at the dispensary. Williams noted that medical marihuana would be more controlled.

Vogel asked how Adrian selected their 10 locations. They were based on populations and the amount of traffic. They were all over the map. Williams agreed that it makes sense not to cluster them in one area. Priebe added that other regulations would need to be made concerning odor, lights and noise. Jane asked if growing in the city would be allowed – some cities do allow it.

Vogel asked if Federal funding is available. Williams said he doesn’t see it happening, but they may loosen up the regulations on banks to make loans. This issue still needs a lot of organizing.

Ruddick asked if marihuana businesses should be included in the new economy type businesses within the Zoning Ordinance. Schmidt asked if we should look at both medical and recreational at the same time and Williams said that a decision needs to be made by the end of the year for the recreational marihuana. Priebe added that medical use and recreational use are very similar as far as regulations. Both uses could be under the same zoning regulations.

Priebe will create an overlay district showing where these uses could be located. Ruddick suggested pushing back the established boundaries of the “Adult Businesses” so that there are some areas in which to locate the marihuana businesses. Williams added that hours of operation could be limited, and signs regulated. He added that the DBA was not worried about this issue. Jane stated that he saw long lines of people waiting outside dispensaries in Massachusetts. Priebe added that she did not see lines of people waiting outside dispensaries during her travels through Colorado.

Williams stated that there is no indication if the County opted in, the City would fit within regulations as adopted by them. The businesses need to be located where Public Safety is available and the City of Big Rapids is the most logical in Mecosta County.

### **Planned Unit Development**

Priebe said that in the next month or two, she would like to revamp the Planned Unit Development section of the Zoning Ordinance as it needs to be brought up to current standards. She will find examples of other ordinances to review.

### **City and Planning Commission Joint Meeting**

Priebe stated that the City's Strategic Plan requires the City and Planning Commissions to hold two joint meetings per year. We will hold the meeting in June. Some of the topics could be: Marihuana, ways of making the river more of an asset to the City and updating the Master Plan.

**There being no further business, motion was made by Chris Jane, seconded by Bill Yontz to adjourn.**

**The meeting was adjourned at 7:40 p.m. with all in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary

**CITY OF BIG RAPIDS  
JOINT MEETING WITH THE CITY COMMISSION  
PLANNING COMMISSION MINUTES  
June 19, 2019**

Vice-Chairperson Jane called the June 19, 2019, joint meeting of the Planning Commission and the City Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Josh Foor, Chris Jane, Paul Jackson, Rory Ruddick, Tim Vogel, Bill Yontz

**EXCUSED** Renato Cerdena

**ABSENT**

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator  
Lynn Anderson, City Commissioner  
Jennifer Cochran, City Commissioner  
Jonathan Eppley, City Commissioner  
Tom Hogenson, Mayor  
Mark Gifford, City Manager  
Eric Williams, City Attorney

There were 15 people in the audience.

**APPROVAL OF MINUTES**

**Motion was made by Tim Vogel, seconded by Paul Jackson, to approve the minutes of the May 15, 2019, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

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

None

**PUBLIC HEARING**

None



## **GENERAL BUSINESS**

### **Update on Redevelopment Ready Communities Progress**

Priebe reported that the process of becoming a Redevelopment Ready Community through the Michigan Economic Development Corporation (MEDC) was begun in 2017. It has been a long process, but the City has completed 68% of the 42 required categories. We are making progress and the remaining tasks fall within three categories:

1. Zoning Regulations
  - a. Consider adopting a Form-based Code to help achieve community goals in selected areas of the City.
  - b. Consider establishing build-to lines in key areas.
  - c. Incorporate standards to improve non-motorized transportation, such as bicycle parking, traffic calming, pedestrian lighting, and public realm standards.
  - d. Allow for parking reductions when public or bicycle parking is available or when a shared parking agreement exists between complementary uses.
  - e. Establish maximum parking standards, allow for parking waivers, or accept payment in lieu of parking.
2. Redevelopment Ready Sites
  - a. Identify at least three redevelopment sites.
  - b. Gather basic information on at least three redevelopment sites.
  - c. Develop a complete property information package (PIP) for at least one redevelopment site.
  - d. Establish a community vision for each of the redevelopment sites.
  - e. Identify potential resources and/or incentives for the identified redevelopment sites.
  - f. Market the redevelopment sites online.
3. Economic Development and Marketing Strategies
  - a. Develop an overarching economic development strategy to be approved by the City Commission.
  - b. Schedule an annual review of the adopted economic development strategy.
  - c. Adopt a formal marketing strategy for the City.
  - d. Add missing items to the City website.

Progress has been made on some of these categories. For example:

- The City has contracted with SmithGroup to assist with the Form-based Code update for the downtown and some of the commercial corridors. The City will start the process this summer with a kick off visioning meeting. The conversion will require Zoning Ordinance amendments with Form-based revisions to the C-2, R-R, and R-P districts. The MEDC will help with the \$18,000 cost of SmithGroup with a grant which will pay a 75/25 split with the City portion being \$4,500 and MEDC paying \$13,500.

- The Hanchett property is one of the redevelopment sites. The MEDC has a Redevelopment Services Team to assist with site selection and packaging once all other steps have been completed.
- We hope to work with the MCDC and the CVB on the Economic Development Strategy and Marketing Strategy respectively.

Priebe added that the City is moving forward and the MEDC helps along the way. All the categories do not have to be completed before the City is given the grant money.

### **Zoning for Marihuana**

Priebe reported that the State of Michigan has laws in place to regulate marihuana businesses. They are as follows:

- Michigan Medical Marihuana Act (MMMA) – establishes the patient/caregiver model
- Medical Marihuana Facilities Licensing Act (MMFLA) – regulates licensing for medical marihuana for municipalities that opt in.
- Michigan Regulation and Taxation of Marihuana Act (MRTMA) – regulates licensing for recreational marihuana businesses in municipalities who do not opt out.

The City did not opt into Medical Marihuana as yet, but we will be looking at the possibility of where these types of marihuana businesses might be allowed in the City. The Planning Commission has recently discussed the idea of drafting one ordinance which would work for both medical and adult use recreational marihuana. Separate laws govern each type of use, each with their own language for type of facility - the rules from the State are expected to be similar.

Currently, there are 5 medical marihuana licenses available:

- Growers – A Grower may grow marihuana and sell seeds and plants to another Grower or sell plants to a Processor or Provisioning Center.
- Processor – A Processor may purchase marihuana from Growers and sell marihuana and marihuana infused products to Provision Centers.
- Secure Transporters – A Secure Transporter may store, and transport marihuana and money associated with the purchase or sale of marihuana. All movement of marihuana or seeds between other licensees must be done by a Secure Transporter.
- Provisioning Centers – A Provisioning Center may purchase or transfer marihuana only from Growers and Processors and sell or transfer marihuana only to registered qualifying patients or registered primary caregivers. Before a Provisioning Center may sell marihuana, it must transport the marihuana to a Safety Compliance Facility for testing and labeling.
- Safety Compliance Facilities – A Safety Compliance Facility may receive and test marihuana from another marihuana facility.

Priebe provided five tables outlining Zoning, Buffer Distances, Signage, Building Requirements, and Other, such as Fees and Penalties. The tables compare the ordinances already in place for Medical Marihuana facilities of the following cities: Adrian, Ferndale, Mt. Pleasant, Niles, and Center Line. Priebe reviewed the tables and invited comments.

Priebe stated that Tables 1 (Zoning) and 2 (Buffering Distances) are the most important to review and consider in order to amend our Zoning Ordinance if it is decided to allow medical marihuana businesses. Most of the Cities that were studied allow all types of marihuana businesses. Hogenson noted that Grow Operations should only be located in the Industrial District due to the odor that is emitted from the process. Vogel stated that he wasn't sure growing should be allowed at all to which Priebe added that there are ways to control the odor. Audience member Mike Williams said that carbon filters are used for controlling the odor.

Growing would only be permitted outdoors per the State regulations. Renato Cerdena used ArcGIS to identify properties that would be available for marihuana businesses based on them being 1,000 ft. from schools and 250 ft. from single family R-1, churches, parks and Day Care Centers, and found 442 out of a total of 2,269 parcels met the criteria. When further reviewed for those properties that fall within the Commercial and Industrial Districts, the number of parcels available dropped down to 120. Maps were provided that show those areas that are 500 ft and 1,000 ft from K-12 schools.

The Planning Commission discussed how marihuana businesses fit into the New Economy Uses. Each type of use will be looked at individually and some may be regulated under the Conditional/Special Use process which could be a 2 to 3-month process. Compatibility with existing businesses/uses could be a concern.

The Planning Commission also discussed the number of marihuana businesses that would be allowed in the City limits. Priebe thought that it could be regulated through zoning to make it the least controversial.

Comments from the audience were heard and are summarized below.

Pat Currie, Big Rapids business owner, wondered who was the driving force for pushing the City to allow medical marihuana and wondered if there is a need for it. He grew up here and he wants to ensure a safe future for his grandkids. He would like to see more input from the community and would like to see the pros and cons explained. He sited that if allowed, the City would need to provide more law enforcement. He advised the City to take more time to decide, do more research and see what happens in the communities that have opted in. Jane reminded the audience that the Planning Commission does not decide on whether or not to allow medical marihuana but rather advises the City Commission on where the businesses could be allowed by City Ordinance if they decide to opt in.

Diana Richardson, Big Rapids, wondered if there was a way to regulate the licenses to keep big corporations out. Attorney Williams advised that the City has no control over who wants to start a business here. If the City does nothing, the State considers it as the City opting in, if we opt in, we can regulate with ordinances. If the City opts out, then no one would be allowed to operate marihuana businesses here. Hogenson was concerned about the black market taking control.

Brian Thiede, Mecosta County Prosecuting Attorney, stated that if the City opts in, there will be a decrease in the black market, but the black market will still be here for people under 21 years of age. There are cartels and syndicates backed by money that move into cities to run the businesses. He cited an example of a Cuban cartel in Bitely. These are huge businesses that hide in plain sight. If we would allow Mom and Pop businesses only, we could keep local control. He urged the City to take time to decide and see what happens in other communities. As of June 14, 2019, 467 communities have opted out of recreational marihuana. Thiede added that the Provisioning Centers have less risk and the cartels are more apt to be involved in the growing side of the operation.

The discussion led to the conclusion that Growers and Processors could be allowed in the Industrial District and Provisioning Centers and Safety Compliance Facilities could be allowed in the C-2 and C-3 Districts. Secure Transporters were not decided upon.

Priebe stated that she has gathered enough direction from the Planning Commission to present a draft amendment to the Zoning Ordinance at the July 17, 2019, Planning Commission meeting.

Attorney Williams summarized the meeting by saying that the City has not yet opted in to permitting Medical Marihuana. We need to be ready to make a decision by amending the Zoning Ordinance to designate where the various businesses might be allowed and by having some regulations in place. At this point in time, no other community in Mecosta County has opted in to allowing Medical Marihuana. Williams stated that if we feel there is a need to allow it in Mecosta County, it makes the most sense for Big Rapids to allow it as Public Safety is concentrated here.

Mayor Hogenson stated that he appreciates the effort Priebe has put into researching and reporting her findings concerning marihuana. Issues have been raised and her effort is helpful.

There being no further business, Vice-Chair Jane adjourned the meeting at 7:56 p.m. with all in favor.

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
July 17, 2019**

Acting-Chairperson Tim Vogel called the July 17, 2019, meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Josh Foor, Paul Jackson, Rory Ruddick, Tim Vogel, Bill Yontz

**EXCUSED** Renato Cerdena, Chris Jane

**ABSENT**

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator  
Mark Gifford, City Manager  
Eric Williams, City Attorney

There were 14 people in the audience.

**APPROVAL OF MINUTES**

**Motion was made by Paul Jackson, seconded by Bill Yontz, to approve the minutes of the June 19, 2019, meeting of the Planning Commission as presented.  
Motion passed with all in favor.**

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

None

**PUBLIC HEARING**

**Amendment to the Zoning Ordinance to change the term “Conditional Use” to “Special Land Use.”**

**Staff Report**

Priebe reviewed her staff report saying that the amendment is in line with efforts to achieve Redevelopment Ready Community certification. It is recommended the City update the Zoning Ordinance to conform in terminology with the Michigan Zoning Enabling Act (MZEA).

Currently the City uses the term “Conditional Use” and we are considering changing the term to “Special Land Use”. The request will change this terminology throughout the Zoning Ordinance and also in Article 10 “Conditional Use Permits” to bring the notice and procedures into alignment with the MZEA.

Staff is in favor of the Planning Commission recommending adoption of the proposed amendment to the City Commission.

Jackson asked if there are any differences unique to Conditional Use as opposed to Special Land Use. Priebe thoroughly reviewed the Ordinance and concluded that they are one in the same and there would still be the same conditions on Special Land Use.

Acting Chairperson Vogel opened the Public Hearing at 6:36 PM.

**Those Who Spoke in Favor:** None heard.

**Those Who Spoke in Opposition:** None heard.

**Telephonic or Written Correspondence Received by Staff:** None

Acting Chairperson Vogel closed the Public Hearing at 6:37 PM and the Commission entered into Fact Finding. None heard.

### **Motion**

**Motion was made by Bill Yontz, seconded by Paul Jackson to recommend to the City Commission, the adoption of the proposed Zoning Ordinance Amendment (Attached) to change the term “Conditional Use” to “Special Land Use” in conformance with the Michigan Zoning Enabling Act.**

### **GENERAL BUSINESS**

#### **Review of the Draft Ordinance Amendment for Marihuana Establishments**

Priebe reviewed her staff report saying that the on-going discussion of zoning for marihuana establishments continues. She has prepared a draft Zoning Ordinance Amendment for Marihuana Facilities based on conversations from the Joint Meeting with the City Commission and ordinances from other communities.

The three areas of the Zoning Ordinance to be amended are as follows:

- 1) Article 2 Definitions – adds definitions for the relevant marihuana-related terms.
- 2) Article 3 District Regulations – adds marihuana establishments as Principal Uses or Special Land Uses to the chosen districts, subject to conditions.

- 3) Article 11 Use Standards – adds the conditions for marihuana establishments and includes general conditions that apply to all marihuana establishments as well as specific conditions for uses in the Commercial Districts and in the Industrial District.

In previous buffering discussions, the Commission identified 500 ft. from K-12 schools as appropriate. Whether or not to include Ferris State University in the buffering area has not yet been decided. Maps have been provided to show the properties that would be available for marihuana establishments if FSU is either included, or is not included, in the 500 ft. buffering area. The maps are not a part of the Ordinance. Priebe suggested that when an individual wishes to make an application for a license, it would be their responsibility to make sure the property they select for their business is zoned for that business.

Ruddick asked if FSU is in favor of the buffering area. From information Gifford attained at meetings with FSU, they may be in favor of the buffering. An audience member from FSU said that he personally would like to see it buffered but he couldn't speak for FSU administration. He added that marihuana is not allowed on campus and is a civil infraction for anyone under 21 years old. The subject will be discussed further.

The number of feet designated for the buffer zone was discussed. It is intended to protect the K-12 age students. The City could go to 1,000 ft but it would eliminate a lot of potential properties that would be available for marihuana establishments. Ruddick asked if there is currently a buffer zone for bars. There is not.

It was confirmed that a property allowed for a marihuana establishment cannot have another business in the same location and the proprietor must be licensed by the State.

Priebe discussed the additions to Article 2 Definitions and added a few more license types that were recently added at the State level. They include:

- 1) Marijuana Event Organizer
- 2) Temporary Marihuana Event
- 3) Designated Consumption Establishment
- 4) Excess Marihuana Grower

### **District Regulations**

The following are proposed additions to Article 3:

- 1) 3.9:2 (3) (g) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29 (C-1)
- 2) 3.10:2 (3) (j) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29 (C-2)
- 3) 3.11:2 (1) C-3 includes all uses allowed in C-1 and C-2
- 4) 3.12:7 (4) Marihuana establishments that are growers, processors, or secure transporters, subject to the conditions of Section 11.1:29.

Jackson asked if the events should be limited to the same geographic areas, but Williams said events are not a zoning use. Priebe added that they would need a special one-time permit, whereas zoning is a permanent usage. The events, however, could be buffered from certain areas.

## **Use Standards**

Priebe reviewed the proposed additions to Article 11, Use Standards presented in her staff report which included:

- 1) Conditions for all marihuana establishments
- 2) Conditions under which marihuana retailers, safety compliance facilities, and microbusinesses may be permitted in the C-1, C-2, and C-3 Commercial Districts
- 3) Conditions under which marihuana growers, processors, and secure transporters may be permitted as special land use in the I Industrial District

It was mentioned that we need to address the regulations for signs at marihuana establishments.

The new uses added by the State will need to be added to the Use Standards. Suggestions were made that the Consumption Facility could be added to C-1, 2 & 3, and the Excess Grower could be added in the Industrial District.

Foor asked what the vision is for the downtown and had concerns of allowing Marihuana Establishments in the downtown. He thought it was unusual that the Downtown Business Association didn't have concerns. Gifford added that they didn't have a lot of response when he first talked to them about it. Williams also reported that he heard no negative response from the DBA. Priebe said that the building being used for marihuana purposes must fit into the community and there can not be any visible marihuana from the outside.

An audience member added that concerns are overblown, and that people will use it at home.

Vogel was concerned about signage for the establishments and thought the ordinance should start out more restrictive.

Odors were discussed and Priebe said odors can be addressed in licensing which could require an odor control plan. The Planning Commission could also regulate odor by making the control of it a condition of the Zoning Ordinance.

An audience member suggested that technology has improved over the years since reports were made and perhaps now there are filtration systems that can handle the odor more efficiently. Jackson wondered if perspective entrepreneurs would object to the restrictions. Williams theorized that the entrepreneurs won't object to strict regulations at the beginning and we should design the regulations to fit the community.



The Planning Commission members were in agreement with the 500 ft. buffer. Priebe added that if a 1000 ft buffer is used, it would limit the C-2 to about 6 eligible properties. Overlay zones could be used to buffer around anything. Williams added that if there are limited sites available, people will buy overpriced properties which could be undesirable.

Foor asked about the initiative for placemaking in the downtown and wondered if allowing marihuana establishments in the downtown would be counter intuitive. He added that making marihuana use legal in Michigan and allowing marihuana establishments in Big Rapids is a new concept and wondered if we should wait a couple of years to see what happens in other communities. Williams stated that the City Commission asked the Planning Commission to come up with zoning regulations in the event that they opt into allowing marihuana establishments in Big Rapids so that we are ready with regulations. The City Commission will make the decision. Recreational marihuana will happen unless we opt out, so we need to have the Zoning Ordinance ready. The State will be accepting applications for the State license November 1<sup>st</sup>.

Priebe added that the Ordinance will be in place and ready for whichever direction the City Commission decides to go both now and in the future.

Foor asked if the Planning Commission could make a recommendation to the City Commission about opting in or out.

The Commission discussed the following topics:

- Buffering – measurement is from property line to property line
  - Should FSU be buffered? If so, should Katke Golf Coarse be buffered? If buffered, no marihuana businesses would be allowed in the strip mall along Perry.
- Downtown - Should marihuana businesses be allowed downtown? If the DBA doesn't seem to have a problem with it, why not allow?
  - How would marihuana business differ from an establishment that serves alcohol?
  - Would marihuana businesses in downtown affect the community feel?
- Research - Have other communities of our size been researched to see what they are doing and how they have come to their decision?
  - Priebe has researched other communities and their zoning regulations are all over the board.

Audience Comments:

- Marihuana businesses could be located on the second floor of downtown businesses with a small sign on the building. This would address the concern of being too prominent in the downtown. The individual thought this type of business would benefit the downtown.
- Listen to the citizens and DBA.
- Decide what is best for the community, not for financial gain of the proprietor.
- Other communities in Mecosta County have not allowed.
- Research of other communities was performed and found that those that opted in, didn't have community involvement. Those that opted out, had community involvement.
- Dangerous near schools, afraid of allowing.
- This seems to be all about money, wait and see what other communities are doing
- Is there an increase in crime leading to the need for additional police?
- The Real Estate industry is opposed to marihuana.
- Cities are postponing recreational and opting in for medical.
- Be mindful of potential noise, smoke, odor.
- Those community members who need medical marihuana have to travel many miles to purchase, or it is purchased illegally here.
- The people of Big Rapids voted in favor of legalizing marihuana.

A letter (attached) was received from Brian Thiede, Mecosta County Prosecuting Attorney, who wanted to share his thoughts concerning the open selling of marihuana. He believes that there will be an increased need for additional Police enforcement and believes that FSU should be buffered from and marihuana establishments.

Priebe has found no major issues or concerns in the communities that she researched, but she is willing to do more research if needed.

The Commission decided that they would like more research and discussion and would like to hold a special Planning Commission meeting on August 31, 2019. After this meeting it is hoped that enough information will be given to finalize the draft amendment to the Zoning Ordinance and at the August meeting recommendation can be made to the City Commission for their September meeting.

### **830 Water Tower**

Construction nearly finished and some tenants have moved in to the completed units. There will be an event held when all complete.

**There being no further business, Acting Chairperson Vogel closed the meeting at 8:20 PM with all in favor.**

Respectfully submitted,

Cynthia J. Plautz  
 Planning Commission Secretary

**CITY OF BIG RAPIDS  
SPECIAL  
PLANNING COMMISSION MINUTES  
July 31, 2019**

Vise-Chairperson Chris Jane called the July 31, 2019, meeting of the Special Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Josh Foor, Paul Jackson, Chris Jane, Rory Ruddick, Tim Vogel, Bill Yontz

**EXCUSED** Renato Cerdena

**ABSENT**

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator  
Jim Eddinger, Public Safety Director  
Eric Williams, City Attorney

There were 13 people in the audience.

**APPROVAL OF MINUTES**

None

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

None

**PUBLIC HEARING**

None

**GENERAL BUSINESS**

**Review of the Draft Ordinance Amendment for Marihuana Establishments**

Priebe reviewed her staff report saying that the on-going discussion of zoning for marihuana establishments continues. She has prepared a draft Zoning Ordinance Amendment for

Marihuana Facilities based on previous Planning Commission conversations and from ordinances already in place in other communities.

The three areas of the Zoning Ordinance to be amended are as follows:

- 1) Article 2 Definitions – adds definitions for the relevant marihuana-related terms.
- 2) Article 3 District Regulations – adds marihuana establishments as Principal Uses or Special Land Uses to the chosen districts - subject to conditions.
- 3) Article 11 Use Standards – adds the conditions for marihuana establishments and includes general conditions that apply to all marihuana establishments as well as specific conditions for uses in the Commercial Districts and in the Industrial District.

The Zoning Ordinance will apply to all potential marihuana establishments for both medical and recreational marihuana.

Priebe reviewed a time line saying that at the August 21<sup>st</sup> Planning Commission meeting, a Public Hearing will be held on the proposed Zoning Ordinance amendment and the Commission will make a recommendation to the City Commission. They will consider the recommendation at one of their September meetings. The City Commission will be responsible for writing a Marihuana Establishment Licensing Ordinance and vote for or against permitting marihuana businesses in October.

At this meeting, the buffer zone, signage for marihuana businesses and whether or not to allow marihuana businesses in the downtown will be discussed.

### Buffer Zone

In previous buffering discussions, the Commission identified 500 ft. from K-12 schools as appropriate. Whether or not to include Ferris State University in the buffering area has not yet been decided. Maps have been provided to show the properties that would be available for marihuana establishments if FSU and the golf course area are either included, or not included, in the 500 ft. buffering area. Additional maps showing a 1,000 ft. and 750 ft. buffering zone are in the process of being made but are not yet available. The maps will not be a part of the Ordinance.

The Commission discussed which of the suggested buffering options they would like included in the Zoning Ordinance and they agreed upon letter A) No such facility shall be situated within 500 ft. of a K-12 school, public or private. This decision could still be changed at other public hearings if FSU decides they would like to be buffered.

## Signage

State law says that municipalities may establish reasonable restrictions on public signs related to marihuana establishments. Priebe provided 4 options, but currently the draft Zoning Ordinance follows:

- (A) Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to two signs per establishment:
- i. One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet.
  - ii. One free-standing sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) square feet in area nor 12 feet in height.

The freestanding sign language is included in consideration of Perry Street businesses. The Commission discussed the height of free-standing signs and decided that lower signs are better than tall signs. But, decided to only allow one sign per marihuana establishment which could be either one wall sign or one free standing sign. They also discussed illumination of signs, and digital/scrolling signs and decided not to allow. The Commission decided that option A should read as follows:

- (A) Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to one sign per establishment, either:
- i. One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet, OR
  - ii. One free-standing sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) square feet in area nor 4 feet in height,

The option will be updated to include language that prohibits digital/scrolling and illumination.

## Downtown

There has still not been a lot of conversation/feedback from the DBA concerning whether or not to allow marihuana establishments in the downtown. Priebe will attend the DBA meeting on August 6<sup>th</sup> and will review the proposed Ordinance giving them another opportunity to weigh in on whether or not to allow marihuana establishments in the downtown.

In her research of other communities (Ewart, Niles and Ferndale), Priebe found that 2 communities elected not to allow marihuana establishments in the downtown and one was prohibited due to the presence of a downtown day care center. She advised that the decision

should be based on what is best for our community. The other communities followed a similar process to ours where the Planning Commission held meetings. They also held community visioning meetings but did not necessarily focus on zoning.

Vogel suggested the use be prohibited in the downtown as this is a new concept, and perhaps if it seems fitting, could be added in the future. Foor agreed.

The downtown could allow medical and recreational retail, but the Commission was not in favor of allowing Designated Consumption Establishments in the downtown. Jane added that consumption could be ruled out in the C-2 district but could be left in for the other districts.

Jane noted the proposed amendment to Article 11, #2 did not include anything about odor. Priebe said that odor is addressed for Industrial uses. If the Designated Consumption Establishments are allowed, they would have to be monitored for odor also. She will add odor control in #1 of Article 11 for all businesses.

The marihuana establishments would be regulated so that business is kept out of sight of passersby. There could be a waiting room up front and each patron could go to the back, or out of sight to accomplish their transaction.

Vogel added that the public hearing will allow more community opinions to be heard. He suggests a conservative approach.

Ruddick feels that if retail is allowed in other commercial areas, then it should be allowed in all commercial. Jane said he sees his point, but also sees reason to hold off in the downtown area. Foor said marihuana establishments do not fit the vision of a family friendly downtown.

As the Commission was taking a conservative approach to allowing marihuana establishments in the downtown, Priebe said she will take 3.10:2 (3) (j) (the C-2) out of District Regulations in Article 3.

It was determined that hours of operation should be from 9:00 a.m. to 9:00 p.m.

Foor was still interested in the Planning Commission making a recommendation to the City Commission that the City wait 3 years to see what happens elsewhere before permitting. Jackson added that if the City Commission opts in, there is no good way of opting back out.

Williams stated that the Planning Commission needs to make the amendment to the Zoning Ordinance as the City Commission requested and if warranted, could make the other recommendation later.

Priebe added that the Zoning Regulations will cover both medical and recreational establishments. The City Commission could consider medical now and recreational later if they choose.

Ruddick asked about Priebe's review of other communities that allow marihuana establishments and what their experience has been thus far. Lansing has a Grow Facility and Evart has a Provisioning Center with a Growing Facility to open soon. These establishments could be visited if any Commissioner wished to view them first hand. Priebe also reported that of those who have allowed marihuana establishments, they say things are going well. They are community minded in that they give back to the community, which in turn, spurs the giving nature of additional community businesses.

Eddinger said he spoke with the Police Chief from Adrian who reports no increase in crime since they have allowed marihuana establishments. They have 3 to 4 businesses open and have not seen any dramatic changes in the community. He said we can't really compare Big Rapids to Colorado or California. The black market will still be present. There has not been a study done as to the consequences of allowing marihuana establishments. Williams found through his research, that there has not been an increase in municipal enforcement activities due to allowance of marihuana establishments in other communities, and they have not had to hire additional personnel. However, there is an increase in clerical involvement due to licensing procedures.

#### Remarks from the Audience

Bill Routely, 1491 Catherine Street, wondered why churches and day care centers were not being buffered.

Annette Jackson, 229 Mill Street, wondered about public education offices and if they should be buffered. She also said that the MOISD has an office downtown and wasn't sure how old the students who attended are, but that the MOISD is very strict about drugs and even frown upon the use of mouthwash containing alcohol.

Monica Pittiglio, 19700 14 Mile Road, said she would like the Commission to reconsider their stance on eliminating marihuana establishments in the C-2 (downtown). She reported that the only dispensary is located 25 miles away in Evart and thinks it is not fair to people who rely on medical marihuana – especially the elderly in our retirement facilities. Allowing marihuana establishments in the downtown could bring people from miles away to our city, who would most likely spend money at other local businesses.

Jesse Cocking, 222 S Michigan Avenue, he is part owner of Lighttouch Tattoo and sees no issue and has no fears about marihuana establishments in the downtown. However, he is not in favor of Designated Consumption Establishments in the downtown.

Jerry Boman, 302 S Stewart, stated that he would be in favor of marihuana establishments in the downtown and agreed with Pittiglio. With the senior living buildings located downtown he thinks the elderly could benefit from the proximity to available medical marihuana. He stated that those that attend the downtown MOISD are 18 years of age and older. He favors closing the businesses at 9:00 or sooner and would not like to see the sale of marihuana available in bars.

The Commission discussed baking marihuana into eatable items and Priebe said those interested in this type of business would have to get a Special Use Permit for a home-based business.

There being no further business Vice Chairperson Jane closed the Planning Commission at 7:45 p.m. with all in favor.

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary



**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
August 21, 2019**

Chairperson Jane called the August 21, 2019, meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Renato Cerdena, Josh Foor, Paul Jackson, Chris Jane, Rory Ruddick, Bill Yontz

**EXCUSED** Tim Vogel

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator  
Eric Williams, City Attorney

There were 23 people in the audience.

**APPROVAL OF MINUTES**

**Motion was made by Bill Yontz, seconded by Paul Jackson, to approve the minutes of the July 17, 2019, meeting of the Planning Commission as presented.  
Motion passed with all in favor.**

**Motion was made by Bill Yontz, seconded by Rory Ruddick, to approve the minutes of the July 31, 2019, special meeting of the Planning Commission as presented.  
Motion passed with all in favor.**

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

None

**PUBLIC HEARING**

**Rezoning Application for 415 N State Street from Restricted Residential District (RR) to Commercial 3 District (C-3).**

**Staff Report**

Priebe reviewed her staff report saying that the owner Michael Erlewine is applying to rezone his property at 415 N State from RR to C-3. This type of rezoning can also be called a Map

Amendment as it is a request to change the zoning of a property from one type to another type to permit a change of use. She explained that the RR District is designed as a transitional area between Commercial and Residential use. Both Residential and C-3 uses are allowed. The C-3 District is the most open to business that involves a significant amount of traffic.

This property has a history of being combined with the adjacent property and both being used as Commercial. A large accessory building was added at one point. Then the property was split again with one becoming Commercial and the other Residential.

### **Applicant Statement**

Realtor Spencer Pratt spoke for the applicant saying that the City's Master Plan's Future Use Map shows this area as Commercial and it makes more sense for it to be zoned C-3. The property to the north is a rental and taxes would be less if this property could be sold as a Commercial property. He believes that the C-3 would accommodate developing Commercial use.

Chairperson Jane opened the Public Hearing portion of the meeting at 6:39 PM.

### **Those Who Spoke in Favor:**

Jack Frizzell, 19787 Park, Big Rapids, stated that he owns property across the street that is zoned Commercial and this request makes sense to him.

**Those Who Spoke in Opposition:** None heard.

### **Telephonic or Written Correspondence Received by Staff:**

Priebe reported receiving two phone calls:

Mary Smith from 407 N State inquired as to the process. She did not object.

A property owner from across the street stated that he was against the rezoning. He believed rezoning to Commercial would create more traffic which he viewed as a problem.

### **Chairperson Jane closed the Public Hearing at 6:42 PM and the Commission entered into Fact Finding.**

Foor asked about the Future Land Use Map and what the goals were for this use. It doesn't align with the current Zoning Map. Both Commercial and Restricted Residential fit in with the Future Land Use Map as it is. Public Safety was not consulted regarding the proposed zoning change. There are no current code violations on this property. Jackson asked how the surrounding

properties were used. There is a mix of Commercial and Residential use as is allowed in the R/R.

Staff recommends denial of the request as it would be in violation with the Zoning Ordinance in which this area is intended as a transitional district.

**Motion**

**Motion was made by Bill Yontz, seconded by Paul Jackson to deny the rezoning application for 415 N State Street to re-zone from RR to C-3 because it does not meet Standard 14.2:4 (1) of the Zoning Ordinance.**

**Motion passed with Renato Cerdena, Josh Foor, Paul Jackson, Chris Jane, Rory Ruddick and Bill Yontz in favor.**

**PUBLIC HEARING:**

**Text Amendment to the Zoning Ordinance to add Regulations for Marihuana Businesses**

Priebe reported that a “listening session” will be held September 23, 2019 to hear the community’s opinions on the marihuana proposals.

Priebe explained that as a part of the on-going marihuana zoning discussions, the Planning Commission’s role in drafting Zoning Ordinance language for marihuana businesses concludes at this meeting with a recommendation to the City Commission. Included in the Staff Report is a draft amendment to the Zoning Ordinance concerning zoning for marihuana businesses.

Amendments will be made to the following:

- Article 2 Definitions which adds definitions for the relevant marihuana-related terms,
- Article 3 District Regulations which will add retailers, safety compliance facilities, microbusinesses, and designated consumption establishments in the C-1 and C-3 as Principal Uses, and will add growers, excess growers, processors, safety compliance facilities and secure transporters in the Industrial District as Special Land Uses, and
- Article 11 Use Standards, which will add the conditions for marihuana establishments. It will include general conditions that apply to all marihuana establishments as well as specific conditions for uses in the Commercial districts and in the Industrial district.

At the last meeting the Planning Commission decided to take the C-2 district out of the areas where marihuana businesses were permitted. The Downtown Business Association was approached again, and the director took a head count as to the Board’s and members’ thoughts. Twenty-two were in favor of allowing marihuana businesses in the C-2, 19 had no opinion and 7 were opposed.

Tours were offered of some marihuana establishments in Evart and some of those that toured the facilities changed their minds as to the operations. The consensus is that the DBA would now be in favor of allowing in the C-2 district.

Priebe spoke with FSU President Eisler about the pros and cons and because the University receives Federal Funds, their ruling is that no marihuana is allowed on campus. He stated that it was not FSU's place to weigh in on the City's decisions regarding marihuana.

The Planning Commission is asked to make a recommendation to the City Commission tonight and they will discuss it at their September 3rd meeting.

**Applicant Statement:** None

**Chairperson Jane opened the Public Hearing portion of the meeting at 6:55 PM**

**Those Who Spoke in Favor:**

Zack Deubel, 402 S Warren, stated he is the President of a responsible use of drugs group at FSU and reported that Big Rapids citizens voted in favor of allowing marihuana businesses in Michigan. He feels we need to move forward on allowing the businesses in Big Rapids. He is concerned that the money the City could be making will be going to other communities.

Scott Herron, 421 Green Street, stated that he is in favor of allowing marihuana businesses in Big Rapids. The young people are attracted to it and they will have to go to Grand Rapids or other communities a distance away. He is afraid they will smoke and drive back to Big Rapids where as if allowed to purchase here, they would just go to their homes and smoke or consume it. He is concerned about their safety. The money to be made would also go out of the community. He would also like to see some of the students who have degrees useful to some of the marihuana businesses such as the testing centers, stay in Big Rapids to work. They would not be able to work on campus in labs due to marihuana not being legal on the Federal level. He is concerned as to the quality of the end product. If not tested, how do people who take it for medical reasons know it is of a certain quality?

Michael Williams, Morley, wanted to thank the Planning Commission and said the zoning plan looks good.

Monica Pittigleo, 19700 14 Mile Road, said the Planning Commission is doing a great job. She is glad to see Perry Avenue on the map and would like the zoning to include the C-2. If alcohol is allowed downtown she sees no reason not to allow marihuana.

Lori Brock, 21750 19 Mile Road, stated she is happy to see the progression and would like to see the marihuana businesses allowed in Big Rapids. Currently, money to be made is going to Evart and Reed City. She is in favor of allowing marihuana businesses in the C-2 district and she has

found that a lot of Big Rapids citizens she has spoken to are in favor as well. She feels the Canoe Livery area should be C-3.

Jerry Bowman, 302 S Stewart, stated that he is in favor of marihuana businesses in the downtown. He agreed that the canoe livery area should be zoned C-3.

**Those Who Spoke in Opposition:** None heard.

**Written or Telephonic Correspondence Received by Staff:**

Priebe received phone calls about the ordinance process, but nothing specific. Most of the questions were concerning the map.

**Chairperson Jane closed the Public Hearing at 7:08 and the Commission entered into Fact Finding.**

Yontz wanted to make sure that the C-3 district would be added into the District Regulations language per 3.11:2 (1) as a Permitted Use (Any use permitted in the C-1 or C-2 Commercial Districts).

While looking at the suggested additions to Article 2, Definitions, the Commission was in agreement that Designated Consumption Establishments should remain in the definition section but if the C-2 district were to be added back into the language as a district where certain Marihuana establishments are allowed, Designated Consumption Establishments should be excluded in the C-2 district.

Under the Use Standards section, Priebe pointed out that the changes outlined in the preceding meeting to the Sign Regulations, 11.1:29 (e) have been made.

Priebe stated that this amendment to the Zoning Ordinance covers both Medical and Recreational use of marihuana – there is no distinction made between the two in the Zoning Ordinance. Purchasers of Medical Marihuana need a card from the State and those interested in purchasing Marihuana for recreational purposes need to be 21 years or older. It is up to the City Commission to decide to accept the Planning Commission recommendation as prepared, or they have the prerogative to make changes as they see fit. They will also decide on the number of establishments to allow along with any other licensing regulations.

Foor asked about the possibility of tabling the recommendation to allow more time for study of other communities who have or will allow Marihuana Establishments. Priebe added that it would delay the timeline and the City Commission has asked the Planning Commission for this recommendation.

The Commission discussed whether or not to add the C-2 district back into the District Regulations where Marihuana Establishments that are retailers, safety compliance facilities, or microbusinesses are a Permitted Use. Some thought it should be a decision for the DBA to make. Others thought the City Commission should weigh in to whether or not to include the C-2 district and also whether or not to allow consumption in the C-2.

Attorney Williams stated that the Planning Commission can make a recommendation to the City Commission for the amendment as it is presented and can also recommend they consider adding the C-2 and consumption back into the Amendment.

Foor again asked if the Planning Commission could recommend the City Commission wait to make a decision. Jane stated there isn't a reason to wait – voters have made their choice and we haven't seen any negative affects to those communities that have already opted in. Jackson was also hesitant as once we are opted in, we are in, and if we opt out, we could always revisit. The other members were not in favor of waiting to make their recommendation.

### **Motion**

**Motion was made by Bill Yontz, seconded by Rory Ruddick to recommend the Zoning Ordinance Amendment for Marihuana Businesses, as attached, to the City Commission for adoption with the following recommendation that they consider inclusion of marihuana establishments that are retailers, safety compliance facilities, or microbusinesses subject to the conditions of Section 11.1:29 as a Permitted Use in the C-2 District and consider whether or not to allow Designated Consumption Establishments in the C-2.**

**Motion Passed Unanimously with Renato Cerdena, Josh Foor, Paul Jackson, Chris Jane, Rory Ruddick and Bill Yontz in favor.**

### **GENERAL BUSINESS**

Priebe reported that there will be a Downtown Open House which is open to the Community on September 9, 2019, between 4:00 and 6:00PM, at Artworks to help establish a future vision for Downtown Big Rapids.

**There being no further business, Chairperson Jane closed the meeting at 7:40 PM with all in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
September 18, 2019**

Chairperson Jane called the September 18, 2019, meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Renato Cerdena, Josh Foor, Paul Jackson, Chris Jane, Tim Vogel, and Bill Yontz

**ABSENT** Rory Ruddick

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator

There were 3 people in the audience.

**APPROVAL OF MINUTES**

**Motion was made by Tim Vogel, seconded by Bill Yontz, to approve the minutes of the August 21, 2019, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

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

None heard.

**PUBLIC HEARING**

**Site Plan Review for 804 S State Street – Burger King Drive Through Improvements**

**Staff Report**

Priebe reviewed her staff report saying that the applicant, J.S.R. Construction has submitted a Site Plan Review application to modify the drive-thru from a single lane to a double lane. The property is located in the C-3 District and the Burger King building was originally approved in 1997.

The Site Plan was reviewed by the Mecosta County Building Inspector who had no comment due to the nature of the request. Deputy Director Steve Schroeder reviewed the plan and found no issues that would affect fire department safety concerns. Public Works Engineering Technician

Matt Ruelle determined that the project is exempt from stormwater review as there is no increase in size of the building. A review by Paula Priebe, Neighborhood Services Director, identified a decrease in the number of parking spots available and in the amount of landscaping, however, she believes the Site Plan to be in compliance with the Ordinance.

The Site Plan has been approved by City Staff.

**Applicant Statement**

Owner Kevin #####, of Real King, LLC, 109 E Broadway, Mt. Pleasant, MI 48858, stated that he also owns the Burger King in Reed City and the Big Rapids Qdoba. The building was remodeled 3 years ago and now the Burger King Corporation is requiring the drive-thru expansion to keep up to date and to be able to compete with McDonalds by offering speedier service. They will be doing the same in Reed City also. If approved tonight, he estimates that the project would be complete by approximately October 14, 2019.

Audience member Pat Cady asked if there would be a need to close Clark Street for the construction. There will be no need.

Yontz asked if the whole parking lot will be repaved. Only the portion designated on the Site Plan will be repaved. The applicant added that the back portion of the parking lot is wet due to artesian wells.

Chairperson Jane opened the Public Hearing portion of the meeting at 6:38 PM.

**Those Who Spoke in Favor:** None heard.

**Those Who Spoke in Opposition:** None heard.

**Telephonic or Written Correspondence Received by Staff:** Betty Goldammer, 220 Morrison, stated that whatever helps people get through the drive-thru faster is good.

**Chairperson Jane closed the Public Hearing at 6:39 PM and the Commission entered into Fact Finding.**

Vogel asked if the stacking of cars will interfere with street traffic. The applicant stated that there are a lot of cars that enter off of Clark Street and they will now have to go all the way around the building to get in line for the drive-thru. Vogel asked if Morrison will be affected by the stacking and the applicant said he can't tell at this time. Traffic will be directed with clearance signs. Trucks and cars with trailers will be directed to use the outside lane. The applicant added that they will have to hire more people to man both lanes. They would make the improvement at this location even if corporate did not require them to do so.



Foor wanted clarification on the number of parking spaces needed. Priebe said they are based on the number of patron seating and number of employees required to man the busiest shift. There is actually less seating than there was when the building was originally built, and the parking regulation is satisfied.

**Motion**

**Motion was made by Tim Vogel, seconded by Bill Yontz, to approve the Site Plan Review for drive-thru improvements for the Burger King at Parcel #17-15-436-001, 804 S. State Street, because it meets all of the Criteria for Review set forth in Section 9.6 of the Zoning Ordinance.**

**Motion passed with Renato Cerdena, Josh Foor, Paul Jackson, Chris Jane, Tim Vogel, and Bill Yontz in favor.**

**GENERAL BUSINESS**

Review of Neighborhood Services Fee Schedule

As the Neighborhood Services Fee Schedule has not been updated for many years, Priebe identified a need to do so. She pointed out that the goal is not to make a profit but to simply cover costs of providing the permits and zoning services. A comparison table was created that compares fees charged for similar permits/services in other communities. Communities of similar size and characteristics were reviewed, and it was found that Big Rapids' fees were significantly less than charged elsewhere. The comparison cities included Sault Ste Marie, Ludington, Mt Pleasant, Marquette, Cadillac and Douglas.

According to the City Treasurer, Neighborhood Services collects between \$1,500 and \$2,000 in fees annually. If the City decides to opt into allowing marihuana establishments, these fees will go up. The fees go into the General Fund. The City also needs to be careful not to discourage development.

A new fee of \$200 for holding a Special Meeting was added when it was deemed necessary outside of our regular schedule. The Commission thought that it would not be fair to charge someone the fee if the Special Meeting was needed due to circumstances such as lack of a quorum. They would like to be able to waive the fee in the event the Special Meeting is needed for reasons beyond the applicant's control.

**MOTION**

**Motion was made by Bill Yontz, seconded by Paul Jackson, to recommend the City Commission pass a resolution adopting the new Neighborhood Services Fee Schedule**

**(attached) with the addition of allowing the Special Meeting Fee to be waived when it is not the applicant's fault for calling the Special Meeting.**

Annual Organizational Meeting

The Bylaws and Rules of Procedure for the City of Big Rapids Planning Commission call for an annual organizational meeting to be held each September at which time Officers shall be selected for the next year.

The Recording Secretary is appointed by the City Manager. Cindy Plautz will remain as the Recording Secretary.

**MOTION**

**Motion was made by Josh Foor, seconded by Tim Vogel, to nominate Chris Jane as Chairperson.**

**Motion was made by Chris Jane, seconded by Bill Yontz, to nominate Paul Jackson as Vice-Chairperson.**

**Motion was made by Chris Jane, seconded by Tim Vogel to nominate Bill Yontz as Secretary.**

**As all accepted their nominations, the motions passed unanimously with Renato Cerdena, Josh Foor, Paul Jackson, Chris Jane, Tim Vogel and Bill Yontz in favor.**

**UNSCHEDULED BUSINESS**

Foor made a suggestion that perhaps it would be easier for people to volunteer to serve on City Boards if childcare was made available.

Priebe reported that she received a letter from Big Rapids Township concerning their intent to update their Master Plan. As part of the requirement for the State to accept the Plan, they have to provide a copy for the Planning Commission to review and make comments. Priebe will email the Intent to Plan notice to all Planning Commission members.

Priebe thanked those that were able to attend the Downtown visioning session and is looking for volunteers to serve on a Steering Committee to give feedback to the City's consultant - the SmithGroup. They will meet one or two times.

Chris Jane and Josh Foor have volunteered to serve, and the first meeting will be held in the morning of October 14<sup>th</sup>.

A consultant is looking into how to use the Depot on Maple Street if it is acquired from the DNR, and a State Senator is introducing a bill to ask the DNR to sell the property to the City for one dollar. After the consultants submit their suggestions, a taskforce meeting will be held.

**There being no further business, Chairperson Jane closed the meeting at 7:10 PM with all in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
October 16, 2019**

Chairperson Jane called the October 16, 2019, meeting of the Planning Commission to order at 6:32 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Renato Cerdena, Rory Ruddick, Tim Vogel, and Bill Yontz

**EXCUSED** Josh Foor

**ABSENT** Chris Jane, Paul Jackson

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator

There were 2 people in the audience.

**APPROVAL OF MINUTES**

**Motion was made by Bill Yontz, seconded by Rory Ruddick, to approve the minutes of the September 18, 2019, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

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

None heard.

**PUBLIC HEARING**

**Zoning Ordinance Text Amendment Application to Permit Construction Equipment Sales, Service and Rental in the Industrial District.**

Staff Report

Priebe reviewed her staff report saying that the applicant, Tarbert Properties, LLC, is applying for the Zoning Ordinance Text Amendment as they are interested in purchasing 123 N DeKrafft for use as a MacAllister Rentals Store. The property is located in the Industrial District which currently does not specifically list this type of use as a Permitted Use. A similar use is allowed in the C-3 District, but staff believes it is a better fit in the Industrial District due to the nature of

the business. Applying for the Zoning Amendment would add this type of use as a Permitted Use which would take away any ambiguity. In reviewing other city's Zoning Ordinances, this type of use is allowed in their Industrial Districts as well.

The Planning Commission was asked to review the request and decide if they agree with the staff recommendation to adopt the Zoning Ordinance Amendment to permit Construction Equipment Sales, Service, and Rental in the Industrial District, as it meets the standards for review found in Section 14.2:4 of the Zoning ordinance. Or, if they prefer, another option would be to allow this use in the Industrial District as a Special Land Use. Priebe pointed out that a Special Land Use would require the applicant to go through another application process and Public Hearing and it would take an additional amount of time.

Priebe reviewed the Standards for Zoning Amendment Review found in Section 14.2:4. They are as follows:

The planning Commission and City Commission shall consider the request for an amendment to the Zoning Ordinance in accordance with the following standards:

- 1) The use requested shall be consistent with and promote the intent and purpose of this Ordinance.
- 2) The proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment, and the capabilities of public services affected by the proposed land use.
- 3) The land use sought is consistent with the public health, safety, and welfare of the City of Big Rapids.
- 4) The proposed use is consistent with the City Master Plan or determination that the plan is not applicable due to a mistake in the plan, changes in relevant conditions, or changes in relevant plan policies.

Priebe also mentioned that the use would be subject to the following Conditions if recommended:

- 1) Outdoor display and storage of equipment shall conform to the lot, yard, and area requirements of the I – Industrial District.
- 2) Equipment stored outdoors may be stored up to 40 feet in height
- 3) All service activities shall be conducted completely within an enclosed building.
- 4) Interior site circulation shall be planned in such a manner that any trucks, tractors, cranes, or any other large construction related vehicles shall not protrude into any road right of way during ingress or egress from the site.

Priebe mentioned that the 40-foot height maximum was added per the applicant's request.

## **Applicant Statement**

Joe Fimbinger, General Manager, Tarbert Properties, LLC, gave a history of the company saying it began in 1945. As construction equipment is very expensive, contractors are opting to rent equipment for their jobs rather than buying it. This use has increased in recent years so that they now have 12,000 pieces of equipment available. As transportation of the rented equipment is expensive, they look to locate in unrepresented areas and offer services local services keeping the rental costs lower for their customers. They have a company in Traverse City and one in Byron Center, but nothing in between.

Fimbinger said that they plan to partner with Ferris State University and offer internships to those in the University's Construction Management, Diesel Technician, and Heavy Equipment programs. This partnership will help the students as well as the company as they have trouble finding qualified employees and they are hoping that the exposure will entice applicants.

Ruddick mentioned that they use MacAllister for their needs at Bouma (his place of employment) and they are a good company to work with.

The applicant said that the company will occupy the whole site and would eventually like to build a structure in which to wash the equipment.

**Acting Chairperson Vogel opened the Public Hearing at 6:57 PM.**

**Those Who Spoke in Favor of the Request:** None heard.

**Those Who Spoke in Opposition of the Request:** None heard.

**Written or Telephonic Communication Received by Staff:** None.

**Acting Chairperson Vogel closed the Public Hearing at 6:58 PM and the Commission entered into Fact Finding.**

Yontz was in favor of the Text Amendment and believes it will bring people into the City and perhaps be a catalyst for young people to stay in the area.

Priebe asked the Commission to consider whether this use should be Permitted Use or a Special Land Use in the Industrial District.

The Commission reviewed the Standards for Zoning Amendment Review and determined that all 4 Standards were met. They are in favor of the *Permitted Use* over the *Special Land Use*.

Vogel asked that the definition of *construction equipment* be added to the Zoning Ordinance.

When asked about the need for the 40-foot height limit, Fimbinger said that they don't carry the bigger cranes but said for safety and compact use of space they store their cranes at a 45 degree upward angle. It is a security measure to deter unwanted activity.

Fimbinger also said that they participate in benefitting the communities in which they are located.

Vogel again asked about the Special Land Use designation and Priebe said that it is more of a process for the applicant. They must apply, pay a fee, have a site plan and conform with the 6 Standards. It is reviewed by staff and then goes to the Planning Commission for review and recommendation at a Public Hearing.

Vogel reiterated that the Commission agrees that the request meets the Standards for a Permitted Use outlined in Section 14.2:4 of the Zoning Ordinance and agrees with the Conditions that must be met as found in Section 11.1:30 of the Zoning Ordinance.

### **Motion**

**Motion was made by Bill Yontz, seconded by Rory Ruddick, to recommend the Zoning Ordinance Text Amendment Application to permit Construction Equipment Sales, Service and Rental in the Industrial District as a Permitted Use be adopted as it meets all of the Standards for Review set forth in Section 14.2:4 of the Zoning Ordinance. The text to be added reads as follows:**

#### **To be added to the List of Definitions in Article 2.2:90**

**Construction Equipment Sales, Service, and Rental – Retail establishments selling or renting light or heavy construction equipment, as well as performing maintenance on that equipment. Examples of this equipment include skid steers, backhoes, dozers, and industrial forklifts.**

#### **To be added to the List of Uses in the I - Industrial District:**

##### **Section 3.12:2 (14) Permitted Uses**

**“Construction equipment sales, service, and rental, subject to the conditions of Section 11.1:30.”**

#### **To be added to the Conditions in Article 11.1:30**

**Construction equipment sales, service, and rental may be permitted in the Industrial District under the following conditions:**

- 1) Outdoor display and storage of equipment shall conform to the lot, yard, and area requirements of the Industrial District.**
- 2) Equipment outdoors may be stored up to 40 feet in height.**

- 3) All service activities shall be conducted completely within an enclosed building.
- 4) Interior site circulation shall be planned in such a manner that any trucks, tractors, cranes, or any other large construction related vehicles shall not protrude into any road right of way during ingress or egress from the site.
- 5) Uses shall produce no detectable objectionable dust, fumes, or odors at any property line.

**Motion passed with Renato Cerdena, Rory Ruddick, Tim Vogel, and Bill Yontz in favor.**

**UNSCHEDULED BUSINESS**

Priebe updated the Commission on the status of the marihuana recommendation made to the City Commission saying that they passed both the Medical and Recreational Marihuana business uses and prohibited consumption establishments. They added the C-2 District as an eligible location for retail establishments. The procedures and application documents are currently being created.

**There being no further business, Acting Chairperson Vogel closed the meeting at 7:13 PM with all in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary



**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
November 20, 2019**

Chairperson Jane called the November 20, 2019, meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Renato Cerdena, Josh Foor, Chris Jane, Rory Ruddick, Tim Vogel, and Bill Yontz

**EXCUSED**

**ABSENT** Paul Jackson

**ALSO PRESENT** Paula Priebe, Neighborhood Services Director  
Cindy Plautz, Neighborhood Services Coordinator  
Mark Gifford, City Manager

There were 4 people in the audience.

**APPROVAL OF MINUTES**

**Motion was made by Tim Vogel, seconded by Bill Yontz, to approve the minutes of the October 16, 2019, meeting of the Planning Commission as presented.**

**Motion passed with all in favor.**

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

None heard.

**PUBLIC HEARING**

**Zoning Ordinance Text Amendment Application to Clarify that the Setback Requirement for Marihuana Establishments is 500 feet from K-12 Schools, Public or Private, Measured in a Straight Line from Property Line to Property Line.**

**Staff Report**

Priebe reviewed her staff report saying that the City Commission accepted the Planning Commission's recommendation on medical and adult-use marihuana businesses in the City and adopted a series of Ordinances which establish the regulations and zoning provisions for

marihuana business. After a number of conversations with those wishing to establish a marihuana business in the City, staff realized a need for clarification on the set back requirements. Questions arose as to where the 500 feet from a K-12 school, public or private was to be measured from, the building or the property line.

In previous Planning Commission and City Commission discussions, it was clear that the 500 feet should be measured from property line to property line, but this was not specified in the ordinance. The proposed amended language for Ordinance No. 752-10-19 would read as follows:

(d) No such facility shall be situated within 500 feet of a K-12 school, public or private, **measured in a straight line from property line to property line.**

Standards for Zoning Amendment Review found in Section 14.2:4 are as follows:

The planning Commission and City Commission shall consider the request for an amendment to the Zoning Ordinance in accordance with the following standards:

- 1) The use requested shall be consistent with and promote the intent and purpose of this Ordinance.
- 2) The proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment, and the capabilities of public services affected by the proposed land use.
- 3) The land use sought is consistent with the public health, safety, and welfare of the City of Big Rapids.
- 4) The proposed use is consistent with the City Master Plan or determination that the plan is not applicable due to a mistake in the plan, changes in relevant conditions, or changes in relevant plan policies.

The Planning Commission is asked to make a recommendation to the City Commission.

**Chairperson Jane opened the Public Hearing at 6:34 PM.**

**Those Who Spoke in Favor of the Request:** None heard.

**Those Who Spoke in Opposition of the Request:** None heard.

**Written or Telephonic Communication Received by Staff:** None.

**Chairperson Jane closed the Public Hearing at 6:35 PM and the Commission entered into Fact Finding.**

Vogel stated that the Planning Commission has talked about this before and they agreed that the 500-foot set back should be measured from property line to property line.

## **Motion**

**Motion was made by Bill Yontz, seconded by Rory Ruddick, to recommend that Section 11.1:29 (1) (d) of the Zoning Ordinance be amended to read as follows:**

***“No such facility shall be situated within 500 feet of a K-12 school, public or private, measured in a straight line from property line to property line.”***

**Because it meets the Standards set forth in Section 14.2:4 for Zoning Amendment Review.**

**Motion passed unanimously with Renato Cerdena, Josh Foor, Chris Jane, Rory Ruddick, Tim Vogel, and Bill Yontz in favor.**

## **GENERAL BUSINESS**

### **Rezoning of 906 N State Street**

The former Hanchett Property at 906 N. State St. is zoned Industrial and has been for sale for a while. The City questions whether they should leave it as Industrial or change the zoning to fit the use that has been identified as preferable by the community, and to align with the SmithGroups concepts of a mixed use of commercial and residential. Currently, there is interest in the site for a marihuana grow facility which can only be located in an Industrial district. An offer to purchase has been received by the City for this proposed use.

Gifford added that there is no written protocol as to how to handle this request and he asked the Planning Commission to weigh in on the zoning issue. The offer to purchase the property for \$235,000 by Jerry Bowman was forwarded to the City today.

Randy Ostrander, the City’s realtor for the property, added that the offer is contingent on the buyers ability to sell his property in Columbus Township and be able to take advantage of a tax deferred “1051”, have sketch plans approved, have taxes re-evaluated to the purchase price, and to be able to remove the fence on the north end of the property so the river can be viewed. Bowman added that he would need 45 days for the sale of his property.

The property was purchased by the City for \$550,000 and the Hanchett building was demolished and remediation of hazardous materials was performed. The City listed the property for sale at \$350,000.

Ruddick commented that there has been a lot of discussion on this property and the discussion should be based on what the City and the community would like to see at this site.

Bowman added that if his offer to purchase the property is accepted, he would like to split the property for Industrial and Commercial use. He would like to split off the north notch of the

property that is within 500 feet of St. Mary's school, so the grow facility could be located to the north. He added that he came up with the offer price based on the only other comparable property in Big Rapids. Priebe noted that the location of the grow facility to the north of the property would require trucks to traverse through the property.

Priebe added that the property would need to be zoned R-3 to be a PUD. She would eventually like to reevaluate the PUD regulations to allow them in other districts. She added that historically, student rental use of this property has not been favorable.

Gifford stated that at some point, the Planning Commission will need to make a recommendation to the City Commission as to what to do with this offer. Vogel stated that he would like to continue in the direction that was identified (mixed use) as ideal and not approve the offer. Yontz, Ruddick, and Jane agreed. Priebe stated that City staff should not dictate but rather follow the process of the Planning Commission making a recommendation to the City Commission for their decision. Staff will work on rezoning to support the community vision.

### **Motion**

**Motion was made by Bill Yontz, seconded by Rory Ruddick, to recommend the City Commission not move forward with approving the offer made by Jerry Bowman.**

**Motion passed unanimously with Renato Cerdena, Josh Foor, Chris Jane, Rory Ruddick, Tim Vogel, and Bill Yontz in favor.**

### **Flexible Parking**

One of the remaining items to satisfy the RRC requirements is the addition of flexible parking standards to the Zoning Ordinance. The Planning Commission will need to go through the regulations and come up with a plan. Priebe stated that we require too many parking spaces for development. The Downtown has shared parking lots but perhaps shared parking agreements could also be used elsewhere. She cited providing bicycle parking as a means to reduce the number of spaces required for vehicular parking. The Commission discussed the following flexible parking ideas:

- Is there a need for more bicycle parking in the City?
- It could encourage more bicycle riding if more parking was provided.
- Increased bicycle parking could be useful in the summer months but not throughout winter months.
- Parking for the residences that are rentals remains to be the challenge.
- Perhaps rental properties could benefit by the use of shared parking agreements.
- Public parking is adequate.
- Increased bicycle parking could decrease vehicular traffic.
- Add minimal bicycle parking in the Ordinance.
- Work on downtown issues with the SmithGroup.

- Its great to be able to park on the main street in the downtown.
- Lower parking standards to be ready for development.
- Odd/even parking in the winter instead of banning all overnight parking.
- Odd/even more difficult for public works to clear snow.

### **Form Based Code**

Form based code is also a part of the RRC process. SmithGroup, the City's consultant, has been working on adding this concept to the C-2 and R-R Districts since the public open house in September. They recently met with the Steering Committee for their proposed changes and will continue working on a final report for the City.

### **Unscheduled Business**

City staff has started working on the CIP and 2 Planning Commission members are needed to for the January 21, 2020 meeting. Chris Jane and Tim Vogel volunteered.

Priebe reported that the marihuana ordinances are in place, but a petition was presented and marihuana businesses in the City will go to a vote again. The Ordinances will be in effect until overturned by a vote of the people.

**There being no further business, Chairperson Jane closed the meeting at 7:30 PM with all in favor.**

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary