

**CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
January 15, 2020**

Chairperson Jane called the January 15, 2020, meeting of the Planning Commission to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Renato Cerdena, Chris Jane, Rory Ruddick, Tim Vogel

EXCUSED Josh Foor, Bill Yontz

ABSENT Paul Jackson

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

There were 10 people in the audience.

APPROVAL OF MINUTES

Motion was made by Tim Vogel, seconded by Rory Ruddick, to approve the minutes of the November 20, 2019, meeting of the Planning Commission as presented.

Motion passed unanimously with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

None heard.

PUBLIC HEARINGS

Easement for Consumers Energy at 1315 Hanchett Drive.

Staff Report

Priebe explained that due to the requested easement being located on City property, the request needs to go to the Planning Commission for recommendation to the City Commission. Consumers is requesting a twelve-foot easement for a utility line that runs from the corner of N. Bronson Avenue and Hanchett Dr. along and under Hanchett Dr. to Big Rapids Products.

She explained that Section 94.26 of the City Code of Ordinances reads that permits, not easements, are the general manner in which the City allows utility companies to use public land. The reasoning behind this is that if the City were to grant an easement, the holder has ownership of the land for the intended use in perpetuity and the City cannot revoke that right. If the City grants a permit, the holder has the right to use the land as stipulated, but the City can ask the holder to remove or move the use if needed.

Williams, stated that the area identified for the easement currently contains an electric line. He added that almost all private property has easements for service lines, but easements over public property don't work well. In the event an easement is granted for a service line on public property, it is normally to service a public facility such as a streetlight. This gives the utility an ability to maintain the light.

Chairman Jane opened the Public Hearing at 6:37PM.

Applicant Statement

Eric Gusted from Consumers stated that easements are a challenge for them, and they would like to work with the City. Their attorneys would prefer an easement over a permit. He added that they can't always stay in the Right-of-Way (ROW) even though it is the intended location for utilities. They are not interested in acquiring land.

Dave Renwick from Consumers stated that the City has given Consumers an easement in the past. Williams added that in 2016 an easement was granted, but in 2017, the City made amendments to the Ordinance to offer only permits instead of easements. He asked why they couldn't place the new line in the ROW.

Ian Meredith from Consumers answered that it isn't always practical to use the ROW. Sometimes the ROW is needed for bike paths, sidewalks, etc. and they are asked to move their lines to make way for them. Moving the lines cost money and makes customer rates go up. They strive to serve customers in a cost-effective manner. Williams asked if there is room in the ROW – Priebe answered that there is currently room. Williams added that Consumers is looking out for themselves and wondered if there has been a design change at Consumers.

Meredith answered that they try to use the ROW first. Rather than tear up the road which becomes expensive, they would prefer to use the grassy area which already has a line running through it, but would locate the new line a little closer to the road on the proposed 12-foot easement.

Mike Newberry from Consumers added that the current line is old, and a new business is being added – it may not be reliable. He stated that when he talked with Big Rapids Department of Public Works, they stated that a retention pond is planned for the corner property. (The retention pond was clarified later to be a catch basin.) He added that with the 10-foot set back regulation,

it is the perfect spot for an easement for the new line as no one would be able to build on it. If the retention pond were to be put in, Consumers would have to move their line. Alternatively, Williams added that if the City is to grant an easement, the City would not be allowed to put the catch basin in.

Those Who Spoke in Favor - None

Those Who Spoke in Opposition – None

Telephonic or Written Communications Received by Staff – BR Products owner Chaput, contacted staff and said he was in favor of the request.

Chairman Jane closed the Public Hearing at 7:00 and the Commission entered into Fact Finding.

Ruddick asked why Consumers doesn't locate the line on Big Rapids Products property. Meredith answered that the plan is to install the line and have the City be able to keep the planned catch basin. He explained the route location was selected as the best option as they need to come off of the pole on the north side of Hanchett and need to get to the circuit box located on the north side of Hanchett. They prefer to stay out of the ROW and to only cross the road one time to keep costs down.

Vogel asked about a time when the downtown was having electrical problems and Consumers was able to fix the problem and make improvements within the boxes. Consumers was able to fix the problems with a series of "switching" and tying into different circuits. The lines are located underground. They went on to explain that the current line north of Hanchett was put in before the 1970's and about 6 ½ years ago they started to have reliability problems. A line upgrade is needed. Utility building codes have changed over the years and replacing old lines is not "like for like". This has put them in a challenging spot.

Vogel asked if the City could sell the land to Consumers, but Williams stated it would need to go through a public bid process. Additionally, Consumers does not want to own the land. It was noted that if they went through the City permit process, a line could still be installed outside of the ROW. The line will be located 36 to 48 inches underground.

Justin Claucherty of Consumers stated that the easement is to serve Big Rapids Products. If a permit is issued instead of an easement, and the City needed use of the land, the permit could be revoked. At this point, who would pay to relocate the line?

It was noted that if Consumers has to redesign the project, Big Rapids Products would have to pay for it.

MOTION

Motion was made by Tim Vogel, seconded by Rory Ruddick, to recommend the City Commission deny the request made by Consumers Energy for an easement at 1315 Hanchett Drive due to the availability of other options.

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

Easement for Consumers Energy in Mitchell Court (Alley between Maple Street and E. Pine Street, West of N. Michigan Avenue)

Consumers Energy is requesting an easement to install underground utility lines to the west of Mitchell Court in City owned parcels that are part of Mitchell Creek Park and a municipal parking lot. They request a 12' wide easement to run lines 3' to 4' underground. As with the previous request, if an easement is granted, the holder has an "ownership" in the land. On the other hand, if a permit is granted the holder would have authorization to do something on the land but not have any ownership.

As granting an easement for this land is against the City Code of Ordinances and the request is for use of land outside of the ROW, staff recommends the request be denied.

Chairman Jane opened the Public Hearing at 7:23 PM

Applicant Statement

Joel Brown, responsible for the project design, stated that the City requested the cable be replaced through the alley. He was told that permits would not be given for work for 7 to 10 years after the alley was repaved, so the cable was to be located outside the alley to the westside of Mitchell Court. They need to bring the line up to standards and due to other facilities located in the ROW, need to install within City properties to the west of the ROW. He mentioned that the City has a grant to put a charging station in the City owned parking lot along the route. This would be considered a facility, but it can't be put in the ROW. The new line would run down to and under Maple Street and if an easement would be allowed, construction would be less costly.

Priebe clarified that the proposed charging station is located in the City owned parking lot and because it is considered a fixture, an easement could be granted for it. Williams added that Consumers would have to ask for the easement from the transformer to the charging station. The City is also repaving the alley behind Shooters - work will be done there before the paving.

Ruddick asked if the line would be incased in conduit. Currently it is not, but it has been designed to be buried and incased in conduit.

It was noted that MDOT will issue a *permit* instead of an *easement* to cross M-20.

Those Who Spoke in Favor of the Request - None

Those Who Spoke in Opposition of the Request -None

Written or Telephonic Correspondence Received by Staff – None

Chairman Jane closed the Public Hearing at 7:38PM and the Commission entered into Fact Finding.

Ruddick asked if the proposed project would need a permit from the DNR as it is located near Mitchell Creek. It was determined that no DNR permit would be needed. He added that it seemed like the Permit vs Easement dilemma may be a trust issue.

Work needs to be completed before the street is repaved.

Vogel stated that the permit process is the City's vehicle for work to be done on City property. Consumers asked that if a permit is granted and the City decides to build or do other work where the pole on the north side is located, where could the pole be located? Consumers was assured that the City would work with them for an amicable solution.

MOTION

Motion was made by Tim Vogel, seconded by Renato Cerdena, to recommend the City Commission deny Consumer Energy's request for an easement along Mitchell Court within City owned properties as the proper course of action would be to use the City permit process.

Motion passed with Renato Cerdena, Chris Jane, Rory Ruddick, Tim Vogel in favor.

Moving from Public Hearings to General Business due to the nature of the next request.

GENERAL BUSINESS

Recommendation to City Commission Regarding Possible Sale of 906 N State Street (Boman Revised Offer)

Applicant Jerry Boman, 202 S. Stewart, stated the he was no longer interested in purchasing the property, but he added the following thoughts:

A small parcel of land should remain Industrial so a grow facility could be located there, and the remaining parcel could be R-3 for Residential and Commercial use. He added that taxes on the

parcel are too high as it is not river front property. The City owns the parcel directly adjacent to the river.

Due to the fact that Boman withdrew his offer, the recommendation to the City Commission was no longer needed.

REMAINING PUBLIC HEARINGS

Map Amendment to Rezone 906 N. State Street from Industrial to R-3 Residential

Priebe explained that the property has long been zoned Industrial and since the removal of the Hanchett Manufacturing buildings, the desired community vision is that of a mixed-use nature combining residential with commercial properties. The property would need to be zoned R-3 so that it can be used as a Planned Unit Development (PUD) project in the future. She would like to update the City's current PUD regulations and give it its own chapter under Article II of the Zoning Ordinance. A PUD allows more uses and allows the City to work with a developer for a unified vision. She believes that if the property is rezoned, it would be more saleable.

Staff recommends the property be rezoned from I to R-3.

Those Who Spoke in Favor – None

Those Who Spoke in Opposition – Jerry Boman thought that the property should have the option to be Industrial and R-3. It could be done by splitting the parcel. This would still allow it to be used for a marijuana grow facility.

Written or Telephonic Communication Received by Staff - None

Chairman Jane closed the Public Hearing at 8:00 and the Commission entered into Fact Finding

Vogel wondered if the property across the street could be rezoned from Industrial for future use. Priebe answered that the long-term vision for it would be R-3. The rezoning would need to be instigated by the property owner.

Cerdena reviewed the Standards for Zoning Amendment Review for the Commission as found in Section 14.2:4 of the Zoning Ordinance:

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 Commission considered the criteria and found the rezoning was consistent with each standard set forth.

MOTION

Motion was made by Renato Cerdena, seconded by Rory Ruddick, to recommend the City Commission approve the Rezoning Application for 906 N. State Street from I to R-3, as it meets the Standards set forth in Section 14.2:4 of the Big Rapids Zoning Ordinance. Motion passed with Renato Cerdena, Chris Jane, Rory Ruddick and Tim Vogel in favor.

Zoning Ordinance Amendment to add Bicycle Parking Regulations to Article 5

Priebe explained that one area of the Redevelopment Ready Communities process that hasn't been met is that the Zoning Ordinance is to include standards to improve nonmotorized transportation. The City is required to incorporate standards to improve non-motorized transportation such as; bicycle parking, traffic calming, pedestrian lighting, and public realm standards. The City must meet at least one of these standard types to achieve RRC Certification.

Previously, the Commission identified bicycle parking regulations as desirable to add to the Ordinance. It is thought that the regulations would encourage and incentivize developers to include bicycle parking at their locations.

The proposed Zoning Ordinance amendment (attached) would add a new subsection under Section 5.7 Parking Regulations in All Districts. This new incentive would allow a new development to reduce the required number of off-street motor vehicle parking spaces by up to 20% if the removed spaces were replaced by bicycle parking spaces at a ratio of 2:1.

Chairperson Jane opened the Public Hearing at 8:07 PM.

Priebe reviewed the proposed Ordinance amendment for the Commission and they discussed each point. They talked about the number of bicycle spaces recommended per number of vehicle parking spaces and decided: one bicycle space per 10 vehicle spaces with a minimum of 2

bicycle spaces would be appropriate. They also discussed #6, Offset of Required Off-Street Parking Spaces, and decided this point needs to be clarified.

Vogel stated that with the number of students residing in Big Rapids, of those that ride bikes, many take them inside for overnight or long-term storage. Perhaps these recommendations are for short-term storage. An upper limit is needed for #6. Priebe suggested up to 20%. Vogel stated that most students have cars and asked if the number of spaces required for parking is reduced, where will the students park their cars? Student parking has been a long-time problem in Big Rapids. A 20% reduction may be too much for rental properties.

This topic will be brought back for further consideration in February after staff revises the proposed Text Amendment.

Chairperson Jane postponed the meeting at 8:27 PM with all in favor.

UNSCHEDULED BUSINESS

Vogel asked about the changes made to City Commission meeting procedures and wondered if the Planning Commission should adopt the same. The Planning Commission could look at making these changes, but it is not mandatory.

Priebe reported that Josh Foor is moving to Grand Rapids and will no longer be serving on the Planning Commission.

ADJOURN

Vogel moved to adjourn the meeting and there being no further business, Chairperson Jane adjourned the meeting at 8:30PM with all in favor.

Respectfully submitted,

Cynthia J. Plautz
Planning Commission Secretary

**CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
February 19, 2020**

Vice Chair Jackson called the February 19, 2020, regular meeting of the Planning Commission to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Paul Jackson, Rory Ruddick, Karen Simmon, Tim Vogel, Bill Yontz

EXCUSED Renato Cerdena, Chris Jane

ABSENT

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

There were 14 audience members.

APPROVAL OF MINUTES

Motion was made by Tim Vogel, seconded by Bill Yontz, to approve the minutes of the January 15, 2020, 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

Map Amendment Application to Rezone 520 S Third Avenue from R-3 Residential to C-3 Commercial

Staff Report

Priebe stated that the application for map amendment was made by Michael Vlasich of Mother Nurtures, LLC, to rezone the property from R-3 to C-3 in order for the company to operate a licensed marihuana Provisioning Center. They have submitted a purchase agreement for the property which is contingent on the rezoning.

Priebe contends that this request would not constitute a spot zoning as the Master Plan's Future Land Use Map indicates this parcel as Commercial. Also, the parcel is near Focus Area Three which recommends changing it to allow commercial uses. The area across the road from 520 S Third is zoned C-3 and 520 S third Ave is already developed as a commercial use. A change of zoning classification is unlikely to be a detriment to nearby lands.

Staff recommends approval of the rezoning request.

Vice-Chair Jackson opened the Public Hearing at 7:40 PM.

Applicant Statement

Michael Vlasich, 1602 Cedar Point Drive, Niles, MI 49120, stated that the proposed Marihuana Provisional Center, Mother Natures LLC, would be run by himself and his father. They have an offer to purchase on the property contingent on obtaining licensing.

The property they wish to purchase has been vacant for a while and the proposed use would not be much different than that of the previous dentist office. Parking requirements have been met, no loitering would be permitted, and the building would be secure and under 24 hour video surveillance. They estimate employing 25 to 35 individuals at a fare wage. He feels this business would be a good partner and value to the City. He plans on engaging in community outreach and in the past has been a member of an optimist group and has been involved in the Salvation Army Bell Ringing campaign.

Those Who Spoke in Favor None

Those Who Spoke in Opposition None

Telephonic or Written Correspondence Received by Staff

Ruth Chapman, a representative of Community Health, 500 S Third Ave, stated that she had concerns with the proposed provisioning center and its proximity to the Community Health Center and their clientele.

A phone call from property owners to the south had concerns about the proposed business adversely affecting property values in the area.

A phone call from Shane Fry, the owner of the Sonoco station at 525 S Third Avenue, stated that he would like to see the property occupied.

Applicant Rebuttal

Vlasich stated that the business will not be a concern as this type of business is highly regulated and they are obliged to conform. They will keep normal business hours and will be under video surveillance.

Vice-Chair Jackson closed the Public Hearing at 7:45 PM and the Commission entered into Fact Finding.

Yontz believes that filling a vacant building on the east side is a plus and he is comfortable with the proposed use and zoning change.

Ruddick said he had no issues with the proposed business and zoning change. He feels this location is ideal for this type of business.

Vogel asked the applicant if they have provisioning centers elsewhere to which Vlasick answered, no, this is the first for them. He added that he has other commercial experience as the manager of 60 Shell gas stations. He learned about the medical marihuana concept through a need within his family. There is a need to obtain medical marihuana from State licensed venders. He added that the building is already laid out for this business as it contains individual exam rooms that are private for one on one consultations. Patrons will need medical marihuana cards to make purchases and the business will strictly observe HIPPA regulations.

MOTION

Motion was made by Bill Yontz, seconded by Rory Ruddick, that the Rezoning Application for 520 S Third Avenue from R-3 Residential to C-3 Commercial be recommended to the City Commission for approval as it meets the Standards set forth in Section 14.2:4 of the Zoning Ordinance.

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

Public Hearing

Special Land Use Permit Application for 1410 Bjornson Street to Amend the Existing Special Land Use Permit to Operate a Home Occupation with a Part-time Seasonal Employee

Vogel addressed the Commission stating that he has been a long-time colleague and tax client of the applicant and if they feel he would be biased in making a decision, he will recuse himself. He is confident he can make an unbiased decision and the Commission felt the same.

Staff Report

Priebe introduced the request stating that applicant Lorraine James, 1410 Bjornson, runs a bookkeeping and tax service out of her home. She received a Conditional Use Permit to operate a bookkeeping and tax service business at 1410 Bjornson in February of 2012 which also allows a part-time seasonal employee up to 20 hours per week. The applicant would like to increase the number of hours allowed the part time employee to work on premise.

The applicant has addressed the Standards for Conditional Use sufficiently and Staff recommends approval of the Special Land Use Permit.

Vice-Chair Jackson opened the Public Hearing at 6:55.

Applicant Statement

James stated that this is her 44th year in business and 9 years have been at this address. The house sits 300 feet back from the street and there is adequate parking. The extra hours will help with the increase in business and she looks forward to grooming a person to take over the business in the future.

Those Who Spoke in Favor of the Request None

Those Who Spoke in Opposition of the Request None

Telephonic or Written Correspondence Received by Staff

Staff received a phone call from a neighbor wanting more information. Once received, the neighbor stated they had no problem with the request as it would not affect them.

Applicant Rebuttal None

Vice-Chair Jackson closed the Public Hearing at 6:58 PM and the Commission entered into Fact Finding.

The Commission agreed that the applicant meets the Standards for Special Land Use set forth in Section 10.3:8 of the Zoning Ordinance and 10 extra hours per week for a seasonal employee at this address would not pose a problem.

MOTION

Motion was made by Bill Yontz, seconded by Karen Simmon, that the Special Land Use Permit Application to extend the part-time seasonal employee average weekly hours from 20 to 30 hours for the bookkeeping and tax service home occupation at 1410 Bjornson

**Street be recommended to the City Commission for approval, because it meets the Standards set in Section 10.3:8 and Section 11.1:11 of the Zoning Ordinance.
Motion passed with Paul Jackson, Rory Ruddick, Karen Simmon, Tim Vogel and Bill Yontz in favor.**

Public Hearing

Special Land Use Permit Application for 1294 Perry Avenue to Permit a Restaurant with Drive-thru Service

Staff Report

Priebe stated that Ken Knuckles of Development Management Group, LLC, is applying for a Special Land Use Permit for an Arby's Restaurant at 1294 Perry Street which includes a dine-in area and a drive-up service. The property is currently an empty lot with the B-2 Outlet store to the east and Venlo Drive to the west. It is zoned C-1 Commercial, and the Future Land Use Map indicates it as a Commercial district. A restaurant in the C-1 district requires a Special Use Permit which requires all points of vehicular ingress and egress to be clearly defined and all pedestrian areas on the site to be clearly defined. Priebe stated the applicant has clearly addressed these two regulations. The Applicant has also addressed the Standards for obtaining a Special Land Use Permit noted in Section 10.3:8.

Staff recommends approval of the Special Land Use Permit Application for a restaurant with both eat-in and drive-thru service at 1294 Perry Avenue, as it meets the Standards set forth in Section 10.3:8 and Section 11.1:20 of the Zoning Ordinance.

Vice-Chair Jackson opened the Public Hearing at 7:04 PM

Applicant Statement

Ken Knuckles, 4209 Gallatin Pike, Nashville TN 37216, Development Management Group, LLC, reiterated the request for Special Land Use at 1294 Perry Avenue. He stated the land is zoned C-1 and the use is in line with the surrounding character along Perry. He feels it will not impact property values. Standards for a Special Use Permit in Section 10.3:8 have been addressed and are included along with the application.

Those Who Spoke in Favor of the Request

Sarah Peterson, Manager at Venlo Place Apartments, 1534 S. Venlo Drive, stated it will be great to bring more people to the area and she is excited for the new business. She also expressed a concern of the speed limit in the area being too fast.

Those Who Spoke in Opposition of the Request None heard.

Telephonic or Written Correspondence Received by Staff None

Applicant Rebuttal

Knuckles addressed the speed of the traffic saying that the restaurant will not have direct access to Perry Ave. Ingress and egress will be located off Venlo Drive and through the shopping center parking lot. They will share the shopping center entrance on Perry Ave.

Vice-Chair Jackson closed the Public Hearing at 7:07 PM and the Commission entered into Fact Finding.

Yontz agreed with the speed of the traffic in the area and believes another traffic light would help slow it down.

Ruddick wondered what the owners of the shopping center thought about the development. Knuckles said that they are in favor of it.

Vogel expressed he had no concerns other than the traffic in the area.

Simmons stated she is not thrilled to see another site utilizing the shopping center access and also has concerns about the speed of the traffic in the area.

Jackson had the same traffic concerns as the other Commission members.

MOTION

Motion was made by Karen Simmon, seconded by Bill Yontz that the Special Land Use Permit Application for a restaurant at 1294 Perry Avenue (17-15-300-035) be recommended to the City Commission for approval, because it meets the Standards set in Section 10.3:8 and Section 11.1:20 of the Zoning Ordinance.

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

Public Hearing

Site Plan Review for an Arby's Restaurant with Drive-thru Service at 1294 Perry Avenue

Staff Report

Applicant Ken Knuckles of Development Management Group, LLC is applying for a Site Plan review for a proposed Arby's restaurant at 1294 Perry Avenue. This piece of property has been

vacant and, until a recent lot split, was part of the adjacent strip mall. The strip mall has a stormwater retention pond of which the applicant will be making improvements in order to handle the extra run off from their development.

Priebe determined that the plan meets zoning requirements. The Site Plan was reviewed by the Mecosta County building official and he determined that the plan meets their requirements. The plan was reviewed by the Deputy Director of Public Safety and he found no issues that would affect fire department safety concerns. The plan was reviewed by the Public Works Engineering Technician and the City's contracted engineer who noted a few items to be addressed:

1. The inlet capacity of the trench drain at the access drive to Venlo Drive needs to be provided to assure it is sufficient to meet the potential demands of the water flowing west.
2. Verify that the retention pond has a 3:1 slope.
3. Provide erosion protection at the northeast and southeast corners of the pond or drop the inlet lower to reduce potential erosion.
4. Provide plans that demonstrate that the easement that runs along the north side of the retention pond to access the watermain is maintained in a way that doesn't reduce the stormwater retention capacity.

Staff recommends conditional approval of the site plan as it meets the Criteria for Review found in Section 9.6 of the Zoning Ordinance. Approval is to be contingent on Public Works concerns being addressed.

Vice-Chair Jackson opened the Public Hearing at 7:17 PM.

Applicant Ken Knuckles stated that he has reviewed the staff report and is in agreement with all of the concerns. The concerns will be addressed and will be incorporated into the final plan. He stated that a 10-foot-wide accessible path for a service vehicle will be maintained for access to the easement.

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

Vice-Chair Jackson closed the Public Hearing at 7:17 PM and the Commission entered into Fact Finding.

The following concerns were addressed:

1. The applicant agreed to have their engineer review the need for an industrial pretreatment basin for grease interception. Priebe advised him to talk with our Wastewater Treatment Department's Industrial Pre-Treatment Program Coordinator.
2. The capacity of the sewer to handle waste was addressed and Priebe said no concerns were brought up. The City's engineering consultant is planning to do a study in the next year regarding the water and sewer main capacity.
3. A 2-inch water service is planned and the applicant said it will connect to the main on Perry Ave.
4. Detectable plates - ductile iron or metal plates are preferred over plastic.
5. Sidewalks are not provided on Venlo Drive due to the slope which would not be ADA compliant. There is not enough room for a retaining wall.
6. The lights on the building and in the parking lot are not to disturb Venlo Place residents.
7. One drive through lane is provided as there is not enough room for two and Arby's establishments typically do not provide two lanes.

The applicant will comply with all concerns. They plan construction to begin in mid-April and be complete in 85 days.

MOTION

Motion was made by Rory Ruddick, seconded by Tim Vogel, that the Site Plan Review Application for an Arby's restaurant at 1294 Perry Avenue (17-15-300-035) be approved with conditions as it meets the Criteria for Review set in Section 9.6 of the Zoning Ordinance. The conditions are to ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

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

GENERAL BUSINESS

Capital Improvement Program

Priebe stated that the 2020 - 2026 Capital Improvement Program has been prepared by staff as required by the Michigan Planning Enabling Act. A detailed process laid out by the Michigan Economic Development Corporation has been followed. The process involves inclusion of projects over multiple years which encourages thoughtful budgeting. Department requests are reviewed and prioritized by staff and compiled for review by the Planning Commission for recommendation to the City Commission.

The Commission members discussed the following:

1. Water and Sewer at Northend Riverside Park has been delayed until FY 21/22 as it is currently cost prohibitive.
2. Vogel said the process has been much improved and the time spent discussing project prioritization for the CIP is now only one hour.
3. As always, the City has limited funds and projects must be rated and prioritized to determine which are most important.
4. As department heads have the most knowledge of their needs, they are asked to score their own projects.
5. Ruddick asked if the fuel tank that is slated for replacement currently leaks. It does not but the inside is pitted and it will eventually leak. It will need to be replaced with a tank that meets current standards.

MOTION

Motion was made by Tim Vogel, seconded by Rory Ruddick, to recommend approval of the 2020/2026 Capital Improvement Program to the City Commission.

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

UNSCHEDULED BUSINESS

The Commission feels it is important that the traffic speed be addressed on Perry Street as it is not safe. All agree that the speed limit is too high.

MOTION

Motion was made by Bill Yontz, seconded by Tim Vogel, to recommend the City Commission address the speed limit on Perry Street.

Motion passed unanimously with all in favor.

There being no further business, Vice-Chair Jackson adjourned the meeting at 7:54PM with all in favor.

Respectfully submitted,

Cynthia J. Plautz
Planning Commission Secretary

**CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
March 18, 2020**

Chair Jane called the March 18, 2020, regular meeting of the Planning Commission to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Chris Jane, Rory Ruddick, Tim Vogel, Bill Yontz

EXCUSED Renato Cerdena, Karen Simmon

ABSENT Paul Jackson

ALSO PRESENT Paula Priebe, Neighborhood Services Director

There were 7 audience members.

APPROVAL OF MINUTES

Motion was made by Tim Vogel, seconded by Bill Yontz, to approve the minutes of the February 19, 2020, meeting of the Planning Commission as presented, with one change to correct the meeting date in the header.

Motion passed with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

None heard

PUBLIC HEARINGS

Public Hearing

Site Plan Review for a new parking lot at 1315 Hanchett Drive.

Staff Report

Priebe stated that Applicant Big Rapids Products is applying for a Site Plan Review for a new parking lot at their Employee Resource Center at 1315 Hanchett Drive. This site is in the Industrial area, across the Hanchett Drive from the Big Rapids Products headquarters on Maple

St. The Planning Commission approved the Site Plan for the Employee Resource Center in April 2019. The plans being reviewed now are to add a new parking lot to the west of the building, identical to the City-owned lot which is immediately to the east of the building.

The plans were reviewed by staff (Zoning Administrator, Public Works Department engineers, the Fire Marshal, and the Building Official) and were found to be in accordance with City Ordinance.

Staff recommends approval of the site plan as it meets the Criteria for Review found in Section 9.6 of the Zoning Ordinance.

Chair Jane opened the Public Hearing at 6:34 PM.

Mr. Tom Tacey, Director of the Plant and Engineering at Big Rapids Products, was present to speak on behalf of the Applicant. He stated that they use the City lot to the east. With the addition of the Employee Resource Center for human resources and gathering space for employees, additional parking is needed. The building, lot, and landscaping were designed to match the building on Maple St. Engineering for this project was done by Mid Michigan.

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

Chair Jane closed the Public Hearing at 6:37 PM and the Commission entered into Fact Finding.

Vogel asked if the landscaping is to be irrigated. Tacey said yes it will be. Vogel also inquired about the use of Arborvitae in the landscaping plan and remarked that there are deer in the area. Tacey said they know about the deer, but the landscaping was designed to match other landscaping nearby.

Motion

Motion was made by Bill Yontz, seconded by Rory Ruddick, that the Site Plan Review Application for a new parking lot at 1315 Hanchett Drive (PIN 17-11-400-016) be approved, because it meets all the Criteria for Review set in Section 9.6 of the Zoning Ordinance.

Motion passed with Chris Jane, Rory Ruddick, Tim Vogel and Bill Yontz in favor. Site Plan Review for a new parking lot at 1315 Hanchett Drive.

Public Hearing

Site Plan Review for a new parking lot at 801 N State Street and 112 W Waterloo Street.

Staff Report

Priebe stated that Applicant Fresh Coast Provisioning is applying for a Site Plan Review for a new parking lot at 801 N State Street and 112 W Waterloo Street. They have a purchase agreement to buy these properties to open a marihuana retailer facility. They plan to raze the house at 112 W Waterloo Street, combine the two parcels into one lot, and construct a 6-space parking lot on the remainder of the lot to the west of the commercial building. The use of the building would require 8 off-street parking spaces, but the Applicants received a Variance from the Zoning Board of Appeals in February 2020 and are only required to provide 6 spaces.

The plans were reviewed by staff (Zoning Administrator, Public Works Department engineers, the Fire Marshal, and the Building Official). With one exception they were found to be in accordance with City Ordinance. The one exception was that the grading on the site be revised to ensure that stormwater capture on the parking lot drain into the retention basin, not into the street.

Staff recommends conditional approval of the site plan as it meets the Criteria for Review found in Section 9.6 of the Zoning Ordinance, with the condition that revised plans are provided which address the stormwater retention concern are administratively approved by staff.

Chair Jane opened the Public Hearing at 6:42 PM.

Mr. Nick Piedmonte, CEO of Fresh Coast Provisioning, was present to speak on behalf of the Applicant. He stated that Fresh Coast Provisioning is based in Traverse City and is currently in the process of opening several marihuana retailer facilities around northern Michigan. They are very interested in investing in Big Rapids. They acquired an interest in the property at 801 N State Street in August 2019.

After the City adopted Ordinances to opt in for marihuana facilities in late 2019, they submitted an application to get a permit for 801 N State Street. Upon staff review of that application, it was determined that the parking immediately to the south of the building does not meet the Ordinance standards for off-street parking, as that parking is in the City right-of-way and does not meet the size regulations. They withdrew their marihuana facility application at that time to find a solution.

Since then, they have acquired an interest in the property immediate to the west, 112 W Waterloo Street, and developed the plan for the new parking lot. Due to the size constraints, they went to the Zoning Board of Appeals in February to get a non-use variance to reduce the parking requirement to six spaces.

Mr. Dusty Christensen, landscape architect with Mansfield Land Use Consultants, was also present to speak on behalf of the Applicant. The variance notwithstanding, they are striving to fulfill the requirements of the Ordinance. Even after demolishing the house, there is very little room for parking.

They are taking several steps to bring the property into compliance:

- Providing the required screening fence on the west side of the parking lot, along the alley, as the required buffer between a C-3 use and an R-1 use.
- Providing on-site stormwater detention for the additional impervious surface.
- Meeting the landscape requirements by providing frontage trees (in the right-of-way, due to the building being set at a zero lot line) and providing the one parking lot tree.

They hope to work with the Planning Commission on several potential modifications to the presented site plan:

- Remove the curb from the retention pond. It was added to protect the landscape island, but it will interfere with the stormwater draining into the retention pond.
- Change the species of trees provided from Freeman Maple to Ginkgo biloba, as they have a smaller crown and require less intensive maintenance.
- Remove the buffer fence from the north side of the property, as it is not strictly required, and will create additional space for vandalism.

Those Who Spoke in Favor of the Request

Jana Farrier, 729 N State Street and owner of Grunst Brothers, is in favor but has several concerns she would like addressed:

- Do not include street trees along N. State Street, as she has some that the City is asking her to take out due to their interference with traffic.
- Why is the existing parking not sufficient? Other businesses in town have similar parking; why are they allowed to use it by this property is not?
- Please include the northside fence, to limit patrons parking at Admiral and walking across that area.
- The City should include “No parking here to corner/drive” signs to keep patrons from parking too close to her driveway.

Brandy Davis, Manager of the Admiral gas station at 805 N State Street. She is in favor, but she would also like to see the fence on the north side of 801 N State Street included in the approved plans. She wants to limit the new business’ patrons from parking at her store.

Those Who spoke in Opposition of the Request None heard.

Telephonic or Written Correspondence Received by Staff

Priebe spoke on behalf of one telephone call where a resident expressed concern that a house was being demolished to provide a parking lot. She was not against the new business, but was concerned about the precedent this could set.

Chair Jane closed the Public Hearing at 7:14 PM and the Commission entered into Fact Finding.

Discussion ensued covering the following topics:

- The provided drive between parking spaces is only 20 feet, while the Zoning Ordinance recommends 24 feet. Mr. Christensen stated that the common dimensions are 20-20-20 or 18-24-18, which amount to similar usage.
- If the curb is removed from the detention pond, some type of barrier or marker will be necessary to prevent vehicles from driving into the basin. With the curb removed, that area will provide additional space for snow storage in winter.
- The plans show the required 7 frontage trees. The Planning Commission has the authority to reduce that number. Trees along N State Street are not advised, and the current plans have the trees rather close together. Three trees, all along W Waterloo Street, is the agreed upon recommendation.
- Commissioners agree with the change of tree species from Maple to Gingko.
- Is it possible to keep the existing parking area along W Waterloo Street, but make it diagonal or parallel parking? The Commissioners would like to see that asphalt removed and landscaping installed, as pre the Ordinance. The existing parking area does not meet the standards in the Ordinance.
- With the intended marihuana facility use, security and lighting will be important. The Commissioners would like to ensure that all lighting on the site is direction and does not interfere with neighboring properties.

Motion

Motion was made by Tim Vogel, seconded by Bill Yontz, that the Site Plan Review Application for a new parking lot at 801 N State Street (PIN 17-10-278-012) be approved with conditions. The Application meets the Criteria for Review set in Section 9.6 of the Zoning Ordinance, but conditions are required to ensure compatibility with adjacent uses of land. The following conditions are set:

- 1. The curb surrounding the retention pond on the northwest side of the property be removed.**
- 2. The species of trees provided in the landscaping be Gingko biloba.**
- 3. Only three trees be included, all along W Waterloo Street.**
- 4. The site grading be amended to ensure stormwater drains into the retention basin and not into the street.**

Amended plans should be presented to staff for administrative approval.

Motion passed with Chris Jane, Rory Ruddick, Tim Vogel and Bill Yontz in favor.

GENERAL BUSINESS

2019 Annual Report of Planning and Zoning

Priebe stated that the Michigan Planning Enabling Act requires an Annual Report of Planning be prepared each year and presented to the City Commission. The Report summarizes the work of the Planning Commission and the Zoning Board of Appeals over 2019 and examines progress toward the goals of the Master Plan. This Report is presented for information only, no action needs to be taken at this time. The Report will be presented by Staff to the City Commission at their next regular meet.

UNSCHEDULED BUSINESS

There was no unscheduled business.

There being no further business, Chair Jane adjourned the meeting at 7:42PM with all in favor.

Respectfully submitted,

Paula Priebe
Neighborhood Services Director and Acting Planning Commission Secretary

**CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
May 20, 2020**

N.B. This meeting was held remotely via Webex. We were unable to meet in person due to the Stay at Home orders in place and the COVID-19 Crisis.

Chair Jane called the May 20, 2020, regular meeting of the Planning Commission to order at 6:34 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Paul Jackson, Chris Jane, Rory Ruddick, Karen Simmon, Tim Vogel, Bill Yontz

EXCUSED Renato Cerdena

ABSENT none

ALSO PRESENT Paula Priebe, Neighborhood Services Director

There were 2 audience members.

APPROVAL OF MINUTES

Motion was made by Tim Vogel, seconded by Paul Jackson, to approve the minutes of the March 18, 2020, meeting of the Planning Commission as presented, with no changes. Motion passed with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

None heard

PUBLIC HEARINGS

None.

GENERAL BUSINESS

Site Plan Amendment for the new parking lot at 801 N State Street and 112 W Waterloo Street.

Priebe stated that Applicant Fresh Coast Provisioning applied for a Site Plan Review for a new parking lot at 801 N State Street and 112 W Waterloo Street and had their Site Plan approved at the March 18 meeting of the Planning Commission with conditions. Since that time, the Applicant's have decided to alter the Site Plan in three ways, and these changes necessitate the approval of the Amended Site Plan.

Staff recommends approval of the Amended Site Plan as it meets the Criteria for Review found in Section 9.6 of the Zoning Ordinance, with the condition that revised plans are provided which address the stormwater retention concern are administratively approved by staff.

Mr. Dusty Christensen, landscape architect with Mansfield Land Use Consultants, spoke on behalf of the Applicant and outlined three proposed modifications to the Site Plan:

- Change from one retention basin on the northwest corner of the lot to two basins on the south of the lot on either side of the drive. The NW corner will now be the primary snow storage area.
- Move the dumpster from the middle of the lot to the northeast corner of the parking lot, alongside the building.
- Keep some of the curb cut and asphalt along Waterloo Street to allow for a loading area from the street into the rear of the building.

He also added one further point for discussion, the possibility of adding one additional parking space, in the area where the retention basin was formerly, on the northwest corner of the parking lot.

No written or telephonic communication was received by staff. There was no public comment on this topic.

Discussion ensued covering the following topics:

- Whether there is sufficient space for the additional parking space. It will be a tight turn around to back out and leave the lot, possibly requiring the vehicle to drive over the accessible parking area.
- The possibility of the Applicants adding bicycle parking spaces to the property. The Applicant's Speaker said they have added bike racks to similar projects in other communities and that it is possible here, but their primary hope is for the 7th parking space.

Motion

Motion was made by Tim Vogel, seconded by Paul Jackson, that the Amended Site Plan Review for the new parking lot at 801 N State Street (PIN 17-10-278-012) be approved. The Application meets the Criteria for Review set in Section 9.6 of the Zoning Ordinance.

Further, amended plans showing the lot with the 7th parking space should be presented to staff for administrative approval.

Motion passed with Paul Jackson, Rory Ruddick, Karen Simmon, Tim Vogel, Bill Yontz, and Chris Jane in favor.

Zoning Ordinance Amendment to Add Bicycle Parking Regulations to Article 5

Priebe summarized the staff report, noting the work done on this topic in January 2020 and that it is on the agenda again to continue making progress toward an amendment to the Zoning Ordinance to include bicycle parking regulations. The draft text (see below) was reviewed and discussed.

Draft Zoning Ordinance Text Amendment to add Bicycle Parking Regulations to Article 5 [Add the new section below to Article 5: Off-Street Parking and Loading]

5.7:2 Bicycle Parking

- (1) Recommended Spaces. Any development requiring motor vehicle parking spaces is encouraged to provide bicycle parking. Off-street parking areas are recommended to contain at least one (1) bicycle parking space for every number ten (10) spaces provided for motor vehicles, or fraction thereof, with a minimum of two (2) and a maximum of twelve (12) bicycle parking space provided.
- (2) Location. Bicycle parking for commercial, multi-family residential, and mixed-uses shall be conveniently located within 50 feet of building entry points and shall not conflict with pedestrian travel. Bicycle parking areas must be visible to the public and have adequate lighting to facilitate nighttime use.
- (3) Facility Type: Bicycle parking shall consist of “inverted U” or “post and ring” style racks which meet the Performance Criteria for Bike Parking Racks in the 2nd Edition of the Association of Pedestrian and Bicycle Professionals’ Essentials of Bicycle Parking. The bicycle parking rack must be anchored to the ground and shall allow the bicycle wheel and frame to be locked to the bicycle rack.
- (4) Facility Size: Each bicycle parking space shall accommodate a bicycle at least six feet in length and two feet wide. Bicycle racks shall be installed no closer than two feet from a wall or motor vehicle parking space.
- (5) Maintenance. The surfacing of bicycle parking facilities shall be designed and maintained to be clear of mud, debris, ice and snow.

- (6) Offset of Required Off-Street Parking Spaces. The Zoning Administrator may permit a reduction of required motor vehicle parking by up to 20% if two (2) on-site bicycle parking spaces are provided for each motor vehicle parking space removed.

Discussion included the following topics:

- How does this bicycle parking ordinance align or conflict with a bicycle trails/paths ordinance? They are separate, but both necessary to have a safe, thriving cycling community in Big Rapids. The Commission would like to see bike lanes in the future.
- The Draft has many recommendations and few enforceable regulations. This was intentional as a first step in the direction of eventually requiring bicycle parking at all new developments. This strategy was approved by several Planning Commissioners.
- What changes had been made from the January 2020 Draft and why? A few minor alterations to the exact language used, at the recommendation of the City Attorney. Also, the numbers in section 6 were added based on the conversation in January.

UNSCHEDULED BUSINESS

Mr. Vogel announced that this would be his final meeting as a Planning Commission member, as he has completed his third consecutive term and thus must step down. He thanked everyone for their help and their work on behalf of the City.

There being no further business, Chair Jane adjourned the meeting at 7:10PM with all in favor.

Respectfully submitted,

Paula Priebe
Neighborhood Services Director and Acting Planning Commission Secretary

**CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
July 15 2020**

Chair Jane called the July 15, 2020, regular meeting of the Planning Commission to order at 6:34 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Megan Eppley, Paul Jackson, Chris Jane, Rory Ruddick, Karen Simmon, and Bill Yontz

EXCUSED none

ABSENT none

ALSO PRESENT Paula Priebe, Neighborhood Services Director
Tamyra Gillis, City Clerk

There were 4 audience members.

APPROVAL OF MINUTES

**Motion was made by Bill Yontz, seconded by Paul Jackson, to approve the minutes of the May 20, 2020, meeting of the Planning Commission as presented, with no changes.
Motion passed with all in favor.**

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

None heard

PUBLIC HEARINGS

Special Land Use Permit for a Home Occupation at 808 Chestnut Street.

The Public Hearing was opened at 6:32PM.

Priebe stated that Applicant Jennifer Dowell applied for a Special Land Use Permit for a Home Occupation at her home at 808 Chestnut Street. She intends to open a one-chair nail salon in a room in the home. Priebe explained the process and procedure for a Special Land Use Permit and for a Home Occupation in a Residential District.

Staff recommends approval of the Special Land Use Permit Application for a Home Occupation at 808 Chestnut Street, as it meets the Standards set in Section 10.3:8 and Section 11.1:10 of the Zoning Ordinance.

Ms. Jennifer Dowell, the Applicant, spoke about her plans for the nail salon in a single room in her residence. She stated that her intent is to continue her nail business from her home instead of a full salon for two reasons: safety concerns due to the COVID-19 pandemic and a wish to be home more and closer to her two young children. There will be no signs advertising the business; she has a strong clientele and relies solely on word-of-mouth to gain new clients.

No members of the public were present to speak for or against the Application.

Several items of written or telephonic communication were received by staff. Three neighbors called to learn more and expressed they were ok with the business. Staff also received a written petition signed by 15 neighbors expressing their position against the business; the Petition is attached to the minutes. One of the petitions later emailed staff to rescind their signature and said they had no issue with the business.

The Public Hearing was closed at 6:45PM.

The fact finding discussion ensued regarding the following topics:

- Would additional traffic be a concern? Ms. Dowell said she will have one client at a time and that there is adequate parking in her driveway for that individual to park their vehicle.
- The Petition mentioned a deed restriction. Staff explained the details and how the property covered by that restriction did not include 808 Chestnut Street.
- Commissioners asked about precedents. Staff explained the history of home occupations in the R-1 District and the facts of previous approved cases such as one-hair hair salons and a therapist office.

Motion

Motion was made by Bill Yontz, seconded by Karen Simmon, that the Special Land Use Permit Application for a Home Occupation at 808 Chestnut Street (PIN 17-14-259-007) be recommended to the City Commission for approval, because it meets the standards set in Section 10.3:8 of the Zoning Ordinance.

Motion passed with Paul Jackson, Chris Jane, Rory Ruddick, Karen Simmon, Bill Yontz, and Megan Eppley in favor.

Site Plan Amendment for a second driveway at 730 Water Tower Road.

The Public Hearing was opened at 6:50PM.

Priebe stated that Applicant Kathy Sather and Baldwin Family Health Care applied for a Site Plan Review for a second driveway at 730 Water Tower Road. The Applicant received a Special Land Use to operate a health clinic in the R-2 District in 2019 and have since opened their offices. To improve access to the site, they wish to construct a second driveway, providing access to the parking lot off Fuller Avenue.

Priebe provided an overview of the Site Plan and the staff comments. The Public Safety and Zoning Reviews found no concerns. The Public Works review found the plans to not conform to the City's Stormwater Control and Management Ordinance, but rather that stormwater from the new impervious surface would run off the site and onto Fuller Avenue and neighboring properties. Thus, staff recommends denial of the Site Plan Review Application for a second driveway at 730 Water Tower Road (PIN 17-15-300-003), as it fails to meet the Criteria for Review found in Section 9.6.6 of the Zoning Ordinance, specifically the requirement to conform to Chapter 55 of the City Code of Ordinances, which is the Stormwater Control and Management Ordinance.

Ms. Kaye Ingles of Mid-Michigan Engineering, spoke on behalf of the Applicant, acknowledged the stormwater concern, and outlined a proposed modification to the Site Plan which would include one or two 4' diameter leach basins to collect the water on site.

There was no public comment on this topic. No written or telephonic communication was received by staff.

The Public Hearing was closed at 6:56PM.

The fact finding discussion ensued covering the following topics:

- Why doesn't the Applicant connect to the City's stormwater sewer network? The City does not have a stormwater sewer line in Fuller Avenue. The only way for the project to meet the Ordinance is to retain the stormwater on site.
- Concern regarding the lack of public comment. Staff explained the public notices that went out to all property owners within 300' of the site, as well as in the Big Rapids Pioneer Newspaper and at the City Hall building. Several public comments were received when this site received a Special Land Use permit in 2019.

Motion

Motion was made by Bill Yontz, seconded by Paul Jackson, that the Site Plan Review Application for a second driveway at 730 Water Tower Road (PIN 17-15-300-003), be approved with conditions. The Application meets the Criteria for Review set in Section 9.6 of the Zoning Ordinance, but conditions are required to ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

Further, revised, dated site plans and documents showing stormwater retention on site that meets the City's Stormwater Control and Management Ordinance should be presented to staff for administrative approval within 60 days.

Motion passed with Rory Ruddick, Karen Simmon, Bill Yontz, Megan Eppley, Paul Jackson, and Chris Jane in favor.

Site Plan Amendment for a new Commercial Building at 702 Perry Avenue.

The Public Hearing was opened at 7:02PM.

Priebe stated that Applicant Kevin McFadden and RAIR Systems applied for a Site Plan Review for a new commercial building at 702 Perry Avenue. The Applicant has a long-term land lease with the owners of the Dunham's Sports building and intend to construct a new retail building for their marihuana business.

Priebe provided an overview of the Site Plan and the criteria for review of a Site Plan Review Application. On summary of the staff reviews, the Building Official, Public Safety, Public Works, and Zoning Reviews found no concerns. Thus, staff recommends approval of the Site Plan Review Application for a new commercial building at 702 Perry Avenue (PIN 17-15-400-017), as it meets the Criteria for Review found in Section 9.6 of the Zoning Ordinance.

Mr. Patrick Frakes of RAIR Systems, spoke on behalf of the Applicant. He explained that this new almost 4,000 sq. ft. commercial development would be upscale. Their company is in real estate development, with over 1,000 buildings across the country. He also articulated their company philosophy regarding being a marihuana business that is invested in the community and prioritizes education and safety in the consumption of cannabis.

There was no public comment on this topic. Staff received two phone calls about this project from nearby properties; both wanted to know more about the project and said they had no concerns about the new development.

The Public Hearing was closed at 7:15.

The fact finding discussion ensued covering the following topics:

- What would the development timeline be? Mr. Frakes stated that they would hope to begin as soon as all approvals are complete, with a goal of the store being open within 12 months.
- The Commission asked about the company's other marihuana stores around Michigan. Mr. Frakes said that they are expanding into five locations in West Michigan, including Big Rapids and Reed City. They have an aeroponic growing operation in Jackson.

- How much traffic will the shop generate and will it affect the traffic on Perry Avenue. Due to the high volumes of traffic on Perry Avenue, staff found in their review that the additional traffic to this site will not significantly affect traffic on Perry Avenue.
- Commissioners also expressed concern over traffic flows within the larger, multi-parcel parking lot when the new building is developed, but discussed that this valid concern is not pertinent to the approval of this project.

Motion

Motion was made by Bill Yontz, seconded by Rory Ruddick, that the Site Plan Review Application for a new commercial building at 702 Perry Avenue (PIN 17-15-400-017) be approved, because it meets all of the Criteria for Review set in Section 9.6 of the Zoning Ordinance.

Motion passed with Karen Simmon, Bill Yontz, Megan Eppley, Paul Jackson, Chris Jane, and Rory Ruddick in favor.

Zoning Ordinance Amendment to Add Bicycle Parking Regulations to Article 5

The Public Hearing was opened at 7:23PM.

Priebe summarized the staff report, noting the work done on this topic in November 2019 as well as January and May 2020 and that after those previous conversations, we have reached the time to amend the Ordinance. The draft text (see below) was reviewed and discussed.

Add the new section below to Article 5: Off-Street Parking and Loading

5.7:2 Bicycle Parking

- (1) Recommended Spaces. Any development requiring motor vehicle parking spaces is encouraged to provide bicycle parking. Off-street parking areas are recommended to contain at least one (1) bicycle parking space for every number ten (10) spaces provided for motor vehicles, or fraction thereof, with a minimum of two (2) and a maximum of twelve (12) bicycle parking space provided.
- (2) Location. Bicycle parking for commercial, multi-family residential, and mixed-uses shall be conveniently located within 50 feet of building entry points and shall not conflict with pedestrian travel. Bicycle parking areas must be visible to the public and have adequate lighting to facilitate nighttime use.
- (3) Facility Type: Bicycle parking shall consist of “inverted U” or “post and ring” style racks which meet the Performance Criteria for Bike Parking Racks in the 2nd Edition of the Association of Pedestrian and Bicycle Professionals’ Essentials of

Bicycle Parking. The bicycle parking rack must be anchored to the ground and shall allow the bicycle wheel and frame to be locked to the bicycle rack.

- (4) Facility Size: Each bicycle parking space shall accommodate a bicycle at least six feet in length and two feet wide. Bicycle racks shall be installed no closer than two feet from a wall or motor vehicle parking space.
- (5) Maintenance. The surfacing of bicycle parking facilities shall be designed and maintained to be clear of mud, debris, ice and snow.
- (6) Offset of Required Off-Street Parking Spaces. The Zoning Administrator shall, upon request of the developer, permit a reduction of required motor vehicle parking by up to 20% given that one (1) on-site bicycle parking space, above the recommended spaces and meeting the Ordinance recommendations, is provided for each motor vehicle parking space removed.

There was no public comment on this topic. No written or telephonic communication was received by staff.

The Public Hearing was Closed at 7:30PM.

The fact finding discussion included the following topics:

- Mr. Jackson expressed concern that the Ordinance would not be enforceable due to the language in (1) about recommending and encouraging rather than requiring bicycle parking. This was a topic of conversation in the previous meetings and some Commissions had wanted to take an incremental approach, beginning with recommendations and moving to requirements in a few years. The Commission decided to change the language to requirements.
- Is this an RRC requirement? Staff explained that providing bicycle parking regulations and an provision to offset off-street vehicle parking are both changes recommended by the RRC process.

Motion

Motion was made by Karen Simmon, seconded by Bill Yontz, to recommend that the Zoning Ordinance Text Amendment to add bicycle parking regulations to a new Section 5.7:2 of the Zoning Ordinance be adopted, with the changes noted below, by the City Commission, because it meets all of the Standards for Review set in Section 14.2:4 of the Zoning Ordinance.

*5.7:2 (1) ~~Recommended~~ **Required** Spaces. Any development requiring motor vehicle parking spaces is ~~encouraged~~ **required** to provide bicycle parking.*

The rest of the draft ordinance continues unchanged.

Motion passed with Bill Yontz, Megan Eppley, Paul Jackson, Chris Jane, Rory Ruddick, and Karen Simmon in favor.

GENERAL BUSINESS

Nisbett-Fairman Residences – MSHDA Preservation

This item was taken off the agenda due to a change in requirements from the Housing Commission for project approvals.

UNSCHEDULED BUSINESS

Priebe explained that the City received a Site Plan Review Application for a new parking lot at 804 Clark Street and that the Applicants are requesting a special meeting of the Planning Commission before the next regularly scheduled meeting on August 19, 2020 in order to meet their project timelines. The Applicants are requesting the meeting be held on Wednesday, August 5, 2020. Priebe asked if the Commissioner would be able to attend. With four being able to attend and a quorum being met, the meeting will go forward. Priebe will send out more information about that shortly.

There being no further business, Chair Jane adjourned the meeting at 7:45PM with all in favor.

Respectfully submitted,

Tamyra Gillis
City Clerk and Acting Planning Commission Secretary

**CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
SPECIAL MEETING
August 5, 2020**

Chair Jane called the August 05, 2020, Special Meeting of the Planning Commission to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Megan Eppley, Paul Jackson, Chris Jane, Rory Ruddick, Karen Simmon, and Bill Yontz

EXCUSED none

ABSENT none

ALSO PRESENT Paula Priebe, Neighborhood Services Director

There were 3 audience members.

APPROVAL OF MINUTES None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

None heard

PUBLIC HEARINGS

Site Plan Review for a New Parking Lot at 804 Clark St

The Public Hearing was opened at 6:32PM.

Priebe stated that Applicant 804 Clark St Investments LLC applied for a Site Plan Review for a new parking lot at 804 Clark St. The Applicant is currently renovating the existing building into a marijuana retail store and intend to develop a new parking lot on the vacant lot to the south to support the use of the building.

Priebe provided an overview of the Site Plan and the staff comments.

- The Public Safety review found no concerns.

- The Zoning review flagged a deficiency in that the landscaping does not meet the Ordinance regarding greenbelt requirements. Enough canopy trees are provided, however additional landscaping will be needed along Clark St.
- The Public Works review found the plans to not conform to the City's Stormwater Control and Management Ordinance as the Detention Basin does not have a controlled outlet and any overflow would run into Clark St.

Thus, staff recommends Approval with Conditions of the Site Plan Review Application for a new parking lot at 804 Clark St (PIN 17-15-435-004 and 17-15-435-010), because with additions of required landscaping and a controlled stormwater outlet the Plans meet the Criteria for Review found in Section 9.6.6 of the Zoning Ordinance.

Mr. Andy Andre, of Triumph Engineering and Design, spoke on behalf of the Applicant. He explained that they will add the additional landscaping along Clark Street. Regarding the stormwater concern, he noted the unique feature of the site in that there is no storm sewer line in Clark St, which limits the ability to include a controlled outlet. As a creative approach to solve this problem, they ensured that the detention basin has more than twice the required volume of storage capacity.

There was one public comment on this topic: Ms. Pat Katy, Manager of Great Lakes Office, the property immediately to the south of 804 Clark St, expressed concern about the stormwater impacts of the parking lot. She noted that water flows to the southeast over the block and has flooded her building in the past. She likes the detention pond but is worried that it is not enough.

Additionally, Staff received one phone call about this project from a City resident, Mr. Ed Deming of 223 S DeKrafft Ave. He was concerned that another marijuana shop was coming to Big Rapids; he did not have any comments about the new parking lot facility.

The Public Hearing was closed at 6:58.

The Fact Finding discussion ensued covering the following topics:

- The City is about to begin a watermain project on Clark St; could the Applicant use this opportunity to run a storm sewer line to Perry Ave and tie into the sewer there? The Perry Ave storm sewer is owned and operated by MDOT and this would require MDOT approval. The timing is also difficult, as the City's project will begin within the month and MDOT approval can take months.
- How will the changes to the Little Caesar's parking lot affect this project? The new Pick Up Window and Lane for Little Caesar's will add another curb cut to Clark St. There was discussion about the adjacent parking at 804 Clark St and whether some should be removed for pedestrian safety concerns. The Applicant said this is possible, although they request that two spaces to the south be retained, as they provide loading space to the basement of the building.
- Why is the lot so big? The Applicant noted that this parking lot will serve both the customers and employees of the new business.

- What additional landscaping does the Zoning review need? Staff explained the greenbelt landscaping requirement and that additional landscaping is required along Clark St, to either side of the drive lane, to screen the parking from the street.

Motion

Motion was made by Bill Yontz, seconded by Paul Jackson, that the Site Plan Review Application for a new parking lot at 804 Clark St (PIN 17-15-435-004 and 17-15-435-010) be approved with conditions. The Application meets the Criteria for Review set in Section 9.6 of the Zoning Ordinance, but conditions are required to ensure compatibility with adjacent uses of land and to promote the use of land in a socially and economically desirable manner.

The following conditions are required to address this need:

- 1. Provide the required greenbelt landscaping along Clark St.*
- 2. Regarding the parking to the east of the building on Clark St, remove all but the southernmost two spaces and replace with greenspace.*

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

Motion passed with Paul Jackson, Rory Ruddick, Karen Simmon, Bill Yontz, Megan Epley, and Chris Jane in favor.

GENERAL BUSINESS None

UNSCHEDULED BUSINESS

Priebe provided an update on last month's Site Plan Review for 730 Water Tower Road. This Site Plan was conditionally approved. Revised site plans were provided to staff, but they did not meet the Ordinance requirements. This Plan has not yet been approved.

Priebe also noted that a new member would be joining the Planning Commission for the regular August meeting, Dr. Kasey Thompson, a faculty member of Ferris State University.

There being no further business, Chair Jane adjourned the meeting at 7:29PM with all in favor.

Respectfully submitted,

Paula Priebe
Neighborhood Services Director and Acting Planning Commission Secretary

**CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
September 16, 2020**

Chair Jane called the September 16, 2020, regular meeting of the Planning Commission to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Megan Eppley, Paul Jackson, Chris Jane, Rory Ruddick, Karen Simmon, and Bill Yontz

EXCUSED None

ABSENT Kacey Thompson

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

APPROVAL OF MINUTES

**Motion was made by Paul Jackson, seconded by Bill Yontz, to approve the minutes of the July 15, 2020 meeting of the Planning Commission as presented, with no changes.
Motion was passed with all in favor.**

**Motion was made by Bill Yontz, seconded by Karen Simmon, to approve the minutes of the August 05, 2020 meeting of the Planning Commission as presented, with no changes.
Motion was passed with all in favor.**

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

None heard

PUBLIC HEARINGS

None

GENERAL BUSINESS

Update on Redevelopment Ready Communities

Priebe summarized the staff report, noting the progress of the Redevelopment Ready Communities (RRC) Program and the tasks that remain: Zoning Regulations, Redevelopment Ready Sites, and Economic Development and Marketing Strategies.

Discussion included the following topics:

- The need to add a second Flexible Parking regulation to meet Criteria 2.1.5 for RRC. The Commission requests additional research done in order to better understand the existing language in the Zoning Ordinance and implementation of Flexible Parking regulations in other communities.
- After review of the ‘Marketing Strategies 2020- DRAFT’, the Commission suggested focusing around why residents love living in Big Rapids and how to get the message across. Ideas included working with Pure Michigan, Ferris State University, the Convention and Visitors Bureau (CVB) and creating a marketing sub-committee.

Update on the Housing Market Study

Priebe summarized the Housing Market Study, discussing the current housing market in Big Rapids and the potential for development or redevelopment of what is referred to as Missing Middle Housing—duplexes, fourplexes, townhouses, lofts, etc.

Discussion included the following topics:

- Where would new types of housing go? Potential for redevelopment of vacant homes in disrepair, properties that have multiple parcels of land that they want to sell off, and possible extension of some streets (such as Rust Ave and Mechanic St) to build new housing of a variety of types.
- How to get more types of housing allowed in the City? Amend Zoning Ordinance to allow for more diverse housing options, which will limit the current need for Plan Unit Developments and the lengthy process that follows.
- Accessory Dwelling Units as a feasible option in Big Rapids and how to allow them? Amend the Zoning Ordinance to allow ADU’s such as carriage houses and small apartments.

UNSCHEDULED BUSINESS

Priebe discussed amending the Zoning Ordinance to include manufacturing, storage, and sales of sheds and garages in the Industrial District, based on conversation with a business interested in purchasing a property in Big Rapids.

As the Capital Improvement Program (CIP) process is approaching, Priebe explained the role for Planning Commissioner involvement and asked for 2 or 3 volunteers to join the CIP Policy Group for the 2021-2027 CIP. Members Eppley, Jane, and Simmon volunteered.

There being no further business, Chair Jane adjourned the meeting at 7:55PM with all in favor.

Respectfully submitted,

Emily Szymanski
Planning & Zoning Technician and Planning Commission Secretary

**CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
October 21, 2020**

Chair Jane called the October 21, 2020, regular meeting of the Planning Commission to order at 6:33 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Megan Eppley, Chris Jane, Karen Simmon, Kacey Thompson, and Bill Yontz

EXCUSED None

ABSENT Paul Jackson and Rory Ruddick

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

APPROVAL OF MINUTES

Motion was made by Bill Yontz, seconded by Megan Eppley to approve the minutes of the September 16, 2020 meeting of the Planning Commission as presented, with no changes. Motion was passed with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

None heard

PUBLIC HEARINGS

None

GENERAL BUSINESS

Update on Flexible Parking Regulations

Priebe summarized the staff report, which included example language for flexible parking regulations in other communities and what those examples would look like in Big Rapids. As discussed in the September 16, 2020 meeting, at least one more flexible parking option is needed

in order to meet Criteria 2.1.5 for the Redevelopment Ready Communities process. The options have been narrowed down by staff after conversation and include:

- Cross-Access between Parking Lots
- Parking Regulations when On-Street Parking is Available
- Parking Maximums

Discussion included the following topics:

- What are the downsides of parking regulations and what are the benefits? Over-regulating could be an issue. A benefit is fewer parking lots means more space for future business development.
- For Cross-Access, don't developers already decide to implement this on their own? Including Cross-Access in the Zoning Ordinance will encourage more shared access and hopefully free up some traffic congestion from people exiting from multiple driveways.
- For Parking Reductions, what happens if parking becomes a problem in the future or has a higher demand than once thought, how do we remedy this? Add a caveat or lock in a use for a certain time period so that parking doesn't become an issue after a reduction.
- Discussion included whether these implementing these Flexible Parking Regulations in Big Rapids may have unintended drawbacks and how to mitigate them.

It was agreed that staff will prepare a public hearing for the November meeting for all three flexible parking regulations discussed.

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, a Recording Secretary shall be appointed, the Planning Commission budget shall be reviewed, and a meeting schedule for the next year shall be adopted.

The elected officers for next year are as follows:

- Chris Jane as Chairperson
- Megan Eppley as Vice-Chairperson
- Bill Yontz as Secretary

Emily Szymanski was appointed Recording Secretary.

The Planning Commission budget was reviewed, and the meeting schedule was adopted and will remain at 6:30PM on the third Wednesday of each month.

A Motion was made by Bill Yontz, seconded by Karen Simmon, to approve elected officers, recording secretary, budget, and schedule as discussed.

UNSCHEDULED BUSINESS

None

There being no further business, Chair Jane adjourned the meeting at 7:37PM with all in favor.

Respectfully submitted,

Emily Szymanski
Planning & Zoning Technician

**CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
November 18, 2020**

Chair Jane called the November 18, 2020, regular meeting of the Planning Commission, held remotely via Zoom, to order at 6:36 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Megan Eppley, Paul Jackson, Chris Jane, Karen Simmon, and Bill Yontz

EXCUSED Rory Ruddick

ABSENT none

ALSO PRESENT Paula Priebe, Neighborhood Services Director
Emily Szymanski, Planning & Zoning Technician

There were 15 audience members.

APPROVAL OF MINUTES

Motion was made by Paul Jackson, seconded by Bill Yontz to approve the minutes of the October 21, 2020 meeting of the Planning Commission as presented, with no changes. Motion was passed with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

None heard

PUBLIC HEARINGS

Public Hearing 1

Special Land Use Permit for a Marihuana Grower and Processor Facility at 125 Howard St

The Public Hearing was opened at 6:42 PM.

Priebe stated that the Applicant, Michigan Pipe Dreams, applied for a Special Land Use Permit, acting in accordance with Article 10.3:8 and Article 11.1:29 Section 1 and Section 3 of the Zoning Ordinance in order to open both a Marihuana Grower and Processor facility that would be for both Medical-Use and Adult-Use.

Christian Franke of Indianapolis, Indiana spoke on Michigan Pipe Dreams' behalf. Mr. Franke said that he looks forward to working with the Big Rapids community. He gave a brief background of Michigan Pipe Dreams, stating that the company's staff have over 80 years of experience in the marihuana industry, including large grows and processing.

Those Who Spoke in Favor of the Request: None heard

Those Who Spoke in Opposition of the Request:

Philip Neitzel of 115 Dekraft Ave expressed his concerns regarding the marihuana facility. Mr. Neitzel concerns were mainly focused on the young children around the facility site and the residential areas surrounding.

Jerry Boman of 302 S Stewart St expressed similar concerns with the site, stating that the surrounding area is residential with many young children. Mr. Boman also voiced his concern with the additional traffic that could arise from having a marihuana facility in the neighborhood.

Telephonic or Written Correspondence Received by Staff:

Szymanski and Priebe received a phone call from Esther Wellman of 202 Dekraft Ave. Ms. Wellman had concerns over the safety of small children in the neighborhood as well as possible marihuana odor and increase in traffic down her street.

In response to the opposition voiced from community members, Mr. Franke addressed some of the concerns:

- For concerns with odor, Mr. Franke stated that the facility will have state-of-the-art odor mitigation equipment, making the facility essentially odorless.
- For the concerns regarding children, Mr. Franke stated that the facility will be grow and processing only, no retail.
- The only traffic to enter and exit the facility are employees or designated delivery drivers licensed by the State of Michigan.
- They will be making safety a priority, following all state laws while implementing high security measures.

Chair Jane closed the Public Hearing at 6:52 PM and the Commission entered into Fact Finding.

Eppley asked for Franke to clarify that the facility would not have any retail by any means. Franke stated that they are not offering retail. Thompson asked about the branding and what it entails. Franke stated that the building façade will remain the same, with no branding of any kind. He also mentioned that since the facility will not be having a retail component, they will not to have any large signage on the façade, making the facility as discrete as possible. Simmon asked Priebe to discuss the future land use of the area. Priebe stated that the facility complies with the Zoning Ordinance and future land use. Priebe discussed the Standards stated in both

Article 10.3:8 and 11.1:29 Sections 1 and 3 of the Zoning Ordinance and said the facility complies.

Motion

Motion was made by Bill Yontz, seconded by Paul Jackson, that the Special Land Use Permit for 125 Howard St, be approved because it meets the requirements stated in Article 10.3:8 as well as the additional requirements for Marihuana Facilities in the I Industrial District stated in Section 11.1:29 Section 1 and Section 3 of the Zoning Ordinance.

Motion passed with Bill Yontz, Kacey Thompson, Megan Eppley, and Paul Jackson in favor.

Karen Simmon voted against the motion. Chris Jane abstained.

Public Hearing 2

Zoning Ordinance Amendment to Add Flexible Parking Regulations for Cross Access, Parking Reductions, and Parking Maximums to Article 5 of the Zoning Ordinance.

Staff Report

Priebe summarized the different types of Flexible Parking Regulations, as discussed at two previous Planning Commission meetings. Priebe provided examples in the Big Rapids community, which include Arby's and 801 N State St. Amending the Zoning Ordinance with at least one more flexible parking regulation would achieve at step toward Redevelopment Ready Communities (RRC) certification.

Chair Jane opened the Public Hearing at 7:09 PM.

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 heard.

Chair Jane closed the Public Hearing at 7:11 PM.

Discussion included the following topics:

- Commissioner Jackson asked about on-street parking with the Winter Parking Ban in place.
- Priebe stated that the Flexible Parking Regulations are specifically for commercial districts, not residential and the Winter Parking Ban doesn't impact parking in commercial districts due the Ban starting at 2:00 AM and ending at 6:00 AM.

Motion

Motion was made by Bill Yontz, seconded by Karen Simmon, to recommend that the Zoning Ordinance Amendment to Add Flexible Parking Regulations to new Sections 2.2:91, 5.2:2, and 5.5:11 of the Zoning Ordinance be adopted as presented, as the amendment meets all the Standards for Review found in Section 14.2:4 of the Zoning Ordinance.

Motion passed with all in favor.

GENERAL BUSINESS

Zoning Ordinance Review of Sign Regulations for Marihuana Businesses

Priebe reviewed the current Marihuana Ordinances and how the restrictive nature of the Ordinance places a high burden on some businesses. She then introduced Nick and Eric Piedmonte, owners of Fresh Coast Provisioners, and of the new Marihuana Facility, Dunegrass Co. (801 N. State St). Chair Jane asked to hear from the owners to hear what their concerns with the current Ordinances are.

Nick and Eric Piedmonte stated that when deciding on the sign to implement for Dunegrass Co., they faced many challenges due to the strict Sign regulations for Marihuana Facilities. Their main concern is visibility and the fact that they currently cannot having a sign that faces both N. State St and W. Waterloo St.

Tom Amor, owner of Amor Signs, also spoke his concerns, giving a background of his company and his knowledge of projecting signs. Mr. Amor suggested that the City allow projecting signs as a type of wall sign allowed for Marihuana Facilities. He also believes that the freestanding sign restriction should be more lenient for these facilities.

Discussion included the following topics:

- Commissioner Jackson suggested that in this circumstance with visibility being an issue, two signs facing both streets should be allowed. However, instead of allowing the maximum square footage for each sign, the signs should have a maximum combined square footage.
- Chair Jane asked for examples in other communities.
- Staff will research how other communities address signage with Marihuana Facilities and will draft sample language for the next Planning Commission meeting.

Marihuana Businesses in the Downtown District

Priebe stated that the City Commission asked for the Planning Commission to review the number of Marihuana Facilities in the community and discuss if there is a need for a cap or buffer to limit the number of Facilities downtown. Priebe also discussed a few options that other communities have implemented, including such as a Cap on the number of businesses and the need for a Merit Based System; not allowing Marihuana Facilities downtown; and adding buffer zones. Further, she stated that current marihuana applications and businesses will not be affected by changes to the Ordinance, but would impact new businesses hoping to locate downtown.

Voicing his concern, Steve Locke, the Superintendent of MOSID, stated that the MOSID should have been taken into more consideration when creating a buffer for Marihuana Facilities since it is a school for people 18 years of age and older with intellectual disabilities.

Discussion included the following topics:

- Commissioner Jackson agrees with Mr. Locke, stating that there should be a stricter buffer for the downtown, especially since MOSID is located nearby. Mr. Jackson suggested that there should be a buffer that limits two or more shops locating next to one another.
- Commissioner Eppley agrees with Commissioner Jackson, stating that there should be a buffer which prohibits Marihuana Facilities locating in close proximity to one another, just not sure what the buffer should be.
- Commissioner Thompson also believes MOISD should be buffered. Ms. Thompson also asks about the legal perspective of buffering and asks if the City buffers other types of businesses.
- Commissioner Simmon believes there should be a buffer, but suggests the buffer be for the entire Big Rapids community and not just for Downtown.
- Commissioner Yontz asked Priebe a question about the legality of buffering marihuana businesses but no other types of businesses.
- Priebe mentions that since the State allows the City to make their own standards, the City of Big Rapids has chosen to be stricter with marihuana businesses than other businesses and buffering between marihuana businesses is allowed.
- Commissioner Simmon asks Priebe for the total Marihuana Facilities currently open and pending in the community.
- Priebe states that the City has received applications for 16 locations, of which three are open, five have received a Municipal Marihuana Operating Permit two of those five are not open yet), and the rest are in the application process.
- Commissioner Simmon asks Staff for a map of all marihuana businesses in the community.
- Staff will map the total marihuana businesses and how close the downtown marihuana facilities are to the MOISD building for next Planning Commission meeting.

UNSCHEDULED BUSINESS

None heard.

There being no further business, Chair Jane adjourned the meeting at 8:11 PM with all in favor.

Respectfully submitted,

Emily Szymanski
Planning & Zoning Technician and Planning Commission Secretary

**CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
December 16, 2020**

Chair Jane called the December 16, 2020, regular meeting of the Planning Commission to order at 6:34 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Megan Eppley, Kasey Thompson, Chris Jane, Rory Ruddick, Karen Simmon, and Bill Yontz

EXCUSED none

ABSENT Paul Jackson

ALSO PRESENT Paula Priebe, Neighborhood Services Director
Emily Szymanski, Planning & Zoning Technician

There were 4 audience members.

APPROVAL OF MINUTES

Motion was made by Karen Simmon and seconded by Kacey Thompson to approve the minutes of the November 18, 2020 meeting of the Planning Commission as presented, with no changes.

Motion was passed with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

None heard

SPECIAL BUSINESS

Purchase Offer Zoning Discussion for 906 N. State Street with the City Commission

Mr. Gifford summarized the discussion that took place during the December 7, 2020 City Commission meeting. He stated that Randy Ostrander, the City realtor, received an offer of \$295,000 to build a Krist gas station on the site. The City Commission expressed concern over the idea, stating that they envisioned more residential components. The potential buyer has expressed a willingness to consider residential development on the site and may incorporate both a gas station and condos on the site. The City Commission received email correspondence from the developer, with a sketch site plan which included both the gas station and condos. The City Commission requested to meet with the Planning Commission to discuss the following concerns:

- Zoning for the site does not allow for a gas station alone.
- The need to rezone, and how to handle that process.

Priebe summarized the zoning analysis, stating that the proposal doesn't fit the zoning for the use. The zoning of the site was changed in January 2020 to R-3 Residential, to match the community vision. The property could be re-zoned again, to C-3 Commercial which does permit gas stations.

Chair Jane opened up the discussion to Planning and City Commissioners and the conversation ensued over the following topics:

- Could the Planning Commission require the developers to build missing middle housing (quadplexes, for example) instead of condos? During the PUD process, the Planning Commission could give recommendations on what they would like to see, but you can't necessarily control what type.
- Has there been a lot of interest to build on this site? Mr. Ostrander stated that a marihuana growing facility was the only other offer, in late 2019. A student housing complex showed interest but there have not been other official offers.
- Both City and Planning Commissioners discussed that the site is one of the first things people see as they come into town. There are concerns regarding whether a gas station is the best option for this site? Maybe something more aesthetically pleasing?
- The City needs mixed-use residential, emphasis in the residential component. A gas station is not the best commercial option.
- Both Simmon and Thompson stated that the site was recently rezoned to what the community wanted to see, so the City shouldn't rush to take this offer when it isn't the intended use for the site.

Motion was made by Bill Yontz, seconded by Kacey Thompson to adjourn the joint meeting. Chair Jane adjourned the joint meeting at 7:30 PM.

PUBLIC HEARINGS

Site Plan Review for Anna Howard Shaw Memorial Park Improvements at 418 and 426 S. Michigan Ave

Staff Report

Priebe summarized the history of the site and the proposed improvement project that has been in the works for several years. The Site Plan includes a new walking path, improved parking, benches, lighting, a music node, and a large playground. The library is excited to use the renovated parks to hold programming and events and are hopeful to have the people visit both the park and the library. Along the walking path, there will be a storywalk so that community members can walk and read a story as they move through the path. The staff review of the Site Plan revealed no items of concern.

Mr. Steve Czadzeck, Landscape Architect from Fleis & Vandenbrink, discussed the approved Passport Grant from the DNR. In regard to the implementation of the project, new sidewalk will be installed on the existing grade, all the storm water patterns are staying the same, and the increase in stormwater run-off within the parking area will be captured with the new rain garden and retention pond.

Those Who Spoke in Favor of the Request:

Wendy Nystrom of 530 Winter Ave expressed her excitement for the park renovation and said that the new park improvements would attract people to the neighborhood to buy homes.

Those Who Spoke in Opposition of the Request:

Brad Lubahn of 106 Locust St expressed concerns regarding changes to the existing parking agreement Caring Family Dentistry has with the City. He stated that currently, staff of the dentistry are allowed to utilize the alley parking at the Library park, and he fears that with this new improvement project, the current parking may not be allowed.

Telephonic or Written Correspondence Received by Staff: None heard.

Chair Jane closed the Public Hearing at 7:56 PM and the Committee entered into Fact Finding.

Simmon asked if both the Library Board and the Parks and Rec Board approved the Site Plan for the park improvement project. Priebe stated that both Boards have approved the project.

Motion

Motion was made by Bill Yontz, seconded by Megan Eppley, to approve the Site Plan Review for the Anna Howard Shaw Memorial Park Improvements at 418 and 426 S. Michigan Ave as it meets the Criteria for Review found in Section 9.6 of the Zoning Ordinance.

Motion was passed with all in favor.

GENERAL BUSINESS

Sign Regulations for Marihuana Businesses – Section 11.1:29(1)(e)

Priebe summarized the Staff Report and the previous Planning Commission meeting discussion regarding the regulation of signs allowed for marihuana businesses.

Discussion included the following topics:

- Chair Jane asked if there are any groups that have other communities get together to discuss zoning regulations for marihuana businesses.
- Commissioners asked about holding a public meeting to get the perspective from current marihuana businesses and community members.

- Simmon and Eppley asked why the Zoning Ordinance only allows for one sign for marihuana businesses. Chair Jane stated that at the time of writing the Ordinance, allowing marihuana businesses into the community was new and Commissioners felt as though the Ordinance should be more conservative than other types of businesses.
- Commissioners agreed that the Ordinance is currently too restrictive and should be reworked to allow more signs in order to address visibility issues. This needs to be a larger conversation down the road for all businesses in the City.

Staff will bring back several signage options next Planning Commission meeting for the Commissioners to review.

Setback Regulations for Marihuana Businesses

Priebe summarized the Staff Report, discussing how staff researched other communities to evaluate how they buffer marihuana businesses between schools, churches, daycare centers or between other marihuana businesses.

Discussion included the following topics:

- Simmon asked if other marihuana businesses could submit their application and locate downtown while the Commission is in the process of amending the Zoning Ordinance. Priebe stated that legally, marihuana businesses could submit their applications up until the amendment is approved and becomes a legal document.
- Ruddick asked how the Downtown Business Association feels about the amount of marihuana businesses in the City. Priebe stated that she will discuss this issue with the DBA and the potential for a joint meeting.
- Holding a Public Hearing or a Special meeting regarding buffering of marihuana business would be beneficial to the community.

Staff will reach out to the DBA and to ask DBA members to attend the next meeting and provide their thoughts to the Commission. Staff recommends a Special Meeting, in place of the regular meeting, to hold a public forum for both marihuana business owners and community members.

UNSCHEDULED BUSINESS

None heard.

There being no further business, Chair Jane adjourned the meeting at 9:02 PM with all in favor.

Respectfully submitted,

Emily Szymanski

Planning & Zoning Technician and Planning Commission Secretary