

Planning Commission

Regular Meeting

January 20, 2021 at 6:30 P.M.

Zoom Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/84132634321?pwd=aHJaTzdkN1daZlNOdjdtWFVFcXhjZz09>

Meeting ID: 841 3263 4321

Passcode: 792728

Phone Login – Dial +1 312 626 6799

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
 - a. December 16, 2020
5. Public Comment
6. Public Hearing - none
7. General Business
 - a. Public Forum discussion about potential amendments to the
Zoning Ordinance regulations for marihuana businesses
8. Unscheduled Business
9. Adjourn

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

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

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Neighborhood Services Director
SUBJECT: Public Forum on Zoning Regulations for Marihuana Businesses
DATE: January 20, 2021

Introduction

The City Commission adopted Ordinance No. 752-10-19 “Ordinance amending Articles 2, 3, and 11 of the Big Rapids Zoning Ordinance to define and permit certain State licensed marihuana business facilities and establishments in the C-1, C-2, C-3, and Industrial Districts” on October 7, 2019. To date, the City of Big Rapids has issued Permits for eight marihuana retail stores, four of which are currently open, and has received applications for an additional nine locations.

The Zoning Ordinance is a living document. As this new business type has been permitted, several issues and concerns have arisen which necessitate reviewing and possibly amending the Ordinance to refine the regulations. One such amendment has already taken place: Ordinance No. 754-12-19, adopted on December 2, 2019, to clarify that the school setback of 500 feet for marihuana businesses shall be measured “in a straight line from property line to property line”.

Previous Meetings

The Planning Commission began looking at possible amendments to this Ordinance in November 2020, after being asked to review it by the City Commission. The two original areas of discussion have been 1) marihuana businesses in the downtown district (including adding a setback around the MOISD Transition Center and 2) sign regulations for marihuana businesses.

At the November meeting, the Planning Commission discussed the current issues in these two areas, and added a third possible amendment, adding a setback regulation between marihuana businesses. In December, staff provided example language for these amendments and examples from other communities in Michigan. The Planning Commission wanted to hear from local constituents about their thoughts on how this Ordinance is working for marihuana businesses and their neighbors, so the decision was made to hold a Public Forum at the January meeting.

Public Forum

The discussion tonight is to revisit the three potential amendment areas and invite the public and members of the marihuana industry to participate in the discussion. The hope is that this discussion and the feedback received will provide direction to the Commission moving forward. No action will be taken at this public forum meeting.

Attachments

Staff have provided several attachments to provide an update and background information for the discussions, including an information sheet on the potential amendments, a menu of sample language for marihuana sign regulations with example images, a map of Application locations, and the full Zoning Ordinance regulations for marihuana businesses.

Marihuana Businesses in the Downtown District

The Planning Commission has had several conversations about the possibility of prohibiting new marihuana businesses downtown as a result from concerns from community members.

Current Regulations and Possible Changes:

Section 11.1.29 (2):

Marihuana retailers, safety compliance facilities, and microbusinesses may be permitted in the C-1, ~~C-2~~, and C-3 Commercial Districts subject the conditions below:

- By removing the C-2 District from the Zoning Ordinance, this would prohibit any new marihuana businesses from opening downtown. Those currently in the Downtown would be allowed to remain.

Setback around the MOISD Transition Center:

The MOISD Transition Center, a school for students 18-26 years of age, has requested to be buffered like other types of schools, which would require amending the current regulations.

Current Regulations with Possible Change:

Section 11.1.29 (1) (d):

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

- Adding the language “or any MOISD school facility” will add the MOISD Transition Center to the list of schools.

Setback Regulations Between Marihuana Businesses:

After having many discussions, the Planning Commission is considering adding a setback regulation between marihuana businesses. A setback regulation would require a minimum distance between marihuana facilities, so that they could not locate immediately adjacent to one another. The goals of such regulations are to create diverse commercial districts and limit the number of marihuana businesses that can be approved by limiting the available lots which meet the zoning regulations for approval.

Current Regulations:

The Ordinance does not currently include a setback between marihuana facilities.

Possible Changes:

NEW SECTION 11.1.29 (2) (f)

No such commercial facility shall be located within 200 feet of an existing commercial marihuana facility.

- This is in addition to the setback of 500 feet around schools. This regulation would only apply to the Commercial type marihuana facilities.
- If a setback distance of 250 feet is chosen, as an example, any new commercial-type marihuana business would need to be at least 250 feet from any existing commercial-type marihuana business in order to receive zoning approval.

Sign Regulations for Marihuana Businesses

Why is this being discussed?

Several marihuana businesses have expressed concern regarding the restrictiveness of the sign standards for marihuana businesses.

Current Regulations:

Section 11.1:29 (1) (e)

Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to one sign per establishment, either a wall sign or a freestanding sign, as described below. The sign shall not be digital or internally illuminated.

- (i) One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet.
- (ii) One freestanding sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) square feet in area nor four (4) feet in height.

Possible Changes:

The Planning Commission is discussing potential changes to the sign regulations for marihuana establishments to make them more permissive. Conversation points include:

- Ideally, all commercial businesses, including marihuana establishments, in the City should have one uniform sign standard. Currently, marihuana establishments have stricter sign standards that reduce overall square footage allowed for their sign.
- Amending the regulations for all commercial signs would take at least several months, so amending marihuana sign regulations first will address the visibility concerns current marihuana businesses have. After that immediate issue is resolved, then we can begin discussing the larger issue of adopting one standard for all commercial businesses.
- Further discuss how permissive the sign standard for marihuana businesses should be. Currently only one sign is allowed. Should that change to two or three signs allowed?
- Currently, the sign can be a maximum of 20 square feet. Should that be increased to 30-35 square feet? Or 25 square feet per sign (if two or three signs are permitted).
- See the “Menu of Possible Sign Regulations for Marihuana Businesses in Big Rapids” for sample language at various levels of signs allowed.

A Menu of Possible Sign Regulations for Marihuana Businesses in Big Rapids

More Conservative:

The provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to one sign, as described below. The sign shall not be digital or internally illuminated.

- (i) One wall sign affixed flat against the front wall of the facility and does not exceed eight (8) sq ft.

Current Regulations: *[Found in Section 11.1:29 (1) (e) of the Zoning Ordinance]*

Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to one sign per establishment, either a wall sign or a freestanding sign, as described below. The sign shall not be digital or internally illuminated.

- (i) One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet.
- (ii) One freestanding sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) square feet in area nor four (4) feet in height.

Slightly More Permissive:

The provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to two signs, as described below. Digital signs are prohibited.

- (i) One wall sign affixed flat to the building is permitted and shall not exceed thirty (30) sq ft.
- (ii) One freestanding sign is permitted and shall not exceed twenty (20) sq ft in area nor six (6) feet in height.

More Permissive:

The provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall include a maximum of three signs, as described below. Digital signs are prohibited.

- (i) Wall signs, affixed flat to the building, are permitted, and shall not exceed an average of twenty-five (25) sq. ft. per wall sign.
- (ii) One freestanding sign is permitted and shall not exceed thirty (30) sq ft. in area nor ten (10) ft in height.
- (iii) One projecting sign is permitted and shall not exceed ten (10) sq. ft., with a minimum height of eight (8) ft and a maximum height of twelve (12) ft. Projecting signs shall not extend more than three (3) ft from the building.

Liberal:

Signage must be in accordance with Article 6 of this Ordinance.

[Note: This option would allow marihuana businesses the same sign regulations as all other commercial businesses in the City of Big Rapids. See Section 6.6 of the Zoning Ordinance for full regulations.]

Menu of Marihuana Sign Regulations - Visual

More Conservative: One wall sign affixed flat against the front wall of the facility and does not exceed eight (8) sq ft. Cannot be digital or internally illuminated.



Current Regulations: (Choose one) -

- One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) sq ft.
- One freestanding sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) sq ft in area nor four (4) ft in height.
- The sign shall not be digital or internally illuminated.



Slightly More Permissive (Two Signs Allowed):

- One wall sign affixed flat to the building is permitted on the front wall is permitted and shall not exceed thirty (30) sq ft.
- One freestanding sign is permitted and shall not exceed twenty (20) sq ft in area nor six (6) feet in height.
- Digital signs are prohibited.



More Permissive (Three Signs Allowed):

- Wall signs, affixed flat to the building, are permitted, and shall not exceed an average of twenty-five (25) sq ft per wall sign.
- One freestanding sign is permitted and shall not exceed thirty (30) sq ft and ten (10) ft in height.
- One projecting sign is permitted and shall not exceed ten (10) sq ft, with a minimum height of eight (8) ft and a maximum height of twelve (12) ft. Projecting signs shall not extend more than three (3) ft from the building.



Front of building



Side of building

Liberal (Same regulations as other commercial businesses) - Signage must be in accordance with Article 6 of this Ordinance.



Front of building



Left side of building

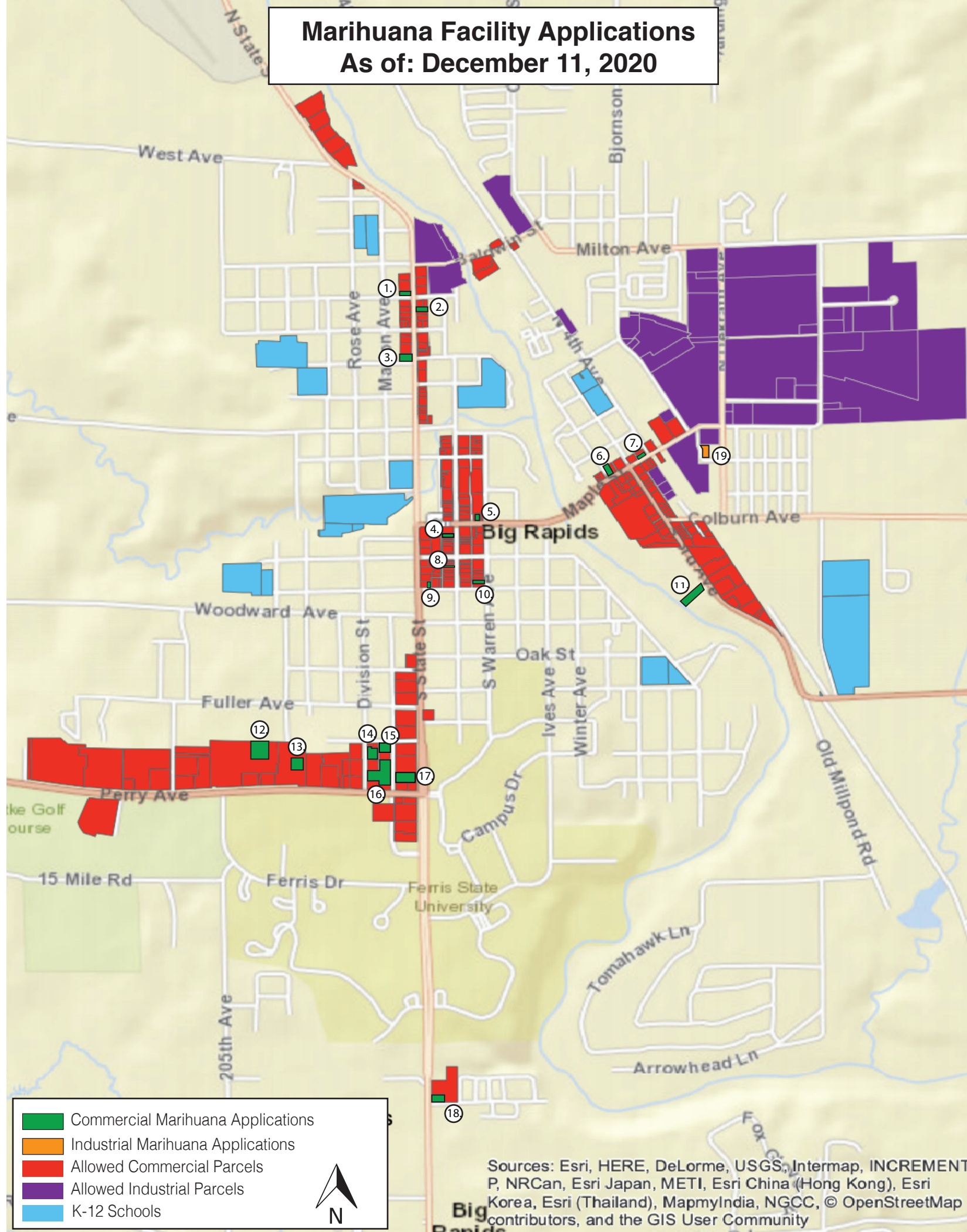


Rear of building



Right side of building

Marihuana Facility Applications As of: December 11, 2020



Marihuana Commercial-Type Facilities

1. 801 N State Street : Dunegrass
- Adult-Use
2. 720 N State Street: Green Acres Wellness Center
- Adult-Use
3. 603 & 605 N State Street: Agronomod
- Medical, Adult-Use
4. 113 S Michigan Ave: Lume Cannabis Co.
- Medical, Adult-Use **MMO Permit, open now**
5. 217 Maple Street: The Wellflower
- Medical, Adult-Use **MMO Permit**
6. 701 Maple Street: Alluvion
- Medical
7. 811 Maple Street: Great Lakes Provisioning Center
- Medical **MMO Permit**
8. 208 S Michigan Ave: Lake Life Farms
- Medical, Adult-Use **MMO Permit, open now**
9. 115 Linden Street: Michigan Pure Green
- Medical
10. 225 S Michigan Avenue: Redbud Roots
- Medical
11. 520 S Third Avenue: Mother Nurtures
- Medical **MMO Permit**
12. 710 Perry Avenue Unit T: Premiere Provisions
- Medical, Adult-Use **MMO Permit, open now**
13. 702 Perry Avenue: RAIR Systems
- Medical, Adult-Use
14. 811 Division Street: Joyology
- Medical
15. 804 & 810 Clark Street: High Society
- Medical, Adult-Use
16. 840 Clark Street: Green Peak Industries, LLC.
- Adult-Use
17. 910 S State Street: Kkind
- Medical, Adult-Use **MMO Permit, open now**
18. 1709 S State Street: Green Buddha
- Medical, Adult-Use

Marihuana Industrial-Type Facilities

19. 125 Howard Street: Michigan Pipe Dreams, LLC.
- Medical, Adult-Use Grow and Process

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

ORDINANCE NO. 752-10-19

Commissioner Eppley moved, supported by Commissioner Anderson, the adoption of the following Ordinance:

ORDINANCE AMENDING ARTICLES 2, 3 AND 11 OF THE BIG RAPIDS ZONING ORDINANCE TO DEFINE AND PERMIT CERTAIN STATE LICENSED MARIHUANA BUSINESS FACILITIES AND ESTABLISHMENTS IN THE C-1, C-2, C-3 AND INDUSTRIAL DISTRICTS

WHEREAS, the Planning Commission developed amendments to the Big Rapids Zoning Ordinance to permit state licensed Marihuana Businesses in Commercial and Industrial Zoning Districts, and

WHEREAS, the Planning Commission conducted public hearings on the Zoning Ordinance text amendments, and

WHEREAS, the Planning Commission recommended adoption of a text amendment to the Big Rapids Zoning Ordinance that would add definitions of marihuana businesses and permit the state licensed marihuana businesses subject to the conditions of Article 3 District Regulations and Section 11.1:29 Use Standards.

NOW THEREFORE, the **City of Big Rapids** ordains:

Section 1. The definitions pertaining to Marihuana Businesses are added to Article 2.9 to read as follows:

- (1) **LARA** – The Michigan Department of Licensing and Regulatory Affairs.
- (2) **MRA** – The State of Michigan Marihuana Regulatory Agency.
- (3) **Licensee** – A person holding a state license.
- (4) **Marihuana** – All parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. It does not include industrial hemp.
- (5) **Marihuana Establishment** – A location at which a licensee is licensed to operate under one of the State of Michigan Marihuana laws.
- (6) **Grower** – A person with a commercial license to cultivate, dry, trim, cure, and package marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- (7) **Microbusiness** – A person with a commercial license to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise

transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

- (8) **Marihuana Plant** – Any plant of the species *Cannabis sativa* L. Marihuana plant does not include industrial hemp.
- (9) **Processor** – A person with a commercial license to obtain marihuana from marihuana establishments, process and package marihuana, and sell or otherwise transfer marihuana to marihuana establishments.
- (10) **Retailer** – A person with a commercial license to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older. Also called provisioning centers.
- (11) **Safety Compliance Facility** – A person with a commercial license to test marihuana, including certification for potency and the presence of contaminants.
- (12) **Secure Transporter** – A person with a commercial license to obtain marihuana from marihuana establishments in order to store and transport marihuana to marihuana establishments for a fee.
- (13) **Excess Marihuana Grower** – A person, who already holds five adult-use Class C Grower licenses, and is given additional license to expand their allowable marihuana plant count.
- (14) **Municipal License** – A license or permit issued by a municipality that allows a person to operate a marihuana establishment in that municipality.

Section 2. Article 3, Section 3.9:2 is amended to add the following text as permitted principal uses and structures in the C-1 District:

3.9:2 (3)(f) Marihuana establishments that are retailers, safety compliance facilities or microbusinesses, subject to the conditions of Section 11.1:29.

3.9:2(3)(g) and other similar establishments.

Section 3. Article 3, Section 3.10:2 is amended to add the following text as permitted uses and structures in the C-2 District:

3.10:2(1)(v) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29.

3.10:2(1)(w) other similar establishments.

Section 4. Article 3, Section 3.11:2 is amended to add the following text as permitted uses and structures in the C-3 District:

3.11:2(2)(i) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29.

3.11:2(2)(j) other similar establishments.

Section 5. Article 3, Section 3.12:7 is amended to add the following text as permitted principal uses and structures in the Industrial District:

3.12:7 (4) Marihuana establishments that are growers, excess growers, processors, safety compliance facilities, or secure transporters, subject to the conditions of Section 11.1:29.

Section 6. Article 11.1:29 is amended to read as follows:

Marihuana establishments may be permitted subject to the general and specific conditions below:

(1) Conditions which apply all marihuana establishments are listed below:

(a) All such establishments shall hold a valid License for the appropriate operation as issued by the State of Michigan.

(b) Co-located marihuana establishments and stacked grower licenses may be permitted subject to the regulations of this Ordinance and any applicable rules promulgated by LARA.

(c) The Licensee shall have, or shall have applied for, a Municipal License or permit as described in the City Code.

(d) No such facility shall be situated within 500 feet of a K-12 school, public or private.

(e) Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to one sign per establishment, either a wall sign or a freestanding sign as described below. The sign shall not be digital or internally illuminated.

i. One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet.

ii. One freestanding sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) square feet in area nor 4 feet in height.

(f) The use of marihuana is prohibited at all licensed marihuana establishments.

(g) No equipment or process shall be used in the facility which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal human sense beyond the property line.

(h) The establishment shall be available for reasonable inspection, during business hours, by Code Enforcement Officials or Public Safety Officers to confirm the facility is operating in accordance with all applicable laws, including state law and city ordinances.

(i) A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.

(j) A Zoning Permit or Special Land Use Permit may be issued conditionally, however no operation may commence or continue until the required Municipal License or permit has been issued by the City Clerk and all conditions enumerated in the City Code have been met.

(2) Marihuana retailers, safety compliance facilities and microbusinesses may be permitted in the C-1, C-2 and C-3 Commercial Districts subject to the conditions below:

(a) The facility may only operate between the hours of 9AM to 9PM.

(b) The facility shall provide off-street parking and loading consistent with Article 5 of this Ordinance and shall be considered under Section 5.2 as Retail Sales and Rental of Goods, Merchandise and Equipment.

(c) The exterior appearance must be compatible with surrounding businesses with respect to façade type, ground floor opacity, site layout, etc.

(d) The interior of the facility must be arranged in such a way that neither marihuana nor marihuana-infused products are visible from the exterior of the facility.

(e) All activities, including all transfers of marihuana, shall be conducted within the building and out of public view. Drive-through, drive-up, or curb-side service facilities are prohibited.

(3) Marihuana growers, excess growers, processors, safety compliance facilities, and secure transporters may be permitted as a special land use in the Industrial District subject to the conditions below:

(a) The facility shall provide off-street parking and loading consistent with Article 5 of this Ordinance and shall be considered under Section 5.2 as Manufacturing and Industrial Uses.

(b) Processes must be conducted in a manner to minimize adverse impacts on the City's wastewater treatment operations. The City's Public Works Department shall review all pertinent information related to wastewater discharges and shall provide any pertinent comments on to the Planning Commission.

(c) All operations shall occur within an enclosed building and no marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.

(d) Applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation or processing to minimize the risk of theft or harm resulting from chemical exposure.

Section 7. The ordinance shall be effective 20 days after publication.

Section 8. The City Clerk is directed to publish this ordinance in the Pioneer.

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: October 7, 2019

Published:

Planning Commission

Regular Meeting

February 17, 2021 at 6:30 P.M.

Zoom Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/88124662108?pwd=SGpjK3k0NWwhIOTYvVjJjNzJXZEFqZz09>

Meeting ID: 881 2466 2108

Passcode: 967413

Phone Login – Dial +1 312 626 6799

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
 - a. January 20, 2021
5. Public Comment
6. Public Hearing - none
7. General Business
 - a. 2021-2027 Capital Improvements Program
 - b. Continued Discussion of Potential Amendments to the Zoning Ordinance Regulations for Marihuana Businesses
 - c. Annual Report of Planning and Zoning
 - d. Spring Training Opportunities through MAP
8. Unscheduled Business
9. Adjourn

CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
January 20, 2021
Unapproved

Chair Jane called the January 20, 2021, regular meeting of the Planning Commission, held remotely via Zoom, to order at 6:31 p.m.

PLEDGE OF ALLEGIANCE

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

EXCUSED None

ABSENT None

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

There were 20 audience members.

APPROVAL OF MINUTES

Motion was made by Paul Jackson, seconded by Karen Simmon, to approve the minutes of the December 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

SPECIAL BUSINESS None

PUBLIC HEARINGS None

GENERAL BUSINESS

Public Forum discussion about potential amendments to the Zoning Ordinance regulations for marihuana businesses

Priebe summarized the Staff Report discussing three potential amendment areas: having a setback between other marihuana businesses, amending the sign ordinance for marihuana businesses, and marihuana businesses in the downtown. Priebe also summarized the informational sheet that was created to help guide the public for discussion. Chair Jane welcomed and thanked the public for attending, stating that the Planning Commission wanted to hold a Public Forum to receive feedback from the community and the marihuana businesses

The Public Forum began at 6:40 PM.

Mike Vlasich of Mother Nurtures shared his concerns regarding the limited signage that is permitted, especially since the location of the business poses visibility issues that could potentially create a driving hazard, due to customers slowing down to find the business.

Kenneth Bryant of Premiere Provisions stated that since the City has a restrictive sign ordinance for marihuana businesses, they chose the one allowed wall sign, but would like to have another sign on the pylon, showing that Premiere Provisions is located in Sattler Square. Without having the second sign, it is difficult for customers to locate their business, since it is located behind Advance Auto Parts.

Samantha Gray of Lume first thanked the Big Rapids community for showing the company great hospitality. She also mentioned that she believes adding distance between marihuana businesses, especially in the downtown, would be beneficial.

Chyna Blu of The Wellflower, stated that she also believes that there should be distance between other marihuana businesses to help those businesses thrive, but also to encourage diversity of commercial businesses.

David Kotler of Lake Life Farms stated that there is a value of having different types of businesses, and while he believes in equality opportunity, he supports the City's efforts of having these discussions.

With no other comments from the public, Chair Jane opened the discussion for Planning Commissioners. Discussion included the following topics:

Marihuana businesses in the downtown district –

- Buffering versus eliminating the C-2 District altogether. Pure competition method could work in the C-1 and C-3 Districts because of the different needs, but maybe the downtown area should be treated differently? Buffering in the downtown would leave very few locations allowed for additional marihuana businesses in this district.
- Instead of treating the downtown differently, maybe a more holistic approach of a setback regulation which applied for the entire City would work better. Pure competition might be problematic, so the buffer would help lessen this.

Setback around the MOISD Transition Center –

- If MOISD is included in the 500ft buffer, that would eliminate most of the south side of downtown.
- The concern from the MOISD is that their students, who are between 18 and 26 years of age and facing developmental difficulties, would be near the marihuana businesses downtown given their circumstances.
- Buffer the MOISD differently than K-12 schools, perhaps with 250ft instead of 500ft?

Sign Ordinance for Marihuana Businesses –

- Amending the Zoning Ordinance to have one uniform sign ordinance for all commercial businesses is the ultimate goal. As this will take a significant effort and time commitment, it is recommended to amend the Sign regulations for marihuana businesses at this time.
- The current sign regulations for marihuana businesses is too restrictive. It was intended to be conservative, because of the many unknowns with this new business type. Staff and Commissioners believe these very tight restrictions are no longer necessary.
- Referencing the Possible Sign Regulations for Marihuana Businesses (see packet), six of the seven Commissioners prefer either the ‘more permissive’ or ‘liberal’ option from the list. To have these businesses succeed, they need to have the signage opportunities as equal to those of other types of commercial businesses as reasonable.

Staff will bring back three different setback distance variation maps for the next Planning Commission meeting. Staff will also draft more sample language and reach out to similar communities and ask for any feedback relating to marihuana business setbacks in their jurisdictions and the impacts of related ordinances.

UNSCHEDULED BUSINESS

None heard.

There being no further business, Chair Jane adjourned the meeting at 8:05 PM with all in favor.

Respectfully submitted,

Emily Szymanski

Planning & Zoning Technician and Planning Commission Secretary

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Community Development Director
SUBJECT: Capital Improvements Program 2021-2027
DATE: February 17, 2021

Introduction

Every year, the City prepares and adopts a 6-year Capital Improvements Program (CIP), as required by the Michigan Planning Enabling Act. Departments make requests for funding of capital projects which are reviewed and prioritized by City staff. Projects for the 2021-2027 fiscal year will make up the capital budget, part of the annual budget, while the projects for later years help the City plan ahead for anticipated expenditures.

The Capital Improvements Program and Process

Preparation of the CIP follows a detailed process laid out by the Michigan Economic Development Corporation. This process began in November 2020 with a schedule and call for project requests. The CIP Policy Group (made up of department heads, superintendents, three Planning Commission representatives, and others) met twice; once to review the policies and procedures used to create the CIP and a second time to score and review project requests. In January 2021, members of the Policy Group had the opportunity to participate in an afternoon tour of various City buildings and departments to learn about the projects directly. The CIP Administrative Group (made up of the City Manager, City Treasurer, and Community Development Director) finalized project prioritization and funding recommendations.

Final steps in the CIP process include review and recommendation by the Planning Commission and final review and adoption by the City Commission.

Recommendation

Staff supports a recommendation to approve the 2021-2027 Capital Improvements Program from the Planning Commission to the City Commission.

Action

The Planning Commission needs to make a recommendation to the City Commission regarding the 2021-2027 Capital Improvements Program.

DRAFT

City of Big Rapids

Capital Improvements Program

2021-2027



Acknowledgements

City Commission

Tom Hogenson, Mayor

Robert Andrews

Jennifer Cochran

Jon Eppley

Lorraine James

Planning Commission

Chris Jane, Chair

Megan Eppley, Vice Chair

Paul Jackson

Karen Simmon

Rory Ruddick

Kasey Thompson

Bill Yontz

Adopted -PENDING

March 01, 2021

Table of Contents

Introduction -----	1
Process -----	4
Program Funding -----	7
Capital Improvements Program -----	9
Appendix A – Project Details -----	24

Introduction

A Capital Improvements Plan (CIP) is a multi-year planning instrument used to identify needs and financing sources for public infrastructure improvements. The purpose of a CIP is to facilitate the orderly planning of infrastructure improvements; to maintain, preserve, and protect the City of Big Rapids' existing infrastructure system; and to provide for the acquisition or scheduled replacement of equipment to ensure the efficient delivery of services to the community. The CIP is also utilized to ensure that capital improvements are fiscally sound and consistent with the goals and policies of the governing body and the residents of the community.

A comprehensive CIP is an essential tool for the planning and development of the social, physical, and economic wellbeing of the community. The process of creating a CIP is a necessary part of an organized effort to strengthen the quality of public facilities and services; provide a framework for the realization of community goals and objectives; and provide a sound basis on which to build a healthy and vibrant community.

The CIP informs Big Rapids residents and stakeholders on how the municipality plans to address significant capital needs over the next six years. The CIP provides visual representations of the community's needs including maps that detail the timing, sequence, and location of capital projects. The CIP can also influence growth because infrastructure can impact development patterns.

Some of the benefits that the CIP provides for the residents and stakeholders include:

- Optimizing the uses of revenue
- Focusing attention on community goals, needs, and capabilities
- Guiding future growth and development
- Encouraging efficient government
- Improving intergovernmental and regional cooperation
- Helping maintain a sound and stable financial program
- Enhancing opportunities for the participation in federal and/or state grant programs

The projects identified in the CIP represent the community's plan to serve residents and anticipate the needs of a dynamic community. Projects are guided by various development plans and policies established by the City Commission, Planning Commission, and City administration.

Plans and policies include:

- | | |
|--|---|
| • Master Plan Addendum 2018 | • Bicycle and Pedestrian Plan 2012 |
| • Downtown Blueprint Update 2016 | • Goals and Objectives of City Commission |
| • Tax Increment Financing (TIF) Plan | • 2020 Housing Study |
| • Parks and Recreation Master Plan 2017-2021 | • Administrative Policies |

Mission Statement

Preparation of the CIP is done under the authority of the Michigan Planning Enabling Act (PA 33 of 2008). The goal of the CIP should be to implement the master plan and to assist in the community's financial planning.

The CIP is dynamic. Each year all projects included within the CIP are reviewed, a call for new projects is made, and adjustments are made to existing projects arising from changes in the amount of funding required, conditions, or timeline. A new year of programming is also added each year to replace the year funded in the annual operating budget.

The CIP program should continue to develop over time by adding features to gradually improve quality and sophistication. Greater attention shall be devoted to providing more detailed information about individual project requests, program planning, fiscal analysis, fiscal policies, and developing debt strategy.

CIP and Budget Process

The CIP plays a significant role in the implementation of a master plan by providing the link between planning and budgeting for capital projects. The CIP process precedes the budget process and is used to develop the capital projects portion of the annual budget. Recommending approval of the CIP by the Planning Commission does not mean that they grant final approval of all projects contained within the plan. Rather by recommending approval of the CIP, the Planning Commission acknowledges that these projects represent a reasonable interpretation of the upcoming needs for the community and that projects contained in the first year of the plan are suitable for inclusion in the upcoming budget.

Priority rankings do not necessarily correspond to funding sequence. For example, a road-widening project which is ranked lower than a park project may be funded before the park project because the road project has access to a restricted revenue source, whereas a park project may have to compete for funding from other revenue sources. A project's funding depends upon several factors—not only its merit, but also its location, cost, funding source, and logistics.

The community of Big Rapids should strive to maximize resources by maintaining a balance between operating and capital budgets. A continuous relationship exists between the CIP and the annual budget. A direct link can be seen between the two documents, as there should be in a strategic planning environment. Budget appropriations lapse at the end of the fiscal year as the operating budget is funded with recurring annual revenues such as taxes, licenses, fines, user fees, and interest income.

Definition

As used in the City of Big Rapids Capital Improvements Program (CIP), a capital improvement project is defined as a project that results in the acquisition, addition, updating, or development of physical facilities. A capital improvement project may also include contractual or bonded indebtedness payments related to fix assets, or any major expenditure for physical development, which generally falls into one of the following categories:

1. Land and non-structural improvements
2. New structures
3. Major repairs - \$7,500 or more
4. Major replacements - \$7,500 or more
5. Non-motorized equipment - \$7,500 or more

Additionally, capital improvements are generally defined as the following:

- a) New and expanded physical facilities for the community which are relatively large-in-size, expensive, and permanent.
- b) Large scale rehabilitation or replacement of existing facilities.
- c) Major pieces of equipment which has a direct relationship to the function of a physical facility, and which are relatively expensive and of long life.
- d) Purchase of equipment for any public improvements when first erected or acquired that are to be financed in whole or in part from bond funds.
- e) The cost of engineering and architectural studies and surveys related to an anticipated improvement.

Process

The process of creating the Capital Improvements Program took place over five months and including staff from every department in the City.

Groups and Roles

The first step in the process was getting the different people and groups necessary to fill vital roles in drafting the Capital Improvements Program. The groups and roles are described below:

Policy Group: reviews the policy, develops the project rating and weighting criteria, rates and weights project applications, reviews funding options, and presents the recommendation to the Administrative Group.

- City Manager
- City Treasurer
- Director of Public Works
- Director of Public Safety
- Deputy Director of Public Safety
- Information Technology Manager
- DART Supervisor
- Superintendent of Water Plant
- Superintendent of Wastewater Plant
- Street Superintendent
- Community Development Director
- Planning Commission Representatives (3)

Administrative Group: clarifies any issues, finalizes the priorities, and brings the CIP draft forward to the Planning Commission.

- City Manager
- City Treasurer
- Community Development Director

Planning Commission: works with the Policy Group during the plan development, conducts workshops (if necessary), reviews the Policy Group's recommendation, receives public input, and makes recommendations to the City Commission to adopt the plan and consider incorporating funding for the first-year projects into the annual budget.

City Commission: adopts the CIP, uses the CIP as a tool in the adoption of the annual budget in accordance with the governing body goals and objectives.

Residents: encouraged to participate in plan development by working with various boards and commissions at the Planning Commission meetings, and at the City Commission's budget workshops and public hearings. As always, communication is open between residents, City Commissioners, Planning Commissioners, and staff.

Project Analysis and Prioritization

Upon receiving requests from various Departments for capital improvement funding, the Policy Group engaged in a process of scoring projects utilizing the following review criteria:

1. Project will improve quality of life and/or quality of service of residents and users.
2. If deferred, absence of project would negatively impact residents and users.
3. Project is part of a multi-year funding commitment.
4. Project is part of, or complements, other ongoing projects.
5. Project is part of an approved City plan.

Projects were scored on a scale from 1-5. Additionally, departments proposing projects provided an internal department priority ranking out of the number of projects proposed. Average scores and department priorities are included in the final project tables.

After reviewing department priorities and Policy Group scoring, the Administrative Group prioritized projects and recommend projects to the Planning Commission according to the following categories:

Priority 1: Essential

Project cannot be postponed, as it is essential; partially completed; meets an emergency situation, or remedies a condition dangerous to public health, welfare, or safety; or the City is committed by contractual arrangement. Only essential projects should be so classified.

Priority 2: Desirable

Project should be carried out within a few years to meet anticipated needs of a current program or for the replacement of unsatisfactory facilities. These include projects that are needed to maintain the department program at current level of performance, projects that would benefit the community, and projects whose validity of planning and validity of timing have been established.

Priority 3: Acceptable

Project is needed for the proper expansion of a program or facility with the exact timing, waiting, until funds are available. These are projects that are adequately planned, but not absolutely required, and should be deferred to a subsequent year if budget reductions are necessary.

Priority 4: Deferrable

Project is needed for an ideal operation but cannot yet be recommended for action. Can safely be deferred beyond the third year of the six-year projection.

Priority 5: Needs Further Study

Project is desirable but not essential, can be safely postponed without detriment to preset services, rated lowest of those submitted, and/or needs further study before being recommended for funding.

Capital Improvement Approval

While the Planning Commission will play an important role in developing a CIP, recommendations coming from the Planning Commission to the City Commission are purely advisory in nature. It is the sole responsibility of the City Commission to approve and adopt a CIP for any given year.

The Planning Commission reviewed the CIP on February 17, 2021 and unanimously recommended that the City Commission adopt the 2021-2027 Capital Improvement Plan. [PENDING]

The City Commission adopted the Capital Improvement Plan at their regular meeting on March 01, 2021. [PENDING]

Program Funding

The City of Big Rapids has several funding sources for these Capital Improvements projects. This is necessary due to the substantial financial resources required to meet the goals of the Program. Most capital funding sources are earmarked for specific purposes and cannot be transferred from one capital program to another. For example, funds raised by the community for fire protection services must be used for the purposes that were stated when the voters approved the funding. The CIP has to be prepared with some projects as to the amount of money available. The following is a summary of the funding sources for projects included in the CIP.

General Fund

The General Fund is the fund that is responsible for many of the daily operations of the City. The fund has three major revenue sources: property tax, income tax, and state shared revenue. Collectively, these three revenue items are responsible for 88% of General Fund income. Over the last five fiscal years, the revenue collected from these sources has increased a combined 2.27%, although an upsurge in income tax collected is the main reason for the increase. The largest driver of cost in the General Fund is public safety related expenditures which account for roughly 47% of the budget. As a best practice measure, the Government Finance Officers Association (GFOA) recommends retaining a fund balance of two months of operating expenses, which is approximately \$1,400,000 for the City of Big Rapids.

Major and Local Streets

The Michigan Department of Transportation, through Public Act 51, requires each incorporated municipality to submit an annual report to the State Transportation Commission identifying any changes made to the mileage of their street system. Changes to the street system, if they meet the State's specifications, are reflected on the City's Certified Mileage Map. Certified mileage for major and local streets are used to distribute Act 51 revenues to communities. These revenues are derived by taxes imposed directly or indirectly on vehicle fuel sales. The City of Big Rapids currently has 37.90 miles of certified streets, including 14.50 miles of major streets and 23.40 miles of local streets.

Downtown Development Authority

The Downtown Development Authority (DDA) was created in 1985 to correct and prevent deterioration and to promote economic growth within the downtown area. The DDA governing body consists of individuals that were appointed by the City Commission, who also approves the DDA budget. The DDA is funded with a 2.0 mill tax levied on all taxable property within the district. It is also responsible for the promotion and funding of downtown activities, such as the Big Rapids Farmer's Market.

Library Fund

The Library Fund is responsible for the operation and maintenance of the Big Rapids Community Library. The Library is funded from several different sources: 1.0 mill levied by the City of Big Rapids, penal fine distributions, state aid, a 0.2 mill levy from Big Rapids Charter Township, and a subsidy from the City's General Fund. Salaries, fringe benefits, and library materials comprise most of the Library's current budget. In 2014, the City issued bonds in the amount of \$530,000 to renovate the existing facility. The Library Fund is responsible for the debt service associated with this bond issue.

Airport Fund

The Airport Fund is responsible for the operation and maintenance of the Roben Hood Airport. It is funded through fuel sales, rent from hangar leases, mechanic services, and subsidies from the City's General Fund. The main drivers of costs are salaries and fringe benefits for airport staff, fuel purchases, and debt service on the Community Hangar.

Dial-A-Ride Transit Fund

The City's Dial-a-Ride Transit (DART) system has been providing "curb to curb" public transportation service to the Big Rapids community since 1975. DART has provided more than 3.5 million rides, offering safe, dependable, affordable transportation through a shared ride, demand-response public transportation service. Many patrons use DART as their sole source for fulfilling shopping, medical, education, and socializing needs. DART is a key amenity which separates the City of Big Rapids from other regional communities, providing the ability to get anywhere in Big Rapids to all persons. The DART Fund is supported by several different sources, including Michigan Department of Transportation (MDOT), federal funding, Ferris State University shuttle service, passenger fares, and the City's General Fund.

Wastewater and Wastewater Replacement

The purpose of the Big Rapids Wastewater Collection System and Treatment Plant is to protect public health and preserve the aquatic environment, thereby enhancing the quality of life for area residents. The wastewater system serves an 11-square mile area, which encompasses three jurisdictions: the City of Big Rapids, Big Rapids Charter Township, and Green Charter Township. Each community owns and operates their own wastewater collection system, including gravity sewers, pumping stations, and force mains. The City of Big Rapids owns and operates the Publicly-Owned Treatment Works (POTW), also known as the Wastewater Treatment Plant (WWTP). The WWTP is funded by user fees collected from the approximately 2,200 customers of the system.

The wastewater collection and treatment system serves a population of approximately 20,000 people. The system has approximately 33 miles of gravity and force sewer mains as well as 15 lift stations. The Wastewater Replacement Fund is supported by annual contributions from each municipality that is connected to the system.

Water and Water Replacement Funds

The City's water system includes the operation and maintenance of the City's Water Treatment Plant, the distribution lines from the plant, and the upkeep of four water towers. The Water Fund's major revenue source is the usage rates collected from roughly 2,200 customers. Each year, rates are reviewed to correctly account for the funds needed to operate and maintain the plant. The Water Fund has three main cost centers: Production, Transmission, and Customer Service, with production accounting for about 45% of the budget. The Water Fund also transfers resources to the Water Replacement Fund for capital projects related to the water system.

The Water Replacement Fund exists to account for the replacement of capital items throughout the water system. It is funded by quarterly transfers from the Water Fund. The City has a goal to deposit \$700,000 per year into this fund to properly maintain the water system.

Motor Pool Fund

The City's Motor Pool is a part of the Department of Public Works (DPW) and maintains a variety of different vehicles and equipment, including 7 Dial-A-Ride buses, 44 pickups and cars, 4 loaders and backhoes with their various attachments, 7 dump trucks with plows, scrapers, and spreaders. The Motor Pool also maintains everything from garbage trucks to chainsaws for use by DPW. In total, the Motor Pool maintains over 240 different pieces of equipment. Maintenance and replacement programs are in place to ensure the safety and utility of all vehicles. The Motor Pool Fund is supported by equipment rental charges to all funds that use the equipment.

Capital Improvements Program

The following tables provide an overview of the 2021-2027 Capital Improvements Program for the City of Big Rapids. Table 1 shows the projected funding availability by the different funding sources for capital improvements.

Table 2 includes all projects, sorted by the Department responsible for the project, then by year and department priority. The Department Priority shows how each department prioritizes the projects they submitted within each funding year. A score between 0 and 5 is given; this is the average score from the scoring process conducted by the Policy Group. Finally, the chart includes the Estimated Cost of the project as provided by the Department responsible for the project.

Table 3 is the list of projects for the 2021-2022 fiscal year. This table includes not the estimated project cost, but rather the recommended funding, as determined by the Administrative Group and approved by the Planning Commission.

Table 4 through Table 8 break down the projects by the fiscal year in which they will be funded, starting with 2022-2023 and continuing through 2026-2027.

Table 1

City of Big Rapids CIP 2021-2027

Fund Projections							
Fund	Budget Year						Total
	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	
General Fund	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 3,000,000
Major Streets Fund and Local Streets Fund	\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	\$ 3,300,000
Airport Fund	\$ 20,000	\$ 65,000	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ 115,000
Library Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DART Fund	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Water Fund and Water Replacement Fund	\$ 1,500,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 6,500,000
Wastewater Fund and Wastewater Replacement Fund	\$ 900,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 3,400,000
Motor Pool Fund	\$ 165,000	\$ 225,000	\$ 225,000	\$ 225,000	\$ 195,000	\$ 215,000	\$ 1,250,000
Total	\$ 3,655,000	\$ 2,840,000	\$ 2,782,500	\$ 2,782,500	\$ 2,752,500	\$ 2,772,500	\$ 17,585,000

Table 2

City of Big Rapids CIP 2021-2027
All Projects

Department	Project Title	Funding Year(s)	Department Priority	Avg Score	Estimated Cost
Airport	100LL Fuel Tank Replacement Year 1	2021-2022	1 of 1	1.7	\$ 10,000
	100LL Fuel Tank Replacement Year 2	2022-2023		1.7	\$ 72,600
	Taxiway Rehabilitation	2022-2023		2.7	\$ 7,900
	New 4 Bay Hangar	2022-2023		1.0	\$ 300,000
	Parallel Taxiway Construction	2024-2025		2.7	\$ 86,000
City Hall	City Hall Outdoor Bathroom Renovations	2021-2022	1 of 2	2.7	\$ 24,000
	Rooftop HVAC Replacement City Hall	2021-2022	2 of 2	1.7	\$ 15,976
Community Development	124 W. Bellevue Acquisition & Demolition	2021-2022	1 of 1	3.0	\$ 6,000
	Hillcrest School Acquisition	2022-2023		1.0	\$ 47,000
	Master Plan Update	2022-2023		3.3	\$ 30,000
	Zoning Ordinance Update	2024-2025		3.3	\$ 30,000
Police	TruNarc Narcotic Analyzer	2021-2022	1 of 2	1.7	\$ 17,500
	Radar Street Signs	2021-2022	2 of 2	2.3	\$ 15,000
	E-Citations	2022-2023		2.0	\$ 18,000
	Training Simmunitions Kit	2023-2024		1.0	\$ 23,000
	Tasers	2024-2025		1.0	\$ 22,000
Public Safety Building	HVAC Replacement/Upgrades	2021-2022	1 of 2	2.0	\$ 45,000
	Electronic Door Lock Upgrades	2021-2022	2 of 2	1.0	\$ 30,000
	LED Digital Message Board Sign	2022-2023		1.0	\$ 30,000
	Window Treatments (Reflective)	2022-2023		1.0	\$ 12,000
	Office Furniture	2022-2023		0.3	\$ 60,000
	Roof Repair/Replacement	2023-2024		2.0	Awaiting Quote
	Public Safety Parking Lot Repairs	2023-2024		1.3	\$ 80,000
	Gym Upgrades and Equipment	2023-2024		0.0	\$ 20,000

Table 2

City of Big Rapids CIP 2021-2027
All Projects

Department	Project Title	Funding Year(s)	Department Priority	Avg Score	Estimated Cost
Fire	SCBA Replacement Year 1	2021-2022	1 of 1	2.0	\$ 75,000
	SCBA Replacement Year 2	2022-2023		2.0	\$ 75,000
	Engine 4 Replacement Year 1	2022-2023		3.0	\$ 125,000
	Fire Hose Replacement	2022-2023		2.0	\$ 30,000
	Engine 4 Replacement Year 2	2023-2024		3.0	\$ 125,000
	Engine 4 Replacement Year 3	2024-2025		3.0	\$ 150,000
	Extrication Equipment	2023-2024		1.7	\$ 40,000
	IT Equipment	2024-2025		0.7	\$ 12,000
	Fire Hose Replacement 2	2025-2026		2.0	\$ 30,000
DART	DART Projects	2021-2022	1 of 1	2.3	\$ 20,000
Library	RFID Conversion and Self-Checkout Year 1	2022-2023		3.0	\$ 68,820
	RFID Conversion and Self-Checkout Year 2	2023-2024		3.0	\$ 68,820
Alleys and Parking Lots	100 Block of N. Michigan - Alley	2022-2023		2.0	\$ 55,000
	Hemlock Park - Parking Lot	2022-2023		3.0	\$ 30,600
	100 Block of S. Michigan - Parking Lot	2022-2023		2.0	\$ 85,000
	200 Block of N. Michigan - Parking Lot	2024-2025		2.0	\$ 83,000
	200 Block of S. Michigan - Parking Lot	2024-2025		2.0	\$ 57,000
Sanitary Sewer	Sewer Lining	2021-2022	1 of 5	3.7	\$ 100,000
	Hemlock Park Sanitary Sewer Upgrade	2021-2022	2 of 5	3.0	\$ 217,000
	Birch Street Alley Sanitary Sewer	2021-2022	3 of 5	4.0	\$ 60,000
	Spruce St Sanitary Sewer 300-4088	2021-2022	4 of 5	4.0	\$ 126,000
	200 Marion Ave Sanitary Sewer	2021-2022	5 of 5	4.0	\$ 50,000
	Northland Drive Sanitary Sewer 3020-3042	2022-2023		4.0	\$ 468,000
	200 S. State Street Sanitary Sewer 1245-1250	2022-2023		4.0	\$ 66,000
	300 S. State Street Sanitary Sewer 1243-1244	2023-2024		4.0	\$ 84,000
	100 E. Grand Traverse St Sanitary 3082-4082	2024-2025		4.0	\$ 183,000

Table 2

City of Big Rapids CIP 2021-2027
All Projects

Department	Project Title	Funding Year(s)	Department Priority	Avg Score	Estimated Cost
Storm Sewer	Storm Repair - Elm St. at Michigan Ave.	2022-2023		3.0	\$ 24,000
	W. Pere Marquette - Storm Replacement	2022-2023		3.0	\$ 24,000
	Division St (Woodward to Mitchell Creek)	2022-2023		3.0	\$ 180,970
	Hutchinson St (Rust Ave to Pool)	2023-2024		3.0	\$ 180,970
	Woodward Ave (Bailey Dr. to Ridgeview)	2024-2025		3.0	\$ 100,128
	Rose Ave (Fremont St to State St)	2024-2025		3.0	\$ 75,756
	Industrial Ball Field to Jackson St	2025-2026		3.0	\$ 103,056
	Parkview Village to Washington St	2025-2026		3.0	\$ 142,504
Motor Pool	Two Police Cars - Replace 401 and 405	2021-2022	1 of 3	2.0	\$ 100,000
	Two Staff Cars - Replace 414 and 415	2021-2022	2 of 3	1.7	\$ 45,000
	Public Safety Ticket Truck	2021-2022	3 of 3	1.7	\$ 20,000
	One Dump Truck - Replace 107	2022-2023		2.0	\$ 175,000
	One Police Car - Replace 402	2022-2023		2.0	\$ 50,000
	One Dump Truck - Replace 106	2023-2024		2.0	\$ 175,000
	One Police Car - Replace 403	2023-2024		2.0	\$ 50,000
	One Dump Truck - Replace 104	2024-2025		2.0	\$ 175,000
	Maintenance Truck - Replace 204	2024-2025		1.7	\$ 50,000
	One Police Car - Replace 404	2025-2026		2.0	\$ 50,000
	Wood Chipper	2025-2026		1.7	\$ 85,000
	Blacktop Roller	2025-2026		2.3	\$ 60,000
	Two Police Cars - Replace 401 and 405	2026-2027		2.0	\$ 100,000
	Maintenance Van	2026-2027		2.0	\$ 65,000
	Engineering Truck - Replace 225	2026-2027		1.7	\$ 50,000

Table 2

City of Big Rapids CIP 2021-2027
All Projects

Department	Project Title	Funding Year(s)	Department Priority	Avg Score	Estimated Cost
Parks	Hemlock Park Improvements Year 1	2021-2022	1 of 6	4.0	\$ 250,000
	Riverwalk Repairs	2021-2022	2 of 6	3.0	\$ 10,000
	Softball Field Lighting Year 1	2021-2022	3 of 6	4.0	\$ 67,500
	Fencing for Ball Parks	2021-2022	4 of 6	2.3	\$ 8,500
	Community Pool Water Controller	2021-2022	5 of 6	2.0	\$ 7,350
	Depot Purchase	2021-2022	6 of 6	3.0	\$ 30,000
	Hemlock Park Improvements Year 2	2022-2023		4.0	\$ 100,000
	Community Pool Improvements Year 1	2022-2023		3.0	\$ 12,900
	Playscape Update Year 1	2022-2023		4.0	\$ 100,449
	Softball Field Lighting Year 2	2022-2023		2.7	\$ 67,500
	Depot Renovations	2022-2023		3.0	\$ 75,000
	Community Pool Improvements Year 2	2022-2023		3.0	\$ 12,900
	Riverwalk Repairs	2022-2023		5.0	\$ 10,000
	Playscape Update Year 2	2023-2024		4.0	\$ 100,449
	Hemlock Park Shelter Renovation Year 1	2023-2024		3.3	\$ 89,000
	Northend Park Restrooms	2023-2024		2.0	\$ 150,000
	Riverwalk Repairs	2023-2024		5.0	\$ 10,000
	Playscape Update Year 3	2024-2025		4.0	\$ 100,449
	Hemlock Park Shelter Renovation Year 2	2024-2025		3.3	\$ 89,000
	Riverwalk Repairs	2024-2025		5.0	\$ 10,000
	Hemlock Park Shelter Renovation Year 3	2025-2026		3.3	\$ 89,000
	Riverwalk Repairs	2025-2026		5.0	\$ 10,000
	Riverwalk Repairs	2026-2027		5.0	\$ 10,000
Public Works	Sidewalk Program	2021-2022	1 of 1	4.3	\$ 100,000
	Sidewalk Program	2022-2023		4.3	\$ 100,000
	Sidewalk Program	2023-2024		4.3	\$ 100,000
	Sidewalk Program	2024-2025		4.3	\$ 100,000
	Sidewalk Program	2025-2026		4.3	\$ 100,000
	Sidewalk Program	2026-2027		4.3	\$ 100,000

Table 2

City of Big Rapids CIP 2021-2027
All Projects

Department	Project Title	Funding Year(s)	Department Priority	Avg Score	Estimated Cost
Water Replacement	Water Service Line Exploration	2021-2022	1 of 5	4.7	\$ 300,000
	Hemlock Park Watermain	2021-2022	2 of 5	4.3	\$ 166,800
	Colburn Ave Water Main Replacement	2021-2022	3 of 5	3.3	\$ 420,000
	Rust Ave. Watermain Extension	2021-2022	4 of 5	4.0	\$ 110,000
	200 Marion Avenue Watermain Replacement	2021-2022	5 of 5	3.7	\$ 210,000
	400-600 Marion Ave	2022-2023		3.7	\$ 500,000
	Darwin Street and Water Reconstruction	2022-2023		3.3	\$ 293,059
	Bailey Drive Water Main Replacement	2022-2023		3.3	\$ 180,000
	Bjornson St Water Main Replacement	2022-2023		3.3	\$ 106,000
	Dexter Ave Water Main Replacement	2022-2023		3.3	\$ 175,000
	Fire Hydrant Replacement	2022-2023		3.3	\$ 40,000
	Ridgeview Drive Water Main Replacement	2022-2023		3.3	\$ 235,000
	Water Service Line Exploration	2022-2023		4.7	\$ 300,000
	Finley Street Water Main Replacement	2023-2024		3.3	\$ 106,000
	Green Street Water Main Replacement	2023-2024		3.3	\$ 106,000
	Northland Drive Water Main Replacement	2023-2024		3.3	\$ 101,000
	Water Service Line Exploration	2023-2024		4.7	\$ 300,000
	205th Ave Water Main Replacement	2024-2025		3.3	\$ 660,000
	Water Service Line Exploration	2024-2025		4.7	\$ 300,000
	Fuller Ave Street and Water Main	2025-2026		3.3	\$ 411,700
	Water Service Line Exploration	2025-2026		4.3	\$ 300,000
	Water Service Line Exploration	2026-2027		4.7	\$ 300,000

Table 2

City of Big Rapids CIP 2021-2027
All Projects

Department	Project Title	Funding Year(s)	Department Priority	Avg Score	Estimated Cost
Water Treatment Plant	Remove and Repair Well #3	2021-2022	1 of 5	3.7	\$ 28,600
	Remove and Inspect Well #2	2021-2022	2 of 5	3.7	\$ 20,000
	HMC Fire Pump and Hydro-pneumatic Tank	2021-2022	3 of 5	3.0	\$ 130,000
	Test Filter Media	2021-2022	4 of 5	2.7	\$ 15,000
	LED Lighting at WTP	2021-2022	5 of 5	2.3	\$ 66,000
	New Intermediate Pump #2 VFD	2022-2023		2.7	\$ 15,000
	WTP Roof Maintenance	2022-2023		2.7	\$ 100,000
	Bulk Water Fill Station	2022-2023		2.7	\$ 57,300
	Repaint Clarifiers	2023-2024		2.7	\$ 110,000
	Booster Pump at State Street	2024-2025		3.3	\$ 80,000
	WTP Garage	2025-2026		1.7	\$ 20,000
	Gilbert Drive/205th/Perry Ave Water Main Loop	2026-2027		2.0	\$ 2,000,000
	Redundant Raw Water Main: Well House to Plant	2026-2027		2.0	\$ 2,000,000
Wastewater Treatment Plant	East Screw Pump Replacement Fund Year 2	2021-2022	1 of 3	4.0	\$ 100,000
	Final Clarifier Rehabilitation - Phase 2	2021-2022	2 of 3	3.3	\$ 145,000
	WWTP Process Water System Improvements	2021-2022	3 of 3	2.7	\$ 105,000
	East Screw Pump Replacement	2022-2023		4.0	\$ 200,000
	WWTP SCADA System Upgrades	2022-2023		3.0	\$ 150,000
	Novak Lane Lift Station Replacement	2023-2024		3.0	\$ 300,000
	Sieve Drum Concentrator & Piping Replacement	2024-2025		2.7	\$ 250,000
	New IPP Sampling and Site Inspection Vehicle	2024-2025		1.0	\$ 50,000
	Vortex Grit Chamber Renovation	2025-2026		3.0	\$ 300,000
	Turbo Blowers for Aerobic Digesters	2026-2027		3.0	\$ 450,000

Table 2

City of Big Rapids CIP 2021-2027
All Projects

Department	Project Title	Funding Year(s)	Department Priority	Avg Score	Estimated Cost
Streets	Colburn Avenue Street and Watermain	2021-2022	1 of 7	3.3	\$ 96,000
	Hemlock Park Street (LSF)	2021-2022	2 of 7	3.5	\$ 10,200
	200 Marion Ave (LSF)	2021-2022	3 of 7	4.3	\$ 96,000
	Rust Ave. Extension	2021-2022	4 of 7	3.0	\$ 30,000
	Jackson St. and N. Third Ave Paving	2021-2022	5 of 7	3.0	\$ 145,000
	200-400 Block of Locust - Mill and Fill	2021-2022	6 of 7	2.0	\$ 56,500
	Novak Lane - Mill and Fill	2021-2022	7 of 7	2.0	\$ 37,000
	400-600 Marion Ave Street	2022-2023		4.3	\$ 500,000
	Mill Street Watermain Replacement	2022-2023		3.7	\$ 470,000
	Mechanic Street Construction - Year 1	2022-2023		4.0	\$ 350,000
	Hanson Street Paving	2023-2024		3.3	\$ 450,000
	Darwin Street Reconstruction	2023-2024		3.3	\$ 362,860
	Mechanic Street Construction - Year 2	2023-2024		4.0	\$ 355,735
	Baldwin Street Lights	2023-2024		2.3	\$ 179,000
	900 Magnolia Street Improvements	2025-2026		3.0	\$ 140,000
Total:					\$ 23,168,351

Table 3

City of Big Rapids CIP 2021-2027
2021-2022 Projects

Department	Project Title	Funding Year(s)	Department Priority	Avg Score	Recommended Funding
Airport	100LL Fuel Tank Replacement Year 1	2021-2022	1 of 1	1.7	\$ 10,000
City Hall	City Hall Outdoor Bathroom Renovations	2021-2022	1 of 2	2.7	\$ 24,000
	Rooftop HVAC Replacement City Hall	2021-2022	2 of 2	1.7	\$ 15,976
Community Development	124 W. Bellevue Acquisition & Demolition	2021-2022	1 of 1	3.0	\$ 6,000
Police	TruNarc Narcotic Analyzer	2021-2022	1 of 2	1.7	\$ 17,500
	Radar Street Signs	2021-2022	2 of 2	2.3	\$ 15,000
Public Safety Building	HVAC Replacement/Upgrades	2021-2022	1 of 2	2.0	\$ 45,000
	Electronic Door Lock Upgrades	2021-2022	2 of 2	1.0	\$ 30,000
Fire	SCBA Replacement Year 1	2021-2022	1 of 1	2.0	\$ 75,000
DART	DART Projects	2021-2022	1 of 1	2.3	\$ 20,000
Sanitary Sewer	Sewer Lining	2021-2022	1 of 5	3.7	\$ 100,000
	Hemlock Park Sanitary Sewer Upgrade	2021-2022	2 of 5	3.0	\$ 217,000
	Birch Street Alley Sanitary Sewer	2021-2022	3 of 5	4.0	\$ 60,000
	Spruce St Sanitary Sewer 300-4088	2021-2022	4 of 5	4.0	\$ 126,000
	200 Marion Ave Sanitary Sewer	2021-2022	5 of 5	4.0	\$ 50,000
Motor Pool	Two Police Cars - Replace 401 and 405	2021-2022	1 of 3	2.0	\$ 100,000
	Two Staff Cars - Replace 414 and 415	2021-2022	2 of 3	1.7	\$ 45,000
	Public Safety Ticket Truck	2021-2022	3 of 3	1.7	\$ 20,000
Parks	Hemlock Park Improvements Year 1	2021-2022	1 of 6	4.0	\$ 250,000
	Riverwalk Repairs	2021-2022	2 of 6	3.0	\$ 10,000
	Softball Field Lighting Year 1	2021-2022	3 of 6	4.0	\$ 67,500
	Fencing for Ball Parks	2021-2022	4 of 6	2.3	\$ 8,500
	Community Pool Water Controller	2021-2022	5 of 6	2.0	\$ 7,350
	Depot Purchase	2021-2022	6 of 6	3.0	\$ 30,000
Public Works	Sidewalk Program	2021-2022	1 of 1	4.3	\$ 100,000

Table 3

City of Big Rapids CIP 2021-2027
2021-2022 Projects

Department	Project Title	Funding Year(s)	Department Priority	Avg Score	Recommended Funding
Water Replacement	Water Service Line Exploration	2021-2022	1 of 5	4.7	\$ 300,000
	Hemlock Park Watermain	2021-2022	2 of 5	4.3	\$ 166,800
	Colburn Ave Water Main Replacement	2021-2022	3 of 5	3.3	\$ 420,000
	Rust Ave. Watermain Extension	2021-2022	4 of 5	4.0	\$ 110,000
	200 Marion Avenue Watermain Replacement	2021-2022	5 of 5	3.7	\$ 210,000
Water Treatment Plant	Remove and Repair Well #3	2021-2022	1 of 5	3.7	\$ 28,600
	Remove and Inspect Well #2	2021-2022	2 of 5	3.7	\$ 20,000
	HMC Fire Pump and Hydro-pneumatic Tank	2021-2022	3 of 5	3.0	\$ 130,000
	Test Filter Media	2021-2022	4 of 5	2.7	\$ 15,000
	LED Lighting at WTP	2021-2022	5 of 5	2.3	\$ 66,000
Wastewater Treatment Plant	East Screw Pump Replacement Fund Year 2	2021-2022	1 of 3	4.0	\$ 100,000
	Final Clarifier Rehabilitation - Phase 2	2021-2022	2 of 3	3.3	\$ 145,000
	WWTP Process Water System Improvements	2021-2022	3 of 3	2.7	\$ 105,000
Streets	Colburn Avenue Street and Watermain	2021-2022	1 of 7	3.3	\$ 96,000
	Hemlock Park Street (LSF)	2021-2022	2 of 7	3.5	\$ 10,200
	200 Marion Ave (LSF)	2021-2022	3 of 7	4.3	\$ 96,000
	Rust Ave. Extension	2021-2022	4 of 7	3.0	\$ 30,000
	Jackson St. and N. Third Ave Paving	2021-2022	5 of 7	3.0	\$ 145,000
	200-400 Block of Locust - Mill and Fill	2021-2022	6 of 7	2.0	\$ 56,500
	Novak Lane - Mill and Fill	2021-2022	7 of 7	2.0	\$ 37,000
Total:					\$ 3,736,926

Table 4

City of Big Rapids CIP 2021-2027
2022-2023 Projects

Department	Project Title	Funding Year(s)	Department Priority	Avg Score	Estimated Cost
Airport	100LL Fuel Tank Replacement Year 2	2022-2023		1.7	\$ 72,600
	Taxiway Rehabilitation	2022-2023		2.7	\$ 7,900
	New 4 Bay Hangar	2022-2023		1.0	\$ 300,000
Community Development	Hillcrest School Acquisition	2022-2023		1.0	\$ 47,000
	Master Plan Update	2022-2023		3.3	\$ 30,000
Police	E-Citations	2022-2023		2.0	\$ 18,000
Public Safety Building	LED Digital Message Board Sign	2022-2023		1.0	\$ 30,000
	Window Treatments (Reflective)	2022-2023		1.0	\$ 12,000
	Office Furniture	2022-2023		0.3	\$ 60,000
Fire	SCBA Replacement Year 2	2022-2023		2.0	\$ 75,000
	Engine 4 Replacement Year 1	2022-2023		3.0	\$ 125,000
	Fire Hose Replacement	2022-2023		2.0	\$ 30,000
Library	RFID Conversion and Self-Checkout Year 1	2022-2023		3.0	\$ 68,820
Alleys and Parking Lots	100 Block of N. Michigan - Alley	2022-2023		2.0	\$ 55,000
	Hemlock Park - Parking Lot	2022-2023		3.0	\$ 30,600
	100 Block of S. Michigan - Parking Lot	2022-2023		2.0	\$ 85,000
Sanitary Sewer	Northland Drive Sanitary Sewer 3020-3042	2022-2023		4.0	\$ 468,000
	200 S. State Street Sanitary Sewer 1245-1250	2022-2023		4.0	\$ 66,000
Storm Sewer	Storm Repair - Elm St. at Michigan Ave.	2022-2023		3.0	\$ 24,000
	W. Pere Marquette - Storm Replacement	2022-2023		3.0	\$ 24,000
	Division St (Woodward to Mitchell Creek)	2022-2023		3.0	\$ 180,970
Motor Pool	One Dump Truck - Replace 107	2022-2023		2.0	\$ 175,000
	One Police Car - Replace 402	2022-2023		2.0	\$ 50,000
Parks	Hemlock Park Improvements Year 2	2022-2023		4.0	\$ 100,000
	Community Pool Improvements Year 1	2022-2023		3.0	\$ 12,900
	Playscape Update Year 1	2022-2023		4.0	\$ 100,449
	Softball Field Lighting Year 2	2022-2023		2.7	\$ 67,500
	Depot Renovations	2022-2023		3.0	\$ 75,000
	Community Pool Improvements Year 2	2022-2023		3.0	\$ 12,900
	Riverwalk Repairs	2022-2023		5.0	\$ 10,000

Table 4

City of Big Rapids CIP 2021-2027
2022-2023 Projects

Department	Project Title	Funding Year(s)	Department Priority	Avg Score	Estimated Cost
Public Works	Sidewalk Program	2022-2023		4.3	\$ 100,000
Water Replacement	400-600 Marion Ave	2022-2023		3.7	\$ 500,000
	Darwin Street and Water Reconstruction	2022-2023		3.3	\$ 293,059
	Bailey Drive Water Main Replacement	2022-2023		3.3	\$ 180,000
	Bjornson St Water Main Replacement	2022-2023		3.3	\$ 106,000
	Dexter Ave Water Main Replacement	2022-2023		3.3	\$ 175,000
	Fire Hydrant Replacement	2022-2023		3.3	\$ 40,000
	Ridgeview Drive Water Main Replacement	2022-2023		3.3	\$ 235,000
	Water Service Line Exploration	2022-2023		4.7	\$ 300,000
Water Treatment Plant	New Intermediate Pump #2 VFD	2022-2023		2.7	\$ 15,000
	WTP Roof Maintenance	2022-2023		2.7	\$ 100,000
	Bulk Water Fill Station	2022-2023		2.7	\$ 57,300
Wastewater Treatment	East Screw Pump Replacement	2022-2023		4.0	\$ 200,000
	WWTP SCADA System Upgrades	2022-2023		3.0	\$ 150,000
Streets	400-600 Marion Ave Street	2022-2023		4.3	\$ 500,000
	Mill Street Watermain Replacement	2022-2023		3.7	\$ 470,000
	Mechanic Street Construction - Year 1	2022-2023		4.0	\$ 350,000
Total:					\$ 6,184,998

Table 5

City of Big Rapids CIP 2021-2027
2023-2024 Projects

Department	Project Title	Funding Year(s)	Department Priority	Avg Score	Estimated Cost
Police	Training Simmunitions Kit	2023-2024		1.0	\$ 23,000
Public Safety Building	Roof Repair/Replacement	2023-2024		2.0	Awaiting Quote
Fire	Engine 4 Replacement Year 2	2023-2024		3.0	\$ 125,000
Library	RFID Conversion and Self-Checkout Year 2	2023-2024		3.0	\$ 68,820
Sanitary Sewer	300 S. State Street Sanitary Sewer 1243-1244	2023-2024		4.0	\$ 84,000
Storm Sewer	Hutchinson St (Rust Ave to Pool)	2023-2024		3.0	\$ 180,970
Motor Pool	One Dump Truck - Replace 106	2023-2024		2.0	\$ 175,000
	One Police Car - Replace 403	2023-2024		2.0	\$ 50,000
Parks	Playscape Update Year 2	2023-2024		4.0	\$ 100,449
	Hemlock Park Shelter Renovation Year 1	2023-2024		3.3	\$ 89,000
	Northend Park Restrooms	2023-2024		2.0	\$ 150,000
	Riverwalk Repairs	2023-2024		5.0	\$ 10,000
Public Works	Sidewalk Program	2023-2024		4.3	\$ 100,000
Water Replacement	Finley Street Water Main Replacement	2023-2024		3.3	\$ 106,000
	Green Street Water Main Replacement	2023-2024		3.3	\$ 106,000
	Northland Drive Water Main Replacement	2023-2024		3.3	\$ 101,000
	Water Service Line Exploration	2023-2024		4.7	\$ 300,000
Water Treatment Plant	Repaint Clarifiers	2023-2024		2.7	\$ 110,000
Wastewater Treatment Plant	Novak Lane Lift Station Replacement	2023-2024		3.0	\$ 300,000
Streets	Hanson Street Paving	2023-2024		3.3	\$ 450,000
	Darwin Street Reconstruction	2023-2024		3.3	\$ 362,860
	Mechanic Street Construction - Year 2	2023-2024		4.0	\$ 355,735
	Baldwin Street Lights	2023-2024		2.3	\$ 179,000
Total:					\$ 3,526,834

Table 6

City of Big Rapids CIP 2021-2027
2024-2025 Projects

Department	Project Title	Funding Year(s)	Department Priority	Avg Score	Estimated Cost
Airport	Parallel Taxiway Construction	2024-2025		2.7	\$ 86,000
Community Development	Zoning Ordinance Update	2024-2025		3.3	\$ 30,000
Police	Tasers	2024-2025		1.0	\$ 22,000
Fire	IT Equipment	2024-2025		0.7	\$ 12,000
Alleys and Parking Lots	200 Block of N. Michigan - Parking Lot	2024-2025		2.0	\$ 83,000
	200 Block of S. Michigan - Parking Lot	2024-2025		2.0	\$ 57,000
Sanitary Sewer	100 E. Grand Traverse St Sanitary 3082-4082	2024-2025		4.0	\$ 183,000
Storm Sewer	Woodward Ave (Bailey Dr. to Ridgeview)	2024-2025		3.0	\$ 100,128
	Rose Ave (Fremont St to State St)	2024-2025		3.0	\$ 75,756
Motor Pool	One Dump Truck - Replace 104	2024-2025		2.0	\$ 175,000
	Maintenance Truck - Replace 204	2024-2025		1.7	\$ 50,000
Parks	Playscape Update Year 3	2024-2025		4.0	\$ 100,449
	Hemlock Park Shelter Renovation Year 2	2024-2025		3.3	\$ 89,000
	Riverwalk Repairs	2024-2025		5.0	\$ 10,000
Public Works	Sidewalk Program	2024-2025		4.3	\$ 100,000
Water Replacement	205th Ave Water Main Replacement	2024-2025		3.3	\$ 660,000
	Water Service Line Exploration	2024-2025		4.7	\$ 300,000
Water Treatment Plant	Booster Pump at State Street	2024-2025		3.3	\$ 80,000
Wastewater Treatment Plant	Sieve Drum Concentrator & Piping Replacement	2024-2025		2.7	\$ 250,000
	New IPP Sampling and Site Inspection Vehicle	2024-2025		1.0	\$ 50,000
	Vortex Grit Chamber Renovation	2025-2026		3.0	\$ 300,000
	Turbo Blowers for Aerobic Digesters	2026-2027		3.0	\$ 450,000
Total:					\$ 3,263,333

Table 7

City of Big Rapids CIP 2021-2027
2025-2026 Projects

Department	Project Title	Funding Year(s)	Department Priority	Avg Score	Estimated Cost
Storm Sewer	Industrial Ball Field to Jackson St	2025-2026		3.0	\$ 103,056
	Parkview Village to Washington St	2025-2026		3.0	\$ 142,504
Motor Pool	One Police Car - Replace 404	2025-2026		2.0	\$ 50,000
	Wood Chipper	2025-2026		1.7	\$ 85,000
	Blacktop Roller	2025-2026		2.3	\$ 60,000
Parks	Hemlock Park Shelter Renovation Year 3	2025-2026		3.3	\$ 89,000
	Riverwalk Repairs	2025-2026		5.0	\$ 10,000
Public Works	Sidewalk Program	2025-2026		4.3	\$ 100,000
Water Replacement	Fuller Ave Street and Water Main	2025-2026		3.3	\$ 411,700
	Water Service Line Exploration	2025-2026		4.3	\$ 300,000
Water Treatment	WTP Garage	2025-2026		1.7	\$ 20,000
	Vortex Grit Chamber Renovation	2025-2026		3.0	\$ 300,000
Streets	900 Magnolia Street Improvements	2025-2026		3.0	\$ 140,000
Total:					\$ 1,811,260

Table 8

City of Big Rapids CIP 2021-2027
2026-2027 Projects

Department	Project Title	Funding Year(s)	Department Priority	Avg Score	Estimated Cost
Motor Pool	Two Police Cars - Replace 401 and 405	2026-2027		2.0	\$ 100,000
	Maintenance Van	2026-2027		2.0	\$ 65,000
	Engineering Truck - Replace 225	2026-2027		1.7	\$ 50,000
Parks	Riverwalk Repairs	2026-2027		5.0	\$ 10,000
Public Works	Sidewalk Program	2026-2027		4.3	\$ 100,000
Water Replacement	Water Service Line Exploration	2026-2027		4.7	\$ 300,000
Water Treatment	Gilbert Drive/205th/Perry Ave Water Main Loop	2026-2027		2.0	\$ 2,000,000
	Redundant Raw Water Main: Well House to Plant	2026-2027		2.0	\$ 2,000,000
Wastewater Treatment Plant	Turbo Blowers for Aerobic Digesters	2026-2027		3.0	\$ 450,000
Total:					\$ 5,075,000

Appendix A – Project Details

All projects included in the Capital Improvements Program were submitted by City departments using the Project Request Form. These forms give more detail about the projects considered when compiling the 2021-2027 Capital Improvements Program for the City of Big Rapids.

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Neighborhood Services Director
SUBJECT: Zoning Ordinance Amendments for Marihuana Businesses Regulations
DATE: February 17, 2021

Introduction

The City Commission adopted Ordinance No. 752-10-19 “Ordinance amending Articles 2, 3, and 11 of the Big Rapids Zoning Ordinance to define and permit certain State licensed marihuana business facilities and establishments in the C-1, C-2, C-3, and Industrial Districts” on October 7, 2019. To date, the City of Big Rapids has issued Permits for eight marihuana retail stores, seven of which are currently open, and has received applications for an additional nine locations.

The Zoning Ordinance is a living document. As this new business type has been permitted, several issues and concerns have arisen which necessitate reviewing and possibly amending the Ordinance to refine the regulations. One such amendment has already taken place: Ordinance No. 754-12-19, adopted on December 2, 2019, to clarify that the school setback of 500 feet for marihuana businesses shall be measured “in a straight line from property line to property line”.

Previous Meetings

The Planning Commission began looking at possible amendments to this Ordinance in November 2020, after being asked to review it by the City Commission. The two original areas of discussion have been 1) marihuana businesses in the downtown district (including adding a setback around the MOISD Transition Center and 2) sign regulations for marihuana businesses.

At the November meeting, the Planning Commission discussed the current issues in these two areas, and added a third possible amendment, adding a setback regulation between marihuana businesses. In December, staff provided example language for these amendments and examples from other communities in Michigan.

The Planning Commission wanted to hear from local constituents about their thoughts on how this Ordinance is working for marihuana businesses and their neighbors, a Public Forum was held at the January 2021 Planning Commission meeting to continue the discussion with wider participation.

Possible Amendments for Discussion

Staff have provided sample language for the potential amendments, as discussed and refined through earlier meetings on this topic. These possible amendments have been divided into two categories: Sign Regulations and Setback Regulations.

Sign Regulations

Current Regulations: *[Found in Section 11.1:29 (1) (e) of the Zoning Ordinance]*

Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to one sign per establishment, either a wall sign or a freestanding sign, as described below. The sign shall not be digital or internally illuminated.

- (i) One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet.
- (ii) One freestanding sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) square feet in area nor four (4) feet in height.

More Permissive:

The provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall include a maximum of three signs, as described below. Digital signs are prohibited.

- (i) Wall signs, affixed flat to the building, are permitted, and shall not exceed an average of thirty (30) sq. ft. per wall sign.
- (ii) One freestanding sign is permitted and shall not exceed twenty-five (25) sq ft. in area nor six (6) ft in height. If the facility is part of a shopping complex with a multi-tenant sign, the size regulation above applies, but the height regulation may be in accordance with the multi-tenant sign.
- (iii) One projecting sign is permitted and shall not exceed ten (10) sq. ft., with a minimum height of eight (8) ft and a maximum height of twelve (12) ft. Projecting signs shall not extend more than two (2) ft from the building.

Liberal:

Signage must be in accordance with Article 6 of this Ordinance.

[Note: This option would allow marihuana businesses the same sign regulations as all other commercial businesses in the City of Big Rapids. See Section 6.6 of the Zoning Ordinance for full regulations.]

Setback Regulations

Marihuana Businesses in the Downtown District

The Planning Commission has had several conversations about the possibility of prohibiting new marihuana businesses downtown as a result from concerns from community members.

Current Regulations and Possible Changes:

Section 11.1:29 (2):

Marihuana retailers, safety compliance facilities, and microbusinesses may be permitted in the C-1, C-2, and C-3 Commercial Districts subject the conditions below:

- By removing the C-2 District from the Zoning Ordinance, this would prohibit any new marihuana businesses from opening downtown. Those currently in the Downtown would be allowed to remain.

Setback around the MOISD Transition Center:

The MOISD Transition Center, a school for students 18-26 years of age, has requested to be buffered like other types of schools, which would require amending the current regulations.

Current Regulations with Possible Change:

Section 11.1.29 (1) (d):

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

- Adding the language “or any MOISD school facility” will add the MOISD Transition Center to the list of schools.

Setback Regulations Between Marihuana Businesses:

After having many discussions, the Planning Commission is considering adding a setback regulation between marihuana businesses. A setback regulation would require a minimum distance between marihuana facilities, so that they could not locate immediately adjacent to one another. The goals of such regulations are to create diverse commercial districts and limit the number of marihuana businesses that can be approved by limiting the available lots which meet the zoning regulations for approval. The Zoning Ordinance does not currently include a setback between marihuana facilities, so this would be an addition to the Ordinance.

Possible Changes:

NEW SECTION 11.1.29 (2) (f)

No such commercial facility shall be located within 200 feet of an existing commercial marihuana facility.

- This is in addition to the setback of 500 feet around schools. This regulation would only apply to the Commercial type marihuana facilities.
- If a setback distance of 250 feet is chosen, as an example, any new commercial-type marihuana business would need to be at least 250 feet from any existing commercial-type marihuana business to receive zoning approval.
- This addition would require further amendments to the other Ordinances regulating marihuana businesses in the City Code of Ordinances, to explain how applications would be received on a first-come basis and that applications received on the same day would be scored and ranked, with the higher scoring application being accepted and the lower denied. The City would also need to prepare and adopt a merit-based scoring system that would be used to score then rank applications received on the same day.

Comparison Communities

The Planning Commission requested yet more information on how other Michigan communities have handled setback regulations between marihuana businesses. Since the January meeting, staff reached out to several communities to discuss their Zoning Ordinance regulations regarding marihuana businesses. Please see the attached Staff Report on this topic for details of those conversations and a staff recommendation.

Way Forward

The discussion tonight is to revisit the three potential amendment areas once again. The hope is that the Planning Commission will decide on the amendments they wish to move forward for recommendation and adoption by the City Commission. No motion is required at this meeting. Staff will prepare the chosen amendments for a formal Public Hearing at the March meeting.

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Emily Szymanski, Planning & Zoning Technician
SUBJECT: Marihuana Zoning Discussions with other Michigan Communities
DATE: February 17, 2021

Introduction

After the January 20, 2021 Planning Commission meeting, staff was asked to reach out to other communities to discuss zoning for marihuana businesses. Emily discussed setbacks between marihuana businesses, sign regulations, and marihuana retailers in downtowns with four communities—Battle Creek, Coldwater, Portage, and Adrian. The community’s relevant Ordinance language is included in italics and the conversations are summarized below.

Communities with a Buffer:

Battle Creek

Section 1251.24 Marihuana: Adult-Use Marihuana Retailer Establishment

Must be located at least 1,000 feet from K-12 schools and libraries open to the public, except for in the I-1 and I-3 districts, must be located at least 1,000 feet away from a property containing an Adult Use Marihuana Retailer, an Adult Use Marihuana Microbusiness, and a Medical Marihuana Provisioning Center. The setback measurements are between nearest property lines, regardless of ownership of property or licensee. In the I-1 and I-2 districts, State Licensed Adult Use Marihuana Retailers are permitted only when colocated with an Adult Use Marihuana Grower and/or Processor.

F. Development, Operational Standards.

2. *Signage. Notwithstanding Chapter 1263 Signs, only two signs per street frontage shall be permitted for any state licensed marihuana establishment or facility. Neon lighted signs are prohibited.*

Conversation Summary

- Chose 1,000 ft setback based on what other surrounding communities did as well as surveyed community members and asked what they thought. (Survey options: online and survey attached to water bill)
- ‘Pick list’ items to improve aesthetics, energy efficiency, low impact, accessibility, etc.
- The City has only had to use the pick list for competing interests one time a few years ago.
- To help minimize competing interests, the City has a live map that updates every day to show pending applications. Once an application is submitted and added to the map, a buffer is drawn around that location to show where other interested applicants can locate.
- Industrial = growing and processing, all commercial districts = provisioning centers (retail piggybacks off provisioning centers).
- There have been several variance requests, all have been denied. All buffers will be tested. Maybe think about waivers?

- For signage, Battle Creek permits two signs because the City wanted to be a bit more conservative with marihuana businesses.

Portage

Sec. 42-262 -B-3 General Business District, Sec. 42-280 -I-1 Light Industrial District, Sec. 42-281 -I-2 Heavy Industrial District:

Except as provided in section 42-262(B)(16)(g), within 1,000 feet of any other medical marihuana provisioning center or marihuana retailer located within the city.

Conversation Summary

- 1,000 ft setback between marihuana businesses.
- When Portage first opted-in, several marihuana businesses applied within the same buffer. To decide, all marihuana businesses were put in a lottery and randomly selected.
- Signs for marihuana businesses are regulated like other commercial businesses.

Communities without a Buffer:

Coldwater

2. In addition to the minimum-distancing regulations set forth above, the minimum-distancing regulations shall apply:

- In the C-2 Central Business District, no marihuana retailer shall be permitted within 1,000 feet of any other permitted marihuana retailer.*
- In the C-4 General Business District, no marihuana retailer or marihuana microbusiness shall be permitted within 1,000 feet of any other permitted marihuana retailer or marihuana microbusiness.*

Conversation Summary

- Originally chose 1,000 ft setback between marihuana businesses but decided not to implement a buffer because Planning Commissioners didn't think having a criteria/pick list would be a good idea. Could create legal issues.
 - Example: Who gets first pick when you have both email communication/applications from some marihuana businesses and paper applications from others. It makes it difficult when organizing the Planning Commission agendas, who would be first on the agenda?
- Prohibited downtown. Did not want the market space skewed with multiple marihuana retail businesses downtown.
- Thinking about not allowing anymore marihuana businesses in city limits.
- Marihuana will most likely be legal in most states in 5-10 years, Michigan won't be the state of choice anymore, so will we have empty buildings from businesses that have left to locate elsewhere?
- Coldwater had a 1,000 ft setback from schools but then changed it to 500 ft.
 - If you have a 500 ft setback from schools but a 1,000 ft setback between marihuana businesses, how do you justify that?
 - Went back to a 1,000 ft buffer from schools, 500 ft from residential, but no buffer between marihuana businesses.
- Having an outside lawyer discuss marihuana laws and answer questions has helped Coldwater's Planning Commission.

Adrian

5. Marihuana Provisioning Centers and Marihuana Retailers, as defined in Initiated Law 1 of 2018, as amended, subject to the following conditions:

D. There is no limit to the number of Marihuana Provisioning Centers or Marihuana Retailers within the Marihuana Overlay District(s). A site may function as both a Provisioning Center and a Retailer.

Section 23A.9. The Overlay Zone Marihuana (OZM) applies to properties located entirely within the overlay and for which the underlying zoning designation is either Light Industrial (I-1) District or General Industrial (I-2) District. The OZM applies to all land so zoned within the following geographic boundaries:

- *South of Beecher Street, west of US-223, north of the southern limits of the City, and east of the Sand Creek Highway.*

Conversation Summary

- No buffer between marihuana businesses because the City didn't want to face any legal trouble.
- Problem with buffers is that businesses could start buying lots and cutting them up into smaller lots to help meet the required setback.
- Currently marihuana retail businesses are not allowed downtown, but the Planning and Zoning Administrator is pushing for it.

Communities with No Response

Royal Oak

§ 770-52.1. Marihuana Establishments.

(3) No marihuana establishment shall be permitted within a 1,000-foot radius of any existing public or private school with a curriculum equivalent to kindergarten through 12th grade. No marihuana retailer or marihuana microbusiness shall be permitted within a 1,000-foot radius of any existing retailer or microbusiness within the City of Royal Oak. Measurement of either radius shall be made from the outermost boundaries of the lot or parcel upon which the respective establishments are or would be situated.

(7) Each marihuana establishment shall be permitted one wall sign, as defined in Chapter 607, Signs, with a maximum area not to exceed 50 square feet or 5% of the building façade area, whichever is less. All other signs, including but not limited to freestanding signs, window signs, and electronic message centers, shall be prohibited.

Allegan

12. For provisioning Centers, retailers, and microbusinesses:

f. The lot on which a provisioning center, retailer, or microbusiness is located must be at least 1,000 feet from another lot that contains any of those three business types. If at any given time the City has two pending applications, that if granted, would result in a violation of this subsection, the priority of those applications shall be determined as provided in Chapter 31 of the City Code.

B. Regulations and Conditions.

8. Signage for marijuana businesses will be approved pursuant to the general applicable procedures and standards provided in Chapter 23 of the City Code, with the following additional restrictions:

a. A marijuana business may display no more than two separate signs. Flyers, window decals, or other objects visible from and facing toward the exterior of the building are considered signs for the purposes of this section.

Way Forward

As always, staff will diligently implement whichever decision that the Planning Commission makes. However, after having conversations with other communities on this issue, my professional opinion is to not implement a buffer between marijuana businesses. While buffers can help alleviate the feeling of being overwhelmed by marijuana businesses, they can also create major legal issues. Instead of a setback buffer, I would recommend amending the Zoning Ordinance to prohibit new marijuana retailers from opening in the C-2 District. The City has received only one marijuana business application for a new location anywhere in the City in the past 6 months, so I believe that the excitement has died down and the big wave of new marijuana businesses is behind us. Going forward, eliminating the downtown will help solve a lot of the concerns from both community members and Planning Commissioners.

Regarding sign regulations for marijuana businesses, most communities regulate the signs for these businesses the same as other commercial businesses. I recommend going forward with the 'more permissive' menu option, as discussed during the January 20, 2021 Planning Commission meeting. This would help combat visibility concerns expressed by several marijuana businesses but also allow the Planning Commission to discuss amending the current sign ordinance in the future.

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Neighborhood Services Director
SUBJECT: Annual Report of Planning and Zoning
DATE: February 17, 2021

Introduction

As a requirement of both the Michigan Planning Enabling Legislation and the MEDC's Redevelopment Ready Communities program, staff prepare an Annual Report of Planning and Zoning to present to the City Commission. This ensures that information is regularly shared between the different boards of the City.

The 2020 Annual Report of Planning and Zoning is attached for your review. Staff will summarize this Report at the meeting and take this opportunity to check in on the City's Master Plan as well as other notable planning topics relevant to Big Rapids.

Way Forward

This is an informational session only.

**City of Big Rapids
Annual Report of
Planning and Zoning
2020**

Introduction

The City of Big Rapids Planning Commission analyzes land use policies and offers recommendations on such matters as

- Special Land Use permits,
- Zoning Ordinance Map Amendments,
- Zoning Ordinance Text Amendments, and
- Vacations of streets and alleys to the City Commission.

The Planning Commission also reviews Site Plans for development projects to take place within the City boundaries. These actions help to ensure that the City of Big Rapids is and remains a vibrant, resilient community.

The Members of the Planning Commission put in many hours of diligent work over 2020 to ensure a strong, thriving Big Rapids. Staff thanks them for their service to the community.

Purpose of this Report

A Planning Commission Annual Report is prepared for several reasons:

1. It is called for in the Michigan Planning Enabling Act:
“A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.”
2. It increases information sharing between staff, the Planning Commission, the City Commission, and the general public.
3. It allows for anticipation of upcoming issues and priorities, in order to prepare and budget for them, if necessary.
4. It is an opportunity to thank the Commission members for their time and work over the past year, and to recognize the accomplishments of the year.

The City of Big Rapids broadens the scope required by the Michigan Planning Enabling Act to prepare an Annual Report of Planning and Zoning; which also includes the actions of the Zoning Board of Appeals and other relevant actions undertaken over the course of the year.

Planning Commission

The Planning Commission is a board appointed by the City Commission to assist in the administration of the Zoning Ordinance. The duties of the Planning Commission include development and administration of the Zoning Ordinance, consideration of text or map amendments to the Ordinance, requests for conditional use permits, and review of site plans.

Membership

Membership on the Planning Commission changed slightly during 2020. At the beginning of 2020, membership looked like this:

<u>Name:</u>	<u>Term Expiration</u>
Chris Jane (Chair)	2020
Paul Jackson (Vice Chair)	2022
Renato Cerdena	2020
Bill Yontz	2022
Josh Foor	2022
Tim Vogel	2020
Rory Ruddick	2021

By the end of 2020, the board looked like this:

<u>Name:</u>	<u>Term Expiration</u>
Chris Jane (Chair)	2023
Megan Eppley (Vice Chair)	2023
Karen Simmon	2022
Kasey Thompson	2023
Paul Jackson	2022
Rory Ruddick	2024
Bill Yontz	2022

Meetings

The Planning Commission met 10 times in 2020, including nine regular meetings and one special meeting. This exceeds the MPEA requirements of at least four meetings annually. The regularly scheduled meeting time was the third Wednesday of each month at 6:30 PM. The Planning Commission typically meets in the Commission Room at the Big Rapids City Hall. Due to the COVID-19 Pandemic, many of the meetings in 2020 were held remotely via Webex or Zoom. A summary of the Planning Commission meetings of 2020 follows:

January 15, 2020

- Public Hearing: Easement for Consumers Energy at 1315 Hanchett Drive
- Public Hearing: Easement for Consumers Energy at Mitchell Court
- Public Hearing: Map Amendment to rezone 906 N State St from Industrial to R-3 Residential
- Public Hearing: Zoning Ordinance Amendment to add Bicycle Parking Regulations to Article 5.
- Recommendation to City Commission regarding possible sale of 906 N State St

February 19, 2020

- Public Hearing: Map Amendment application to rezone 520 S Third Ave from R-3 Residential to C-3 Commercial
- 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
- Site Plan Review for an Arby's restaurant with drive-thru service at 1294 Perry Avenue
- Capital Improvement Program discussion

March 18, 2020

- Public Hearing: Site Plan Review for a new parking lot at 1315 N Hanchett Drive
- Public Hearing: Site Plan Review for a new parking lot at 801 N State Street and 112 W Waterloo Street
- Presentation of the final 2019 Annual Report of Planning

April 2020 – No meeting due to COVID-19

May 20, 2020

- Site Plan Amendment for 801 N State Street
- Discussion of Bicycle Parking Regulations

June 2020 – No meeting due to COVID-19

July 15, 2020

- Public Hearing: Special Land Use Permit for a Home Occupation at 808 Chestnut Street
- Public Hearing: Site Plan Review for a second driveway at 730 Water Tower Rd
- Public Hearing: Site Plan Review for a new Commercial Building at 702 Perry Ave
- Public Hearing: Zoning Ordinance Amendment to add Bicycle Parking Regulations to Article 5

August 5, 2020 Special Meeting

- Public Hearing: Site Plan Review for a new parking lot at 804 Clark Street

September 16, 2020

- Update on Redevelopment Ready Communities (RRC) Program
- Discussion of Housing Study Report

October 21, 2020

- Discussion of Flexible Parking Regulations with sample language for cross access, parking reductions, and parking maximums
- Annual Organizational Meeting

November 18, 2020

- Public Hearing: Special Land Use Permit for a Marihuana Grower and Processor Facility at 125 Howard Street
- Zoning Ordinance Amendment to add Flexible Parking Regulations for Cross Access, Parking Reductions, and Parking Maximums to Article 5
- Zoning Ordinance Review for Marihuana Businesses
 - Section 11.1:29(1)(e) – Sign Regulations for Marihuana Businesses
 - Marihuana Businesses in the Downtown District

December 16, 2020

- Purchase offer zoning discussion with City Commissioners for 906 N State Street
- Public Hearing: Site Plan Review for 418 and 426 S Michigan Avenue – Anna Howard Shaw Memorial Park Improvements
- Discussion of Marihuana Ordinances
 - Section 11.1:29(1)(e) – Sign Regulations
 - Setback Regulations between marihuana businesses

Trainings

Due to COVID-19, there were no trainings in 2020.

Joint Meetings

One joint meeting was held in 2020 between the Planning Commission and the City Commission. It was on December 16 at 6:30 PM. The discussion focused on a purchase offer for the City-owned property at 906 N State Street. In addition to the Planning Commission and the City Commission, the City's realtor, Randy Ostrander, and the potential buyer's realtor were present.

Zoning Board of Appeals

The Zoning Board of Appeals (ZBA) is a board appointed by the City Commission. The ZBA has the authority to hear appeals of administrative decisions, to interpret the Zoning Ordinance text and map, and to decide on variance requests.

Membership

Membership on the ZBA changed slightly during 2020. At the beginning of 2020, membership looked like this:

<u>Name:</u>	<u>Term Expiration</u>
Paul Jackson (Chair)	2021
Jane Johansen	2020
Robert King	2021
Paul Long	2020
Mark Walton	2020
Dorothy Burch (Alternate)	2022
Fritz Pins (Alternate)	2022

By the end of 2020, the board looked like this:

<u>Name:</u>	<u>Term Expiration</u>
Paul Jackson (Chair)	2021
Jane Johansen	2023
Robert King	2021
John Kinuthia	2023
Mark Walton	2023
Dorothy Burch (Alternate)	2022
Fritz Pins (Alternate)	2022

Meetings

The Zoning Board of Appeals met three times in 2020. The regular meeting time is the fourth Thursday of each month at 7:00 PM. The ZBA meets in the Commission Room at the Big Rapids City Hall. Due to COVID-19, two of the three ZBA meetings were held remotely via Zoom.

February 27, 2020

- Request for a Non-Use Variance at 801 N State Street to reduce the off-street parking requirement by two spaces.

July 23, 2020

- Request for a Class A Nonconforming Use Designation for 931 Rose Avenue.

December 17, 2020

- Request for a Class A Nonconforming Use Designation for 421 W. Bridge Street
- Request for a Class A Nonconforming Use Designation for 321 W. Bridge Street

Planning and Zoning Decisions

Zoning Ordinance Amendments

The following amendments were made to the Zoning Ordinance by the City Commission after receiving recommendation from the Planning Commission:

<i>Ord. #</i>	<i>Date Adopted</i>	<i>Brief description of the Ordinance.</i>
<hr/>		
• 755-01-20	01/21/2020	Ordinance rezoning 906 N State Street from Industrial (I) to the (R-3) Residential Zoning District.
• 757-03-20	03/02/2020	Ordinance rezoning 520 S Third Avenue from (R-3) Residential to the (C-3) Commercial District Zoning District.
• 761-07-20	07/20/2020	Ordinance to amend Article V of the Zoning Ordinance to add regulations for bicycle parking.
• 763-12-20	12/07/2020	Ordinance amending Articles 2 and 5 by adding flexible parking regulations to the Big Rapids Zoning Ordinance.

Site Plan Reviews

The Planning Commission conducts Site Plan reviews for new projects which are taking place in Big Rapids. In 2020, the Planning Commission held seven Site Plan Reviews.

- Site Plan Review for an Arby's restaurant with drive-thru service at 1294 Perry Avenue was held on February 19, 2020.
- Site Plan Review for a new parking lot at 1315 Hanchett Drive was held on March 18, 2020.
- Site Plan Review for a new parking lot at 801 N State Street and 112 W Waterloo Street was held on March 18, 2020.
- Site Plan Review for a second driveway at 730 Water Tower Road was held on July 15, 2020.
- Site Plan Review for a new commercial building at 702 Perry Avenue was held on July 15, 2020.
- Site Plan Review for a new parking lot at 804 Clark Street was held on August 5, 2020.
- Site Plan Review for 418 and 426 S Michigan Avenue – Anna Howard Shaw Memorial Park improvements was held on December 16, 2020.

Variances

One variance was discussed and decided during 2020, a request for a Non-Use Variance at 801 N State Street to reduce the off-street parking requirement by two spaces.

Master Plan Review

The City of Big Rapids Master Plan was reviewed by City staff and the Planning Commission. The Action Plan in the 2018 Addendum to the 2009 Master Plan identifies actions for the 7 goals. Status of work on the goals is listed below:

Population:

The City of Big Rapids will work towards creating a steady increase in population by providing a range of opportunities within the City that are important to attracting a diverse population that includes family households, senior citizens, college students, and others.

1. Expand housing opportunities for all types of households. *Progress: Ongoing*
2. Maintain and improve residential areas by enforcing regulations and working with homeowners. *Progress: Ongoing*
3. Promote the City's strengths to attract residents and businesses through advertising. *Progress: Ongoing.*
4. Work with the U.S. Census Bureau to ensure a complete county of residents. *Progress: Ongoing*
5. Maintain a high level of public services. *Progress: Ongoing*
6. Work with local schools to promote the area's schools to potential families. *Progress: Ongoing*
7. Work with surrounding townships to promote area-wide growth and maintain good working relationships. *Progress: Ongoing*

Housing:

The City of Big Rapids will work towards creating a balanced range of housing opportunities that includes well-maintained single-family homes, multiple family units, and other types of housing.

1. Expand housing opportunities for all types of households, utilizing the Master Plan and Zoning Ordinance to encourage quality development and redevelopment. *Progress: Ongoing*
2. Identify capital improvements needed to expand housing opportunities and seek funding for those projects. *Progress: Ongoing*
3. Develop improvements need to expand housing opportunities and seek funding for those improvements. *Progress: Ongoing*
4. Ensure that inadequate maintenance of housing does not detract from neighborhoods by enforcing regulations and responding to concerns. *Progress: Ongoing*
5. Explore the possibility of creating a land bank. *Progress: Not started*
6. Promote small housing developments and encourage development of smaller, more affordable and sustainable housing. *Progress: Ongoing*
7. Determine the feasibility of implementing a variety of incentive programs to encourage property owners to invest in City neighborhoods. *Progress: Ongoing*
8. Encourage sustainable homeownership by providing information to potential and existing homeowners. *Progress: Ongoing*
9. Evaluate the status of the Actions and make necessary adjustments. *Progress: Ongoing*

Transportation

The City of Big Rapids will work towards improving the City's streets through the use of asset management and will strive to reduce the impacts of traffic through the use of asset management and improvements to the transportation network.

1. Implement a transportation asset management program. *Progress: Ongoing*
2. Coordinate transportation improvements with other improvements to minimize repeating maintenance actions and closure of streets. *Progress: Ongoing*
3. Develop an Access Management Plan for the City's and Township's commercial corridors (especially State Street and Perry Avenue). *Progress: Not started*
4. Promote bicycling on trails and bicycle lanes. *Progress: Ongoing*
5. Work with the City's Dial-a-Ride Transit System (DART) to provide an adequate level of public transit. *Progress: Ongoing*
6. Determine the feasibility of an additional bridge across the Muskegon River on the City's south side. *Progress: Not Started*
7. Develop a Capital Improvements Schedule that will identify when to pave all remaining gravel roads within the City and provide sidewalks where beneficial. *Progress: Ongoing*
8. Evaluate the status of the Actions and make necessary adjustments. *Progress: Ongoing*

Downtown

The City of Big Rapids will work towards improving the vitality of the downtown by maintaining and improving public facilities and encouraging merchants, property-owners, and residents to maintain and improve their facilities.

1. Work with the Michigan Economic Development Corporation (MEDC) to maintain and improve the City's Downtown area by participating in programs to improve the Downtown's physical and economic well-being. *Progress: Ongoing*
2. Work with property owners to encourage an improved transition between the downtown and surrounding land uses. Develop a detailed action plan to address this issue. *Progress: Ongoing*
3. Work with downtown business owners to maintain an up-to-date list of issues and to identify the best way to address issues related to infrastructure, streetscape, and vacancies. *Progress: Ongoing*
4. Work with downtown business owners to promote downtown activities, such as the farmer's market, to attract shoppers. *Progress: Ongoing*
5. Work to maintain public facilities in the downtown area to ensure that users of these services frequently visit the business area. *Progress: Ongoing*
6. Evaluate the status of the Actions and make necessary adjustments. *Progress: Ongoing*

Cooperation and Coordination

The City of Big Rapids will strive to work closely with Ferris State University, Big Rapids Township, Green Township, Mecosta County, Big Rapids Public Schools, the State of Michigan, the Federal Government, and others to seek efficient and effective methods to provide public services and up-to-date facilities.

1. Continue to provide water and sewer services to residents and businesses and work with the surrounding townships of Big Rapids and Green to provide an appropriate level of water and sewer capacity to encourage growth in the area. *Progress: Ongoing*
2. Coordinate and host an area Planning Commission meeting and training, inviting the planning bodies of the two townships and Mecosta County. *Progress: Not started*
3. Work with Big Rapids and Green Townships, as well as others, to provide efficient and effective fire and police protection to the area. *Progress: Ongoing*
4. Work with the surrounding townships, Big Rapids Public Schools, Mecosta County, and the State of Michigan to provide an appropriate level of recreational activities for the area's residents by considering the development of a joint recreation plan. *Progress: Not started.*
5. Evaluate the status of the Actions and make necessary adjustments. *Progress: Ongoing*

Public Facilities and Services

The City of Big Rapids will strive to maintain an appropriate level of public facilities and services by improving facilities, planning for the future needs of the community, seeking funding from a variety of sources, and involving the community in the decision-making and budgeting processes.

1. Maintain an up-to-date Capital Improvements Program. *Progress: Complete*
2. Survey residents every three to five years to determine their satisfaction related to public facilities and services. *Progress: Ongoing*
3. Strive to seek outside funding resources to assist in funding public projects and programs. *Progress: Ongoing*
4. Ensure that all public facilities are planned, designed, and constructed to be sustainable. *Progress: Ongoing*
5. Maintain an up-to-date recreation plan. *Progress: Complete*
6. Work with Big Rapids Public Schools, charter/private schools, and the Mecosta-Osceola Intermediate School District to identify future facilities' needs. *Progress: Not started*
7. Evaluate the status of the Actions and make necessary adjustments. *Progress: Ongoing*

Economic Development

The City of Big Rapids will promote an appropriate amount of land and resources to manufacturing, commercial, and other land use categories that provides opportunities for businesses to expand or locate in Big Rapids.

1. Ensure the City has adequate infrastructure in place to meet the needs of existing and new businesses by maintaining an up-to-date Capital Improvements Program. *Progress: Ongoing*
2. Promote jobs in Big Rapids related to programs offered at Ferris State University by determining the feasibility of creating a business incubator centered on skills provided at the University. *Progress: Not started*
3. Ensure the City's industrial park and industrial areas address the needs of existing and potential businesses. *Progress: Ongoing*
4. Work with Mecosta County Development Corporation (MCDC) to help existing businesses expand and to help attract new businesses to the City. *Progress: Ongoing*
5. Work with the Michigan Economic Development Corporation (MEDC) to promote the area to existing employers and potential employers. *Progress: Ongoing*
6. Work with MCDC, MEDC, and others such as the Mecosta County Area Chamber of Commerce and the Michigan State University Extension to diversify the area's economy by promoting the area for value-added agriculture, renewable energy, health sciences, tourism, education, and other employment opportunities. *Progress: Ongoing*
7. Work with the West Michigan Regional Planning Commission to attract funding from the U.S. Economic Development Administration (EDA) and other federal and state agencies. *Progress: Ongoing*
8. Work closely with the Downtown Business Association, the Chamber of Commerce, and business groups to promote commercial and service growth in Big Rapids. *Progress: Ongoing*
9. Work closely with the Convention and Visitor's Bureau to promote Big Rapids as a destination for visitors. *Progress: Ongoing*
10. Continue to improve the downtown and promote it as a destination for visitors and a viable shopping option for residents by following the recommendations of the 2006 "Big Rapids Development Blueprint" and updating the document and process when actions are completed. *Progress: Ongoing*
11. Evaluate the status of the Actions and make necessary adjustments. *Progress: Ongoing*

Other Notable Planning Actions or Topics of Discussion

Redevelopment Ready Communities

The City is continuing to pursue Redevelopment Ready Community certification through the Michigan Economic Development Corporation. This has been an ongoing effort requiring substantial work by the Planning Commission. A few of the key RRC actions accomplished during 2020 were:

- Ongoing work with planning consultant firm SmithGroup regarding Best Practice 2.3 – Concentrated Development for the C-2 Downtown area.
- Completion of a Housing Study which will guide Ordinance amendments to align with Best Practice 2.4 – Housing Diversity.
- Amending the Guide to Development with an updated flowchart.
- Amending the Zoning Ordinance to permit Flexible Parking Regulations.

The City has set a goal of achieving certification by the end of 2021.

Form Based Code

The Planning Commission has been engaged in educational efforts to learn about Form Based Codes. As these efforts and discussions of the merits of this type of approach to Zoning continue, the Commission is actively working with a planning consultant firm, SmithGroup, on a Form Based Code-based update to the Zoning Ordinance for the downtown and surrounding areas.

West Michigan Regional Planning Commission

The City is a member of the West Michigan Regional Planning Commission (WMRPC). Three City representatives sit on the Commission, and two on the Comprehensive Economic Development Strategy (CEDS) committee. These groups consist of planning and economic development professionals from a nine-county region. The mission of WMRPC is to assist in planning efforts in community and economic development, provide a regional forum for sharing information and ideas, and promote cooperative solutions to regional issues.

The WMRPC is the designated agency under the U.S. Economic Development Administration (EDA) the prepares and submits the CEDS report, making local community projects eligible to receive EDA grant funding.

Public Participation

In accordance with the City of Big Rapids Public Participation Plan 2019, City staff engaged in the following public participation efforts around planning and zoning:

- Meeting announcements shared on the City’s website and in the Big Rapids Pioneer newspaper.
- Utilize the City Manager’s Newsletter to highlight specific projects and opportunities for engagement.
- Update the Public Hearing Notice mailings to include more detailed project information.
- Add a section to the City Website’s Community Development page for “Current Projects for Review at the Planning Commission” and use this section to provide full access to Site Plan Review materials.
- Utilize the website, social media, and the Newsletter to solicit engagement with the Housing Study report at a City Commission Work Session.
- Engage the Depot Task Force advisory committee to develop the Site Master Plan for the future Depot Trail Head Park and advise the City Commission on potential purchase of the Depot property.
- Connect with other groups, including the Library Board, the Parks and Recreation Board, the Friends of the Library, and the Muskegon River Watershed Coalition regarding the Anna Howard Shaw Site Plan before that plan came to the Planning Commission for Site Plan Review.
- Connect with the Downtown Development Authority and the Downtown Business Association for feedback regarding potential Zoning Ordinance Amendments for Marihuana Business Regulations in the C-2 Downtown area.

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Neighborhood Services Director
SUBJECT: Training Opportunities through MAP
DATE: February 17, 2021

Introduction

The Michigan Association of Planning (MAP) is a state chapter of the American Planning Association (APA), which is an organization dedicated to urban and regional planning. MAP is the state of Michigan's leading planning organization and has over 4,000 members; about 25% of those members are professional planners and the other approximately 75% are citizen planners appointed to local boards.

The City of Big Rapids' Planning Commissioners and Zoning Board of Appeals members are members of MAP. One of the key benefits of being a MAP member, in addition to the bimonthly Michigan Planner magazine and outstanding conferences, is access to and reduced cost of training opportunities.

Spring 2021 Training Opportunities

MAP runs a series of educational programs to provide participants with the skills to make better land use decisions. In the past, Big Rapids has hosted trainings organized by MAP to provide our citizen planners and those of neighboring communities access to excellent educational programs. This year, due to the pandemic, all of the spring 2021 training opportunities will be held online.

Staff want to inform the Planning Commission about these opportunities. If Commissioners wish to attend, the City will pay the full cost of the training. You can learn about the trainings offered in the attached brochure. Two of the trainings may be of particular interest to our members: "Planning and Zoning Essentials" and "Site Plan Review". These trainings are taught by experts from Michigan and include outstanding instruction and a guidebook which is a great reference for the future.

Way Forward

Please consider if you are interested in attending a training session. If you are and can attend at the scheduled time, please let me know. I will happily sign you up for the sessions.

Online

OFFICIALS TRAINING

By the Michigan Association of Planning

The Michigan Association of Planning’s education programs provide participants with the skills to make better land use decisions. Our knowledgeable and experienced instructors enable elected and appointed officials to better understand their roles and responsibilities, and innovative planning tools and techniques. We make it easy for you to receive the training necessary to keep up with the ever- changing land use landscape. This year, training will be live, but virtual. We are also offering recorded, hot topics for officials interested in a deeper dive into some of planning’s newer trends and issues.

MANAGING RISK: MAKING SOUND PLANNING & ZONING DECISIONS

2.5 Master Citizen Planner Credits

March 9th | 6 - 8:30 PM | Member fee: \$65
Instructor: Emily Palacios, JD, Miller Canfield, PLC.

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

SITE PLAN REVIEW

3.5 Master Citizen Planner Credits

March 10th and 11th | 1-3 PM | Member fee: \$85
Instructor: Leah DuMouchel, AICP, Beckett & Raeder, Inc.

This program will demonstrate the site plan review and approval process and provide practical tools and techniques on how to read a site plan. You’ll discuss site design principles, such as pedestrian and traffic considerations, lighting, utilities, ADA compliance, inspections, and landscaping. *Participants receive a guidebook, in addition to an engineering scale, turning template, and a sample site plan to evaluate.*

PLANNING & ZONING ESSENTIALS

This program counts toward one session of the MSU Extension Citizen Planner Program

March 3rd and 4th | 6-8 PM | Member fee: \$75
Instructors: Rod Arroyo, AICP, Giffels Webster
Jill Bahm, AICP, Giffels Webster

March 23rd and 24th | 1-3 PM | Member fee: \$75
Instructor: Adam Young, AICP, Wade Trim

The most requested training product we offer. This course is designed to boost confidence by sharpening skills, examining roles and responsibilities, identifying conflicts of interest, understanding legal foundations, and more!

This program is a robust introduction for new planning commissioners and zoning board of appeals, but also a great refresher for more experienced officials looking to build upon existing knowledge. Public hearing procedures, site plan review, master planning, zoning ordinances, variances, how to determine practical difficulty, and standards for effective decision-making are covered.

This program also provides a broad overview for students and emerging planners who want to learn about planning procedures in Michigan. *Special pricing for student members. Course includes a guidebook.*

PLANNING AND ZONING 101 FOR INSPECTORS AND CE OFFICERS

2 Master Citizen Planner Credits

March 16th | 1-3 PM | Member fee: \$45
Instructor: Andrew Moore, AICP, Williams & Works

A community’s inspector is the final and often the first word in zoning enforcement. They are the ones that see and hear how the zoning ordinance is working for property owners, but are often not at the table when master plans and ordinances are being developed. This 2 hour workshop offers inspectors and officers a concise history of planning and zoning, the local players involved in the community and their roles, a tour of a typical zoning ordinance, an overview of development reviews and best practices for administration.

MASTER PLAN PROCESS

3.5 Master Citizen Planner Credits

March 30th and 31st | 6 - 8 PM | Member fee: \$75
Instructor: Kathleen Duffy, AICP, SmithGroup

This workshop is designed for those communities updating existing master plans as well as those creating entirely new ones. Roll up your sleeves and learn step-by-step about the requirements, components, and stakeholder involvement you’ll need to organize when drafting or amending a master plan. *Course includes a guidebook.*



REGISTRATION FORM

Complete one form per registrant. *Guidebooks sent to mailing address.*

NAME

AFFILIATION

EMAIL (confirmation and login instructions will be sent via email)

PHONE (with area code)

MAILING ADDRESS (include apt. or suite #)

CITY STATE ZIP

REGISTRATION INFORMATION: ☐ I’m a MAP Member
☐ Join MAP now for \$60 and receive the member discount. As a bonus, you will receive membership through June 2022.

MEMBER RATES	NON-MEMBER RATES	*Apply a \$25 late fee if you register LESS THAN 5 business days before workshop*
<input type="checkbox"/> \$75 <input type="checkbox"/> \$75	<input type="checkbox"/> \$100 <input type="checkbox"/> \$100	Planning & Zoning Essentials March 3rd and 4th 6 - 8 PM March 23rd and 24th 1 - 3 PM
<input type="checkbox"/> \$65	<input type="checkbox"/> \$95	Managing Risk March 9th 6 - 8:30 PM
<input type="checkbox"/> \$85	<input type="checkbox"/> \$105	Site Plan Review March 10th and 11th 1 - 3 PM
<input type="checkbox"/> \$45	<input type="checkbox"/> \$65	Planning and Zoning for Inspectors March 16th 1 - 3 PM
<input type="checkbox"/> \$75	<input type="checkbox"/> \$100	Master Planning Process March 30th and 31st 6 - 8 PM
<input type="checkbox"/> \$75	<input type="checkbox"/> \$100	Build Your Own Workshop Staff will email you for your session selection
<input type="checkbox"/> \$25		Student (Full time) Member Rate List workshop and date: _____

PAYMENT INFORMATION: TOTAL: _____

☐ Check enclosed ☐ Invoice Me ☐ Visa ☐ Master Card
(Make checks payable to: Michigan Association of Planning)

Card # Card Holder Zip Code

Expiration Date Security Code

Signature Card Holder Name

BUILD YOUR OWN WORKSHOP | Select Three Topics | \$75 (content available until August 1, 2021)

Watch on demand presentations recorded on a variety of topics from Michigan’s planning experts. You choose the topics that are most relevant to your community. Detailed descriptions and registration available at www.planningmi.org <https://www.planningmi.org/build-your-own-workshop>. Sessions range from 25 minutes to 2 hours. Topics include:

Clean Energy * Environmental Planning * Form Based Codes * Housing * Parking * Planned Unit Development * Target Market Analysis
Tax Increment Financing * Zoning Administration * Roles and Responsibilities * Utility Basics * Asset Management and More!

Registration Policy on reverse side | **MAIL, FAX, OR EMAIL FORMS TO:** 1919 West Stadium Boulevard, Suite 4, Ann Arbor, MI 48103
Phone: (734) 913-2000 | Fax: (734) 913-2061 | Email: info@planningmi.org | www.planningmi.org

ON-SITE WORKSHOPS

Can't make the scheduled workshops?

Bring the training to your community through MAP's on-site program!

MAP's on-site workshops are a flexible and affordable way to bring training to your community. You pick the topic, date, location, and attendees - MAP provides the instructor and the materials. Collaborating with neighboring communities provides added value to the workshop and helps cover costs.

Contact Amy Vansen at (734)913-2000 or avansen@planningmi.org for details.

WHAT MAKES THESE WORKSHOPS VALUABLE?

MAP's credibility as a land use leader is widely recognized, assuring the highest quality educational experience.

Many workshops receive a comprehensive guidebook (noted in description)

Our new *Build Your Own Workshop* provides training using a dozen modules that can be mixed and matched to fit your needs, and viewed at your convenience.

REGISTRATION POLICY

For cancellations received in writing 10 business days prior to the workshop, a refund (minus a \$25 administration fee) will be given. Those received less than 10 days prior will not be refunded. You may identify a substitute or view the recorded workshop.

Students: The student discount is intended to make the workshops affordable for all full-time student members. Student members enrolled in a minimum of 12 undergrad credit hours or 9 grad hours are eligible. We will verify enrollment and course load.

CALENDAR OF EVENTS

Events through May 20, 2021 held online
Events after May 20, 2021 TBA

February 11, 2021
Transportation Bonanza 12 Conference

February 19, 2021
Student Conference
Michigan State University *Chairing Event*

March 3 & 4, 2021
Planning & Zoning Essentials Workshop

March 9, 2021
Risk Management Workshop

March 10 & 11, 2021
Site Plan Review Workshop

March 16, 2021
Planning & Zoning for Inspectors and Code Enforcement Officers Workshop

March 23 & 24, 2021
Planning & Zoning Essentials Workshop

March 30 & 31, 2021
Master Planning Process Workshop

May 20, 2021
Spring Institute

October 27-29, 2021 (tentative)
Planning Michigan Conference

WHO SHOULD ATTEND?

- Planning commissioners and zoning board of appeals members
- Elected and appointed officials
- Zoning administrators
- Emerging planning professionals
- Planning students (*special member rate!*)
- Michigan State University Extension Master Citizen Planners - *Sessions denoted for continuing education*



Michigan Association of Planning
1919 W. Stadium Blvd.
Suite 4
Ann Arbor, MI 48103



PAULA PRIEBE
226 N. MICHIGAN AVE
BIG RAPIDS MI 49307-1404

0003863

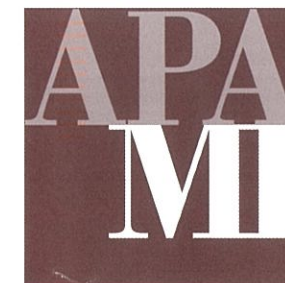
Michigan Association of Planning

A chapter of the American Planning Association

PLANNING & ZONING Online TRAINING

For Elected and Appointed Officials

REGISTRATION INFORMATION



www.planningmi.org
(734) 913-2000

Planning Commission

Special Meeting

March 10, 2021 at 6:30 P.M.

Zoom Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/81524510627?pwd=ZHdkcmdhOEw5TVRjL2EyMEsySGNMUT09>

Meeting ID: 815 2451 0627

Passcode: 736538

Phone Login – Dial +1 312 626 6799

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
 - a. February 17, 2021
5. Public Comment
6. Public Hearing
 - a. Zoning Ordinance Amendment to Section 11.1:29 –
Regulations for Marihuana Businesses
7. General Business - none
8. Unscheduled Business
9. Adjourn

CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
February 17, 2021
Unapproved

Chair Jane called the February 17, 2021, regular meeting of the Planning Commission, held remotely via Zoom, to order at 6:32 p.m.

PLEDGE OF ALLEGIANCE

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

EXCUSED Paul Jackson

ABSENT None

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

There were 2 audience members.

APPROVAL OF MINUTES

Motion was made by Bill Yontz seconded by Rory Ruddick to approve the minutes of the January 20, 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

Staff received telephonic communication from Ms. Ivonne Ittner of 709 Novak Lane. She is concerned with the number of marihuana businesses within the community and the public's perception regarding these businesses.

PUBLIC HEARINGS None

GENERAL BUSINESS

2021-2027 Capital Improvements Program

Priebe summarized the Staff Report discussing the Capital Improvements Program (CIP). The CIP helps to link planning with budgeting and helps to implement City plans such as the Master Plan and the Parks and Rec Plan. The major projects for 2021-2022 receive the most focus

during the CIP process and help form the capital budget of the City's upcoming fiscal budget. Priebe discussed several projects from different departments included in the 2021-2027 CIP.

Motion was made by Megan Eppley seconded by Karen Simmon to recommend approval of the City of Big Rapids Capital Improvements Program 2021-2027 as presented to the City Commission.

Motion passed with all in favor.

Zoning Ordinance Amendments for Marihuana Businesses Regulations

Marihuana Zoning Discussions with other Michigan Communities

Szymanski summarized the Staff Report and the discussions she had with the following Michigan communities: Battle Creek, Portage, Coldwater, and Adrian. Both Battle Creek and Portage implemented a 1,000 ft setback between marihuana businesses. To implement a buffer, a community is required to implement a criteria list that is used for when a buffer has two or more competing interests. Battle Creek's criteria list is focused on improved aesthetics, the environment, and accessibility. Battle Creek has only had two competing interests for the same buffer one time. Instead of a criteria list, Portage chose to hold a lottery for all competing interests and the winner got the location. Coldwater originally chose to implement a 1,000 ft buffer between marihuana businesses. However, when the City received multiple applications, the Planning Commission wanted to avoid any legal issues and chose to amend the Zoning Ordinance to eliminate the buffer between marihuana businesses. Adrian does not currently have a buffer between marihuana businesses and a buffer hasn't been discussed in depth by the Planning Commission due to potential legal issues buffers create. Szymanski then asked the communities about their sign regulations. Portage, Coldwater, and Adrian regulate signs for marihuana businesses the same as any other commercial businesses. Battle Creek has a more conservative sign ordinance, allowing a maximum of two signs per street frontage.

The Planning Commission discussed the following topics:

- Instead of a buffer, what about having a cap for marihuana businesses as a whole?
- If a buffer is implemented and a marihuana business closes, a new marihuana business would not be allowed to locate there because of the buffer. Could this create legal issues?
- Adding buffers could create legal issues, so keep the buffers around schools, but don't add a buffer between marihuana businesses.
- A lot of the concerns are regarding the downtown, could including the MOISD building in the K-12 school buffer solve the downtown concerns?
- What is the main issue? Is the issue the number of businesses, the perception, or the MOISD building?

Sign Regulations for Marihuana Businesses

Priebe summarized the Staff Report, reviewing the marihuana menu of options from the January 20, 2021 meeting. After narrowing the options down since the last meeting, two options were

summarized: more permissive and liberal. Staff recommends the more permissive option to allow marihuana businesses more signage to help with visibility concerns but also allows the Planning Commission to review the current sign ordinance for all commercial businesses.

Discussion included the following topics:

- Having one sign ordinance for all commercial businesses is the goal, but for now, the more permissive option would allow more flexibility for marihuana businesses while the Planning Commission works through amending the sign ordinance.
- All businesses need to be treated the same regardless of the products they sell.
- Outside of the regular Planning Commission meetings, having a sub-committee to work on the sign ordinance will help move this process along.
- After the sign ordinance is amended, signs for marihuana businesses would be regulated like other commercial businesses.

Staff will prepare the public hearing for both the setback requirement for the MOISD building as well as the amendment to the Sign Ordinance for marihuana businesses. A special meeting will be held on March 10, 2021, to hold the public hearing.

Annual Report of Planning and Zoning

Priebe summarized the Staff Report, discussing the hard work the Planning Commission has done throughout the year. There were four ordinance amendments, several site plan reviews, and one variance this year.

Training Opportunities through MAP

Priebe summarized the Staff Report, asking Planning Commissioners if they would like to attend any of the offered trainings. Chris Jane, Megan Eppley, Kasey Thompson, Rory Ruddick, and Karen Simmon will attend the Planning and Zoning Essentials course.

UNSCHEDULED BUSINESS

Sign Regulations Review Subcommittee

Chris Jane, Karen Simmon, and Rory Ruddick volunteered to be on the sign sub-committee working alongside City staff.

There being no further business, Chair Jane adjourned the meeting at 7:58 PM with all in favor.

Respectfully submitted,

Emily Szymanski

Planning & Zoning Technician and Planning Commission Secretary

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Community Development Director
SUBJECT: Public Hearing regarding Zoning Ordinance Amendments for Marihuana
Businesses Regulations
DATE: March 10, 2021 – Special Meeting of the Planning Commission

Introduction

The City Commission adopted Ordinance No. 752-10-19 “Ordinance amending Articles 2, 3, and 11 of the Big Rapids Zoning Ordinance to define and permit certain State licensed marihuana business facilities and establishments in the C-1, C-2, C-3, and Industrial Districts” on October 7, 2019. To date, the City of Big Rapids has issued Permits for eight marihuana retail stores, seven of which are currently open, and has received applications for an additional nine locations.

The Zoning Ordinance is a living document. As this new business type has been permitted, several issues and concerns have arisen which necessitate reviewing and possibly amending the Ordinance to refine the regulations. One such amendment has already taken place: Ordinance No. 754-12-19, adopted on December 2, 2019, to clarify that the school setback of 500 feet for marihuana businesses shall be measured “in a straight line from property line to property line”.

The Planning Commission began looking at possible amendments to this Ordinance in November 2020, after being asked to review it by the City Commission. At the November meeting, the Planning Commission discussed the current issues in two areas (marihuana businesses in the downtown/near the MOISD Transition Center and too restrictive sign regulations), and added a third possible amendment, adding a setback regulation between marihuana businesses. In December, staff provided example language for these amendments and examples from other communities in Michigan.

The Planning Commission wanted to hear from local constituents about their thoughts on how this Ordinance is working for marihuana businesses and their neighbors, a Public Forum was held at the January 2021 Planning Commission meeting to continue the discussion with wider participation. Then the discussion continued at the February 17 Planning Commission meeting, focusing in on the issues to be resolved, which were identified as 1) the need to add a setback around the MOISD Transition Center on S. Michigan Ave and 2) the need to move toward parity regarding sign regulations for marihuana businesses relative to all other commercial businesses.

Setback around the MOISD Transition Center

The MOISD Transition Center, a school for students 18-26 years of age, has requested to be buffered like other types of schools, which would require amending the current regulations. Adding the language “or any MOISD school facility” will add the MOISD Transition Center to the list of schools.

Current Regulations with Recommended Change:

Section 11.1.29 (1) (d):

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

Sign Regulations

The current sign regulations for marihuana businesses can be found in Section 11.1:29 (1) (e) of the Zoning Ordinance. To amend this section, the current regulations will be struck from the Ordinance and replaced with the more permissive language as stated below.

Current Regulations in Section 11.1:29 (1) (e):

Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to one sign per establishment, either a wall sign or a freestanding sign, as described below. The sign shall not be digital or internally illuminated.

- (i) One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet.
- (ii) One freestanding sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) square feet in area nor four (4) feet in height.

Replace the Current Regulations in Section 11.1:29 (1) (e) with the Regulations below:

The provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall include a maximum of three signs, as described below. Digital signs are prohibited.

- (i) Wall signs, affixed flat to the building, are permitted, and shall not exceed an average of thirty (30) sq. ft. per wall sign.
- (ii) One freestanding sign is permitted and shall not exceed twenty-five (25) sq ft. in area nor six (6) ft in height. If the facility is part of a shopping complex with a multi-tenant sign, the size regulation above applies, but the height regulation may be in accordance with the multi-tenant sign.
- (iii) One projecting sign is permitted and shall not exceed ten (10) sq. ft., with a minimum height of eight (8) ft and a maximum height of twelve (12) ft. Projecting signs shall not extend more than two (2) ft from the building.

Zoning Ordinance Text Amendment Process and Procedure

The Zoning Ordinance Text Amendment Application was initiated by staff. As required by Ordinance, the Zoning Ordinance amendments must go through a public hearing process. Notice was posted in the Big Rapids Pioneer on Monday, February 22, 2021.

Text Amendments are reviewed first by the Planning Commission where a Public Hearing is held. The Planning Commission then makes a recommendation to the City Commission, who will vote on adoption of the Ordinance Amendment.

Standards for Zoning Amendment Review

Section 14.2:4 of the Zoning Ordinance clearly lays out a series of standards for reviewing Zoning Amendments, stating as follows:

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

- (1) The use requested shall be consistent with and promote the intent and purpose of this Ordinance.
- (2) The proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural land 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 a determination that the plan is not applicable due to a mistake in the plans, change in relevant conditions, or changes in relevant plan policies.

Planning Commissioners are encouraged to review the proposed Amendment against the standards in Section 14.2:4 to decide if they find it meets or fails to meet them. These standards shall be used to decide the recommendation provided by the Planning Commission.

Recommendation

Staff supports recommending adoption of the Zoning Ordinance Amendment Section 11.1:29 for Marihuana Establishment Regulations, as the amendment meets the standards for review found in Section 14.2:4 of the Zoning Ordinance and addresses the concerns raised to the City Commission by residents, business owners, and the MOISD.

Action

Two options lay before the Planning Commission regarding Zoning Ordinance Text Amendment Applications: Recommendation to Adopt or Recommendation to Not Adopt. As the City Commission has the final determination on Ordinance Amendments, the application must be forwarded to them with a recommendation.

Explanations and sample motions are included below.

Recommendation to Adopt

A recommendation of adoption motion is appropriate when the Application meets the Standards of the Zoning Ordinance.

“I move to recommend that the Zoning Ordinance Text Amendment to Section 11.1:29 for Marihuana Establishment Regulations be adopted as presented, as the amendment meets all of the Standards for Review found in Section 14.2:4 of the Zoning Ordinance.”

Recommendation to Not Adopt

A recommendation to not adopt motion is appropriate when the Application fails to meet the Standards of the Zoning Ordinance.

“I move to recommend that the Zoning Ordinance Text Amendment to Section 11.1:29 for Marihuana Establishment Regulations not be adopted, because it does not meet the Standards for Review set in Section 14.2:4 of the Zoning Ordinance.” *(Include which number Standards the application does not meet)*

Planning Commission

Regular Meeting

March 17, 2021 at 6:30 P.M.

Zoom Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/83168187534?pwd=RkhsNEovWm5CUzFGWIMxNXlQT0Rvdz09>

Meeting ID: 831 6818 7534

Passcode: 688190

Phone Login – Dial +1 312 626 6799

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
 - a. March 17, 2021
5. Public Comment
6. Public Hearing - none
7. General Business
 - a. Review of City Code of Ordinances Section 91.03 Chickens Permitted
 - b. RRC 2.0 Update
8. Unscheduled Business
9. Adjourn

CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
March 10, 2021
Unapproved

Chair Jane called the March 10, 2021 special meeting of the Planning Commission, held remotely via Zoom, to order at 6:31 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Megan Eppley, Kasey Thompson, Chris Jane, Karen Simmon and Paul Jackson

EXCUSED Bill Yontz

ABSENT None

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

There were 4 audience members.

APPROVAL OF MINUTES

Motion was made by Paul Jackson seconded by Karen Simmon to approve the minutes of the February 17, 2021 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 regarding Zoning Ordinance Amendments for Marihuana Businesses Regulations

Staff Report

Priebe stated that the Planning Commission has been diligently working on potential amendments to marihuana ordinances for the past several months. After considering several options, at the February 17, 2021 regular meeting, two amendments were purposed to move forward. One amendment would be to Section 11.1:29 1(d) which would add any MOISD school facility to the current school setback regulations in place. The second amendment purposed would permit marihuana businesses to have up to three signs (wall signs not to exceed 30 square

feet per wall sign, one freestanding sign, or one projecting sign permitted). Illuminated signs are permitted, digital signs are prohibited.

The Public Hearing was opened at 6:37 PM.

Those Who Spoke in Favor of the Request: None heard

Those Who Spoke in Opposition of the Request:

Jerry Boman of 302 S Stewart St expressed concerns regarding the MOISD building being included in the setback regulations for schools. Mr. Boman has been renovating the second story of his building at 120 S Michigan Ave in hopes of leasing the renovated space to a commercial marihuana business. If the MOISD building is included in the 500 ft setback for schools, 120 S Michigan Ave would be within the setback.

In response to the concerns stated, Staff recommended that Mr. Boman attend the March 15, 2021 City Commission meeting to express his concerns. Staff also offered to meet with Mr. Boman to further discuss any questions or concerns.

Motion

Motion was made by Rory Ruddick, seconded by Paul Jackson, to recommend that the Zoning Ordinance text amendment to Section 11.1:29 for Marihuana Establishment Regulations be adopted as presented, as the amendment meets all the Standards for Review found in Section 12.2:4 of the Zoning Ordinance.

Motion passed with all in favor.

GENERAL BUSINESS None

UNSCHEDULED BUSINESS The Commission discussed moving back to in person meetings at City Hall. All are in favor, but would like to see a Zoom option for those who are unable or feel uncomfortable attending in person.

There being no further business, Chair Jane adjourned the meeting at 6:51 PM with all in favor.

Respectfully submitted,

Emily Szymanski
Planning & Zoning Technician and Planning Commission Secretary

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Emily Szymanski, Planning & Zoning Technician
Paula Priebe, Community Development Director
SUBJECT: Review of Section 91.03 – Chickens Permitted from the City Code of Ordinances
DATE: 17 March 2021

Introduction

The City Commission adopted Ordinance No 708-07-17 “Ordinance amending Title 9 Chapter 91 Section 91.02 Animals Prohibited, adopting Section 91.03 Chickens Permitted and repealing Section 91.04 Coloring Birds Prohibited on July 17, 2017. To date, the City of Big Rapids has issued 17 chicken permits, each of which is valid for two years.

During the March 1, 2021 City Commission meeting, a resident voiced concern regarding the conservative number of chickens permitted per parcel in the City and asking to have the number of chickens permitted per property raised. The City Commission directed the Planning Commission to review and discuss Section 91.03 from the City Code of Ordinances. To assist the Planning Commission with their discussion, staff has prepared the following information:

- A table showing how comparison communities permit chickens.
- Sketch drawings showing where a coop could be allowed on different sized properties
- A menu of sample language for amendment options

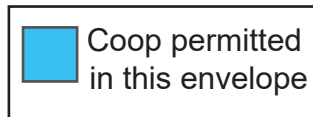
Comparison Communities

The table below summarizes the chicken ordinance from five other Michigan communities.

City	# of Chickens	Permit Required	Parcel Size Requirement
Albion	5-7 hens	Yes – 2 year	<1 acre = 5 hens >1 acre = 7 hens
Marquette	6 hens permitted in low & medium density residential districts	Yes – No expiration	N/A
Traverse City	4 hens	No	N/A
Grand Rapids	No maximum	Yes – 1 year	Parcel needs to be at least 3,800 sq ft
Ferndale	2012: 3 hens permitted in R-1 and R-2 Districts Amended in 2018: 6 hens permitted	No	N/A

Number of Chickens and Property Size

Key:



Sec. 91.03 Chickens Permitted.

Up to three chickens may be kept per single-family residential parcel of land under the following conditions and limitations:

(A) In a fully enclosed area within the back yard, set ten feet back from the boundary and 40 feet from the neighboring residences, with a coop no larger than 200 square feet suitable for roosting that is kept clean.

(B) Roosters are prohibited.

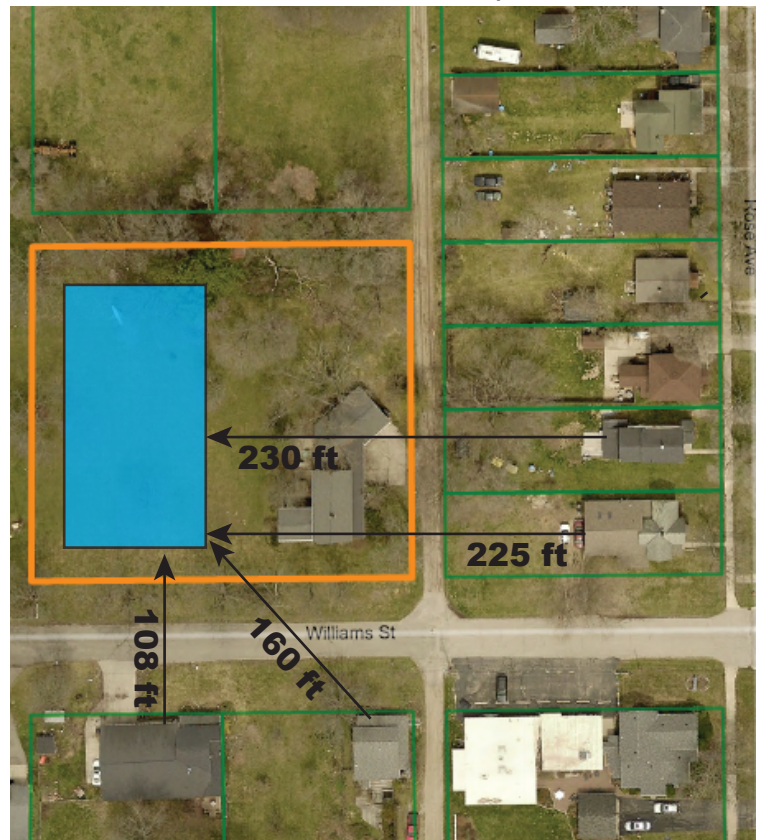
(C) No slaughter of chickens on site.

(D) The owner of the chickens must be a resident of the property where the chickens are kept.

(E) With a two-year temporary permit issued by the City and a fee of \$25.

(Ord. 708-07-17 passed 7-17-17)

City parcel at least 14,500 sq. ft. (double lot)
5 or 7 or more chickens permitted?



City parcel smaller than 14,500 sq. ft.
3 or 5 chickens permitted?



A Menu of Sample Language for Big Rapids

Current Regulations: *[Found in Section 91.03 of the City Code of Ordinances]*

Up to three chickens may be kept per single family residential parcel of land under the following conditions and limitations:

- (A) In a fully enclosed area within the back yard, set ten feet back from the boundary and 40 feet from neighboring residences, with a coop no larger than 200 square feet suitable for roosting that is kept clean.
- (B) Roosters are prohibited.
- (C) No slaughter of chickens on site.
- (D) The owner of the chickens must be a resident of the property where the chickens are kept.
- (E) With a two-year temporary permit issued by the City and a fee of \$25.

Slightly More Permissive

Up to three chickens may be kept per single family residential parcel less than 14,500 sq. ft. and up to five chickens may be kept per single family residential parcel over 14,500 sq. ft. under the following conditions and limitations: (Keep current conditions).

Note: An average platted lot in Big Rapids is 7,500 sq. ft. in area, with dimensions of 50'x150'. This figure was utilized to calculate the 14,500 sq. ft. number in the option above to identify the approximate size of a double residential lot.

More Permissive

Up to five chickens may be kept per single family residential parcel less than 14,500 sq. ft. and up to seven (or nine?) chickens may be kept per single family residential parcel over 14,500 sq. ft. under the following conditions and limitations: (Keep current conditions).

Liberal

Chickens are permitted in residential districts under the following conditions and limitations: *(Keep current conditions).*

Procedural Note

The Ordinance to keep chickens is found in the City Code of Ordinances, not in the Zoning Ordinance. The process for amending the City Code of Ordinances is different from the process for amending the Zoning Ordinance. The City Commission asked for a recommendation from the Planning Commission, because of the connection between the Chicken Ordinance and land use, not because it was required in the Ordinance. In this case, the Planning Commission is not required to hold a Public Hearing on the issue but may choose to if they wish. The Planning Commission may make a direct recommendation to the City Commission on this topic.

Action

The Planning Commission has been asked to make a recommendation to the City Commission regarding the request to amend to the City Code of Ordinances Section 91.03 to allow more chickens on each residential property.

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Neighborhood Services Director
SUBJECT: Redevelopment Ready Communities 2.0 Update
DATE: March 17, 2021

Introduction

In 2017 the City of Big Rapids began the process of becoming “Redevelopment Ready Certified” through the Michigan Economic Development Corporation (MEDC) Redevelopment Ready Communities program. This is a “voluntary, no-cost certification program designed to promote effective redevelopment strategies through a set of best practices. The program measures and then certifies communities that integrate transparency, predictability, and efficiency into their daily development practices. The RRC certification is a formal recognition that your community has a vision for the future – and the fundamental practices in place to get there.”

The MEDC’s website has this to say about why communities should become redevelopment ready:

To be vibrant and competitive, Michigan communities must be ready for development. This involves planning for new investment and reinvestment, identifying assets and opportunities, and focusing limited resources. Certified Redevelopment Ready Communities® attract and retain businesses, offer superior customer service and have a streamlined development approval process making pertinent information available around-the clock for anyone to view.

Report of Findings

Big Rapids received our Report of Findings in October 2017, which identified the items we needed to address to reach RRC Certification. We began with about 45% of the required items and have been working since to achieve the remaining items. As of the end of 2020, we had about 72% of the items completed.

RRC 2.0

The MEDC RRC Program recently announced some major changes to the program, which they are calling RRC 2.0. The new format makes changes to some of the items needed for certification and adds a second level. As you can see in the RRC Levels handout, the program now includes an Essentials level and a Certified level. The Certified level is very similar to the previous RRC Certification, while the Essentials level has several fewer requirements.

Way Forward

The City Manager and Community Development Director have decided to pursue the Essentials level at this time; we only have one major item and 4 smaller items to complete to achieve this level. After Essentials is achieved, we will focus on a few other priorities, with the goal of continuing to pursue the Certified level over the next two years.

The one big task yet to complete for Essentials is Best Practice 2.3 Concentrated Development. Smith Group has been helping us formulate changes to zoning in the downtown districts which would meet this expectation. We will begin reviewing these in April 2021.



RRC LEVELS: ESSENTIALS & CERTIFIED

Based on feedback from communities and other stakeholders, RRC offers two levels: “Essentials” and “Certified.” Communities can determine which level is most appropriate for their needs based on capacity, community goals and other local factors. Communities are encouraged to consult with their assigned RRC planner if they are unsure which level they would like to pursue. RRC understands that no two days are the same when it comes to running a local government; in recognition of that, communities can move between

levels if local considerations change.

Each best practice in this handbook includes expectations for Essentials and for Certified. This allows for maximum transparency and easy comparison. In some cases, they are identical, but in many criteria, RRC Certified level includes additional expectations. Once a community determines the level it would like to achieve, it should focus on the appropriate expectations throughout this handbook.

Purpose

ESSENTIALS	Communities who have achieved Essentials status have all the key documents and practices in place to provide a predictable development experience and meet local planning and zoning responsibilities under Michigan law.
CERTIFIED	RRC Certified communities have integrated all the Best Practices into their local processes and proactively seek out community development opportunities while providing a predictable development experience.

Best Practices

ESSENTIALS	Plans and Engagement [BP 1]; Zoning (partial) [BP 2]; Development Review (partial) [BP 3]; Boards and Commissions (partial) [BP 4].
CERTIFIED	Plans and Engagement [BP 1]; Zoning [BP 2]; Development Review [BP 3]; Boards and Commissions [BP 4]; Economic Development and Marketing [BP 5]; Redevelopment Ready Sites [BP 6].

Benefits

ESSENTIALS	Access to assigned RRC planner, RRC library, RRC training opportunities, RRC technical assistance match funding opportunities, and other benefits as identified.
CERTIFIED	All Essentials level benefits, plus access to the Redevelopment Services Team, site marketing support, continued access to RRC technical assistance match funding opportunities, and other ever-evolving benefits such as free event registrations, social media and more.

Planning Commission

Regular Meeting

April 21, 2021 at 6:30PM

Zoom Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/83946564640?pwd=dFJFYWZtUUU1amlrUHFrUEU2bzFKdz09>

Meeting ID: 839 4656 4640

Passcode: 525899

Phone Login – Dial +1 312 626 6799

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
 - a. March 17, 2021
5. Public Comment
6. Public Hearing
 - a. Site Plan Review for a Road Extension to the West End of Rust Avenue
7. General Business
 - a. Discussion on Whether to Designate the City-Owned Property W. Madison Street as Surplus Property
 - b. Discussion of Fencing Materials Allowed in the Landscape Standards Article of the Zoning Ordinance
8. Unscheduled Business
9. Adjourn

CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
March 17, 2021
Unapproved

Chair Jane called the March 17, 2021, regular meeting of the Planning Commission, held remotely via Zoom, to order at 6:40 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Megan Eppley, Kasey Thompson, Chris Jane, and Karen Simmon

EXCUSED

ABSENT Rory Ruddick and Paul Jackson

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

There were 2 audience members.

Planning Commissioners took a moment of silence to remember Bill Yontz, a fellow Commissioner and engaged Big Rapids resident, who recently passed away. Thank you for your service to our country and our community Bill, you will be truly missed.

APPROVAL OF MINUTES

Motion was made by Kasey Thompson seconded by Karen Simmon to approve the minutes of the March 10, 2021 special 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

Review of City Code of Ordinances Section 91.03 Chickens Permitted

Priebe summarized the Staff Report, stating that a Big Rapids resident, Mrs. Ashley Singh, voiced her concern to the City Commission regarding the conservative number of chickens allowed per parcel during the March 1, 2021 meeting. The City Commission asked the Planning Commission to review and discuss Section 91.03 Chickens Permitted from the City Code of

Ordinances and make a recommendation to the City Commission. Currently, up to three chickens are allowed per parcel with conditions. Priebe summarized the chicken ordinances from five other Michigan communities, and discussed the option to increase the number of chickens based on parcel size. Staff prepared examples that show coop location based on parcel size as well as a menu of sample language for the potential text amendment.

Discussion included the following topics:

- How many chicken permits have been issued? Seventeen total permits with two canceled and with two expired and no longer owning chickens.
- How did the number of chickens come about when the City initially approved chickens in the City in 2017? Staff researched other Michigan communities that allow chickens and wrote the ordinance based off guidance from them.
- Including the concern from Mrs. Singh, three other residents have asked to have more than three chickens in the past two years.
- Chair Jane asked if Mrs. Singh would like share why she would like to have more chickens. She stated that chickens are flock animals, and it can be difficult to reintroduce new chickens into an established flock. With her research, she found that it is best to have more chickens than fewer, especially since some chickens may be taken by predators.
- Has the Community Development Department received any complaints regarding chickens? In over two years, staff has received one complaint regarding a property having four chickens instead of three.
- Does the Planning Commission prefer to increase the number of chickens allowed as a whole? Or increase the number of chickens based on parcel size? Increasing the number of chickens based on parcel size seems like a logical approach.
- Based on other communities and the research done, increasing the number from three to five for parcels smaller than 14,500 sq ft and from three to ten for parcels at least 14,500 sq ft seems like the best option.
- If the increased number of chickens causes nuisance issues, that would be a violation of other City Ordinances and City Staff can address the issue at that point.
- The current conditions would continue with the potential amendment.

Motion

Motion was made by Megan Eppley, seconded by Kasey Thompson, to recommend that the City Commission amend the City Code of Ordinances Section 91.03 Chickens Permitted with the following changes:

Up to five chickens may be kept per residential parcel less than 14,500 sq. ft. and up to ten chickens may be kept per residential parcel over 14,500 sq. ft. under the following conditions and limitations: (No change to the current conditions and limitations).

Motion passed with all in favor.

RRC 2.0 Update

Priebe summarized the Staff Report, noting the changes that the MEDC had made regarding the Redevelopment Ready Communities program. The new format changes some of the items needed for certification and adds a second level. The program now includes an Essentials level and a Certified level. Big Rapids has one major item and four smaller items left to complete to achieve the Essentials level. After Essentials is complete, staff will continue to work toward the Certified Level over the next two years.

UNSCHEDULED BUSINESS

Update from the March 15, 2021 City Commission Meeting

The City Commission has chosen to table the Zoning Ordinance text amendment that would include the MOISD school into the 500 ft setback but will be discussing it further in the upcoming meetings. The City Commission has approved the Zoning Ordinance text amendment to allow marihuana businesses up to three signs.

There being no further business, Chair Jane adjourned the meeting at 7:24 PM with all in favor.

Respectfully submitted,

Emily Szymanski

Planning & Zoning Technician and Planning Commission Secretary

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Community Development Director
SUBJECT: Site Plan Review – Rust Avenue Extension Project
DATE: April 21, 2021

Introduction

City Staff are bringing forward the Site Plan Review for a road extension to the west end of Rust Avenue, near Brookside Elementary School and Clay Cliffs Nature Area. The purpose of this project is to extend Rust Avenue and create a cul-de-sac and to divide the remainder of the project area into three large residential parcels for future development with almost 2/3 of the original parcel to remain as park land.

The location of the project is a City-owned parcel (PIN 17-15-200-001) with the address 610 Rust Ave Vacated. This parent parcel has dimensions of 512 ft by 539.225 ft, for a total area of 6.338 acres. The proposed development area, with the road extension and three residential lots, totals 2.11 acres and will be zoned R-1 Residential. See the attached Location Map and Site Plans for more detailed location information.

Rust Avenue Extension Project

This project is related to the City's recent work to expand housing options in the community. In addition to building partnerships and considering policy changes to allow greater housing development, City staff have been looking at City-owned property and what opportunities it may possess. This parcel presents an opportunity to convert underutilized City property to private use, leveraging the development potential of this area, adjacent to a school and a park, to create three lots for new residential development.

The plans show the lot subdivisions, the proposed infrastructure, and new landscaping along the street. This project has been included in the 2021-2027 Capital Improvements Program for funding in the 2021-2022 Fiscal Year, with \$110,000 under Water Infrastructure costs and \$30,000 under Streets projects. The Project description from the CIP is "extend water main 300' to the west of Escott St, build a new road and cul-de-sac to serve three new City-owned parcels".

Site Plan Review Process and Procedure

The Site Plan Review was brought by the City of Big Rapids; the City Manager has been working with the Public Works Department and the City's engineering consultant firm Fleis & VandenBrink. As required by Ordinance, Site Plan Reviews must go through a public hearing process. Notice was posted in the Big Rapids Pioneer on April 7, 2021 and sent to all property owners within 300 ft of the site.

Staff review of the Site Plans finds them in compliance with the City's Zoning Ordinance. Note: very little guidance is provided in the Ordinance for evaluating a road project of this nature. The road extension meets the City's Stormwater Ordinance. The Fire Department reviewed the plans and did not have any problems or objections from a public safety perspective.

Criteria for Review of Site Plan Review Applications

Section 9.6 of the Zoning Ordinance sets criteria for reviewing Site Plan Review applications:

- 9.6:1 That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to ensure the safety and convenience of pedestrian and vehicular movement. With respect to vehicular and pedestrian circulation, including walkways, interior drives, and parking, the site shall be developed so that access points, general interior traffic circulation, pedestrian circulation, and parking areas are safe and convenient and, insofar as practicable, do not detract from the design of the proposed buildings and existing structures on neighboring properties.
- 9.6:2 All elements of the site plan shall be harmoniously and efficiently organized in relation to the topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- 9.6:3 That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which will result in maximum harmony with adjacent areas.
- 9.6:4 That any adverse effects of the proposed development and activities emanating there from which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback and location of buildings, structures and entryways. All loading and unloading areas and outside storage areas, including areas for the storage of refuse, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.
- 9.6:5 That the layout of buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood. Physical improvements including sidewalks, drives and parking areas shall be built to adequate standards to minimize premature deterioration. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spill or discharges to the air, surface of the ground, groundwater, streams, drains or wetlands. Secondary containment for above ground storage of hazardous material shall be provided.
- 9.6:6 That all provisions of all local ordinances, including the City Zoning Ordinance, are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.

These Criteria shall be used to decide the Action taken by the Planning Commission.

Recommendation

Staff recommends approval of the Site Plan Review Application for the road extension of Rust Avenue at 610 Rust Avenue Vacated (PIN 17-15-200-001), as it meets the Criteria for Review found in Section 9.6 of the Zoning Ordinance.

Action

Three options lay before the Planning Commission regarding Site Plan Review Applications: Approval, Approval with Conditions, or Denial. Explanations and sample motions are included below.

Approval

An approval motion is appropriate when the Application meets the Standards of the Zoning Ordinance and approves the Application.

“I move that the Site Plan Review Application for the road extension of Rust Avenue at 610 Rust Avenue Vacated (PIN 17-15-200-001) be approved, because it meets all of the Criteria for Review set in Section 9.6 of the Zoning Ordinance.”

Approval with Conditions

An approval with conditions motion is appropriate when the Application meets the Standards of the Zoning Ordinance, but the Planning Commissioners believe a few minor conditions or alterations are required. This motion approves the Application contingent upon the listed conditions.

“I move that the Site Plan Review Application for the road extension of Rust Avenue at 610 Rust Avenue Vacated (PIN 17-15-200-001) 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 *(select from the relevant reasons below)*

- (1) 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.
- (2) Protect the natural environment and conserve natural resources and energy.
- (3) Ensure compatibility with adjacent uses of land.
- (4) Promote the use of land in a socially and economically desirable manner.

“The following conditions are required to address this need: *(list conditions here. Could include items like requiring additional permits, revising plans to show needed changes, demonstrating adequacy of the stormwater detention facilities, or moving features out of the fire lane, among others)*.

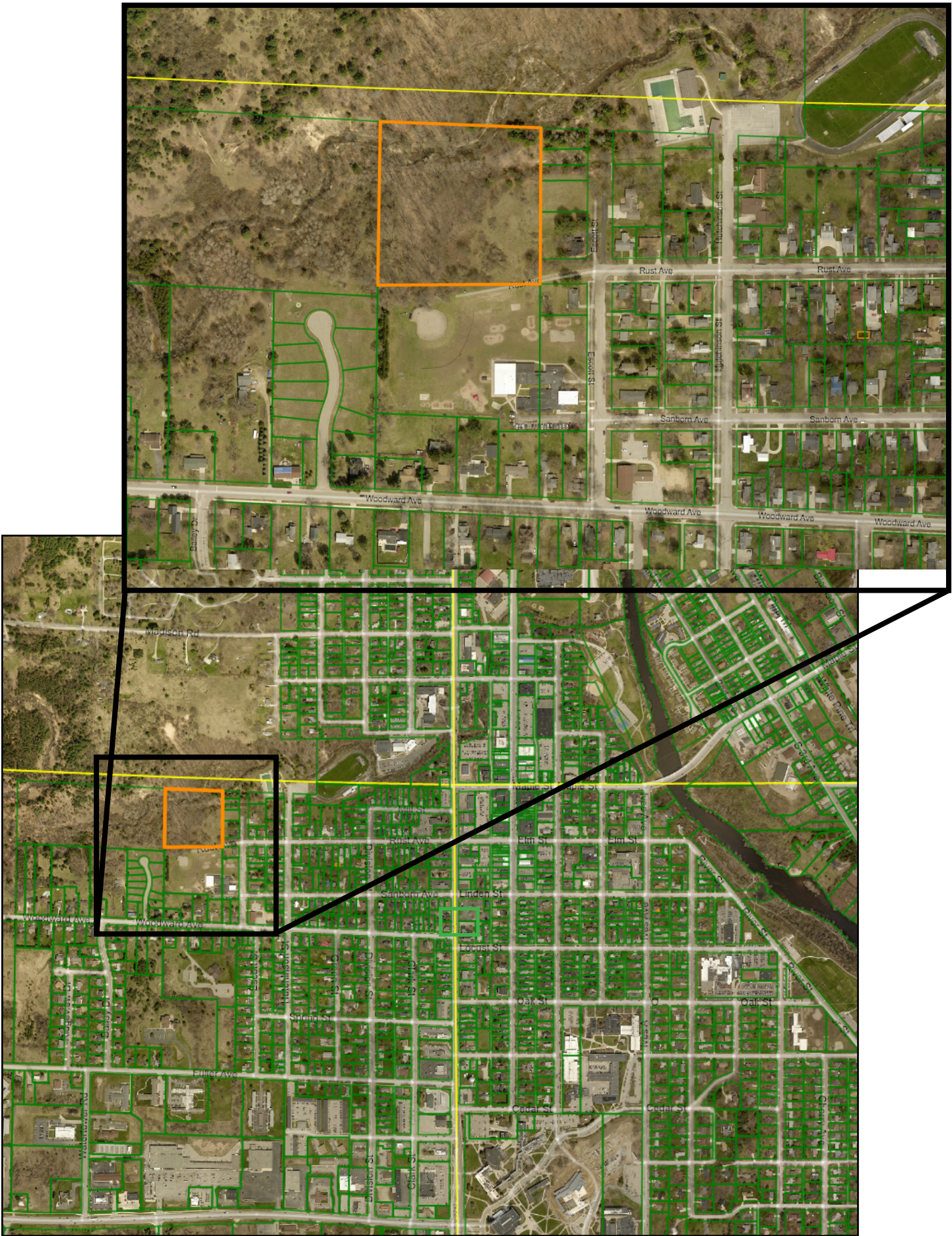
“A revised, dated site plan and documents addressing the above shall be submitted for staff approval within 60 days.”

Denial

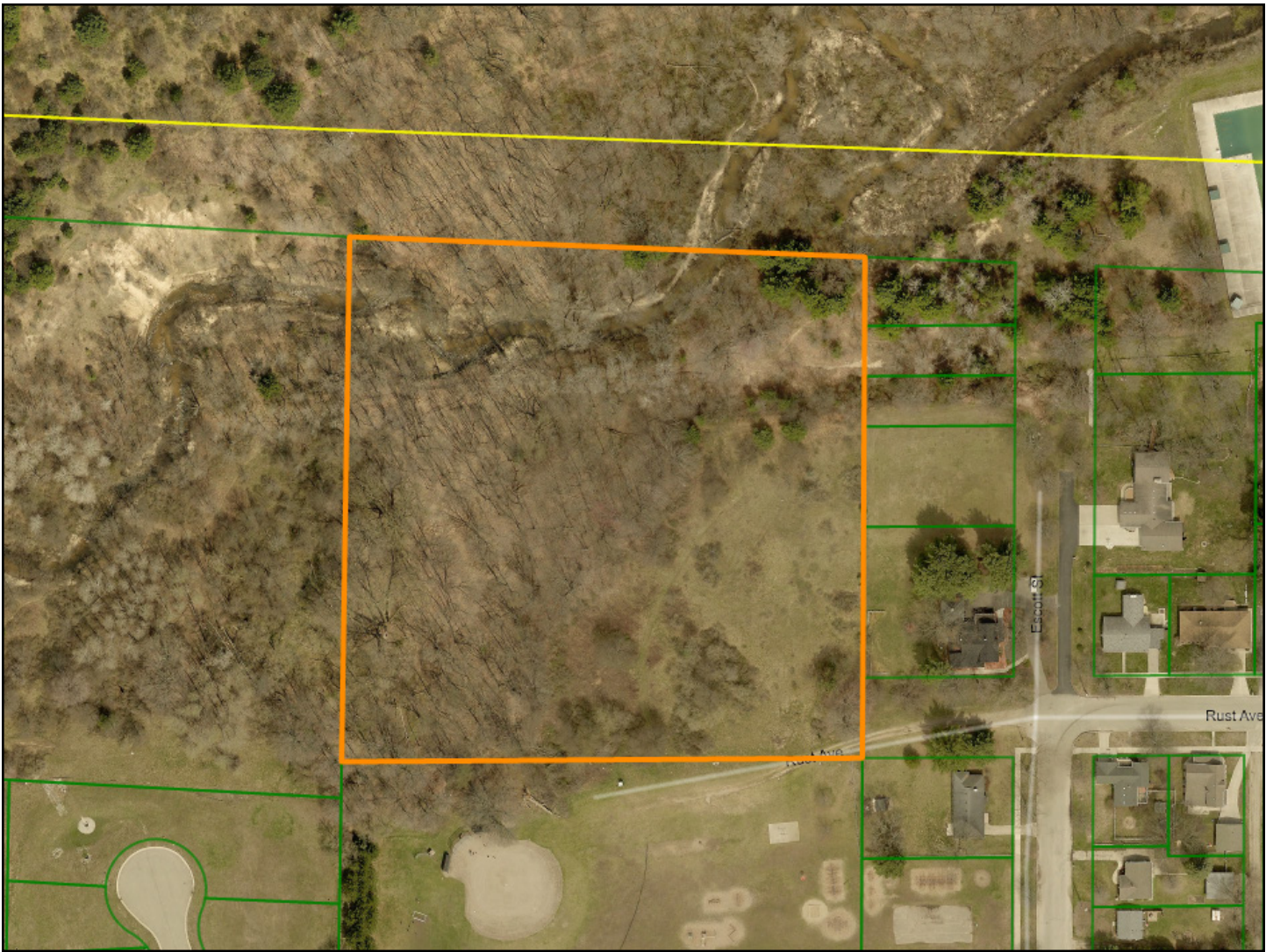
A denial motion is appropriate when the Application fails to meet the Standards of the Zoning Ordinance and ends the application process.

“I move to deny the Site Plan Review Application for the road extension of Rust Avenue at 610 Rust Avenue Vacated (PIN 17-15-200-001) because it does not meet Criteria 9.6:X of the Zoning Ordinance. *(Fill in the X with which number Criteria the application does not meet.)*”

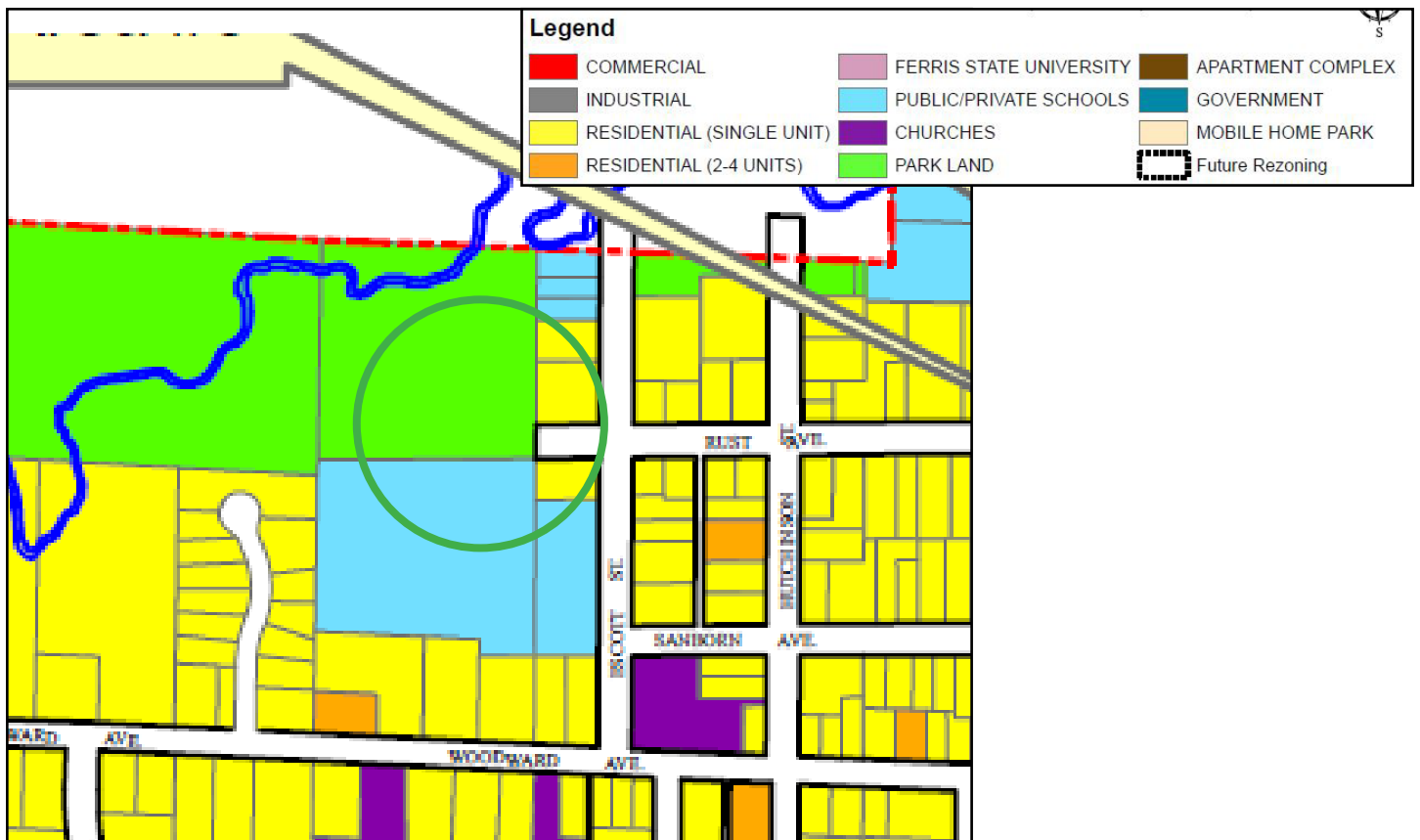
Location Maps



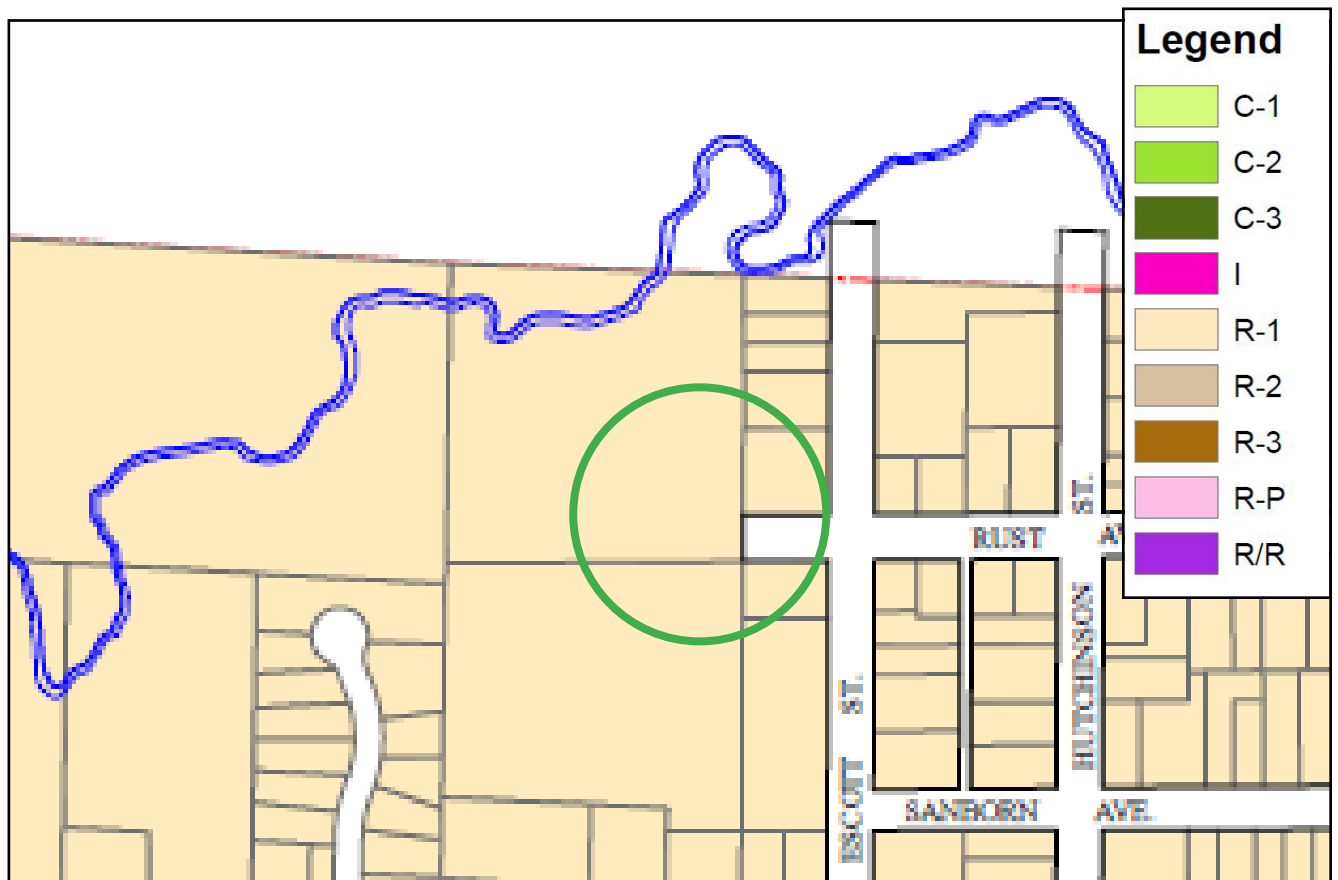
Aerial Imagery

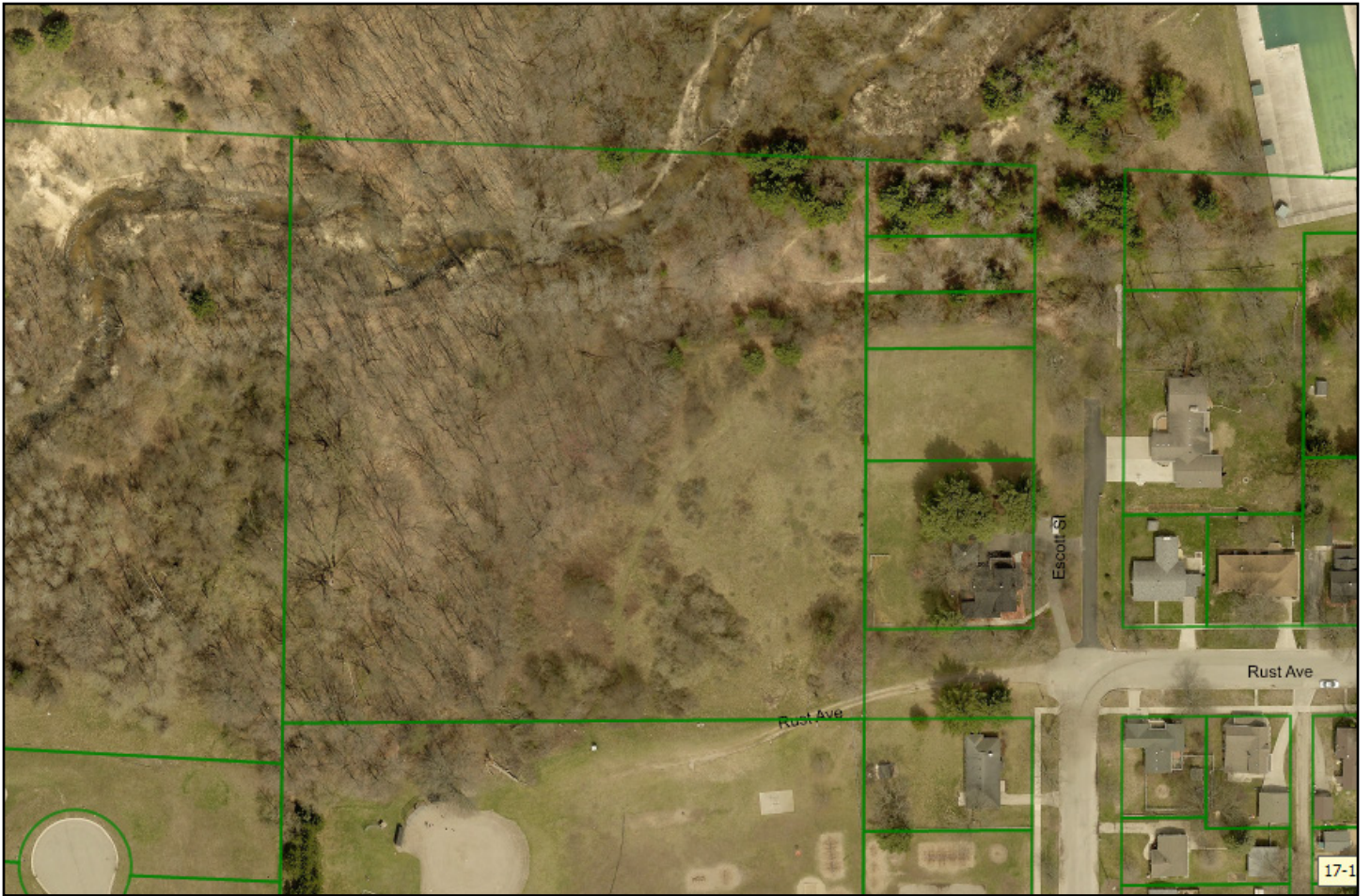


Excerpt from Future Land Use Map



Excerpt from Zoning Map







CITY OF BIG RAPIDS
DEPARTMENT OF COMMUNITY DEVELOPMENT

SITE PLAN REVIEW APPLICATION

APPLICANT NAME: City of Big Rapids
APPLICANT ADDRESS: 226 N. Michigan
APPLICANT PHONE NUMBER: 231-592-4058 FAX NUMBER: _____
PROJECT TITLE: Rust Ave. Extension
PROJECT ADDRESS/LOCATION: Rust and Escott
SUBJECT PROPERTY OWNER: City of Big Rapids
LEGAL DESCRIPTION OF PROPERTY (attach separate sheet)
SUBJECT PROPERTY ZONING: RI SITE SIZE (ACRES): 2.11

LIST ALL REQUIRED STATE AND FEDERAL PERMITS ON SEPARATE SHEET

In compliance with Section 9.4 of the City of Big Rapids Zoning Ordinance, twelve copies of a complete proposed site plan must be submitted to the Department of Community Development, a minimum of twenty one days prior to the Planning Commission hearing date. Failure to submit complete plans, a completed application form and filing fee may result in the site plan review hearing being delayed.

SITE PLAN INFORMATION REQUIREMENTS

TWELVE COPIES (12) of the proposed site plan, drawn on 24" x 36" paper

SCALE OF 1" = 20' for sites up to three acres and **1" = 100'** for sites over three acres

LEGEND including north arrow, scale, date of preparation and name, address and telephone number of individual or firm preparing the plan

SEAL of professional architect, engineer or surveyor preparing the plan

LOCATION MAP indicating relationship of the site to surrounding land use

LOT LINES together with dimensions, angles and size correlated with the legal description, which is tied to existing monumentation

TOPOGRAPHY of the site in two foot contour intervals

NATURAL FEATURES such as wood lots, streams, rivers, lakes, wetlands, unstable soils and similar items

MAN MADE FEATURES within 100 feet of the site

BUILDING SIZE, height, finish floor and grade line elevations, yard setbacks and square footage. Front, side and rear elevations drawings of proposed structures.

FLOOR PLAN of structures showing existing and proposed uses (used to verify gross vs. usable floor areas and principal vs. accessory uses).

STREETS, driveways, sidewalks and other vehicle or pedestrian circulation features upon and adjacent to the site shall be shown.

PARKING SPACES, location, size and number, service lanes, delivery and loading areas

CROSS SECTIONS illustrating construction of drives and parking areas

LANDSCAPING, together with open spaces, screening, fences, walls and proposed alterations of topography or other natural features.

SERVICE DEMANDS from the community to support proposed operations on the site

EARTH CHANGE plans required by State law

SITE LIGHTING including location, intensity and orientation

SURFACE WATER DRAINAGE

UTILITY LOCATION and size for sanitary sewer, water, storm sewer, natural gas, electricity, telephone, coaxial cable, fiber optic, etc.

FIRE LANES

OUTDOOR STORAGE

TRASH RECEPTACLES

HAZARDOUS MATERIAL storage facilities, including type, quantity, location and secondary containment provisions

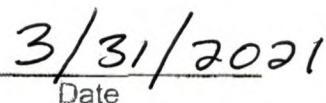
OTHER INFORMATION as required by the Plan Board

DIGITAL COPY submitted in an AutoCAD compatible format

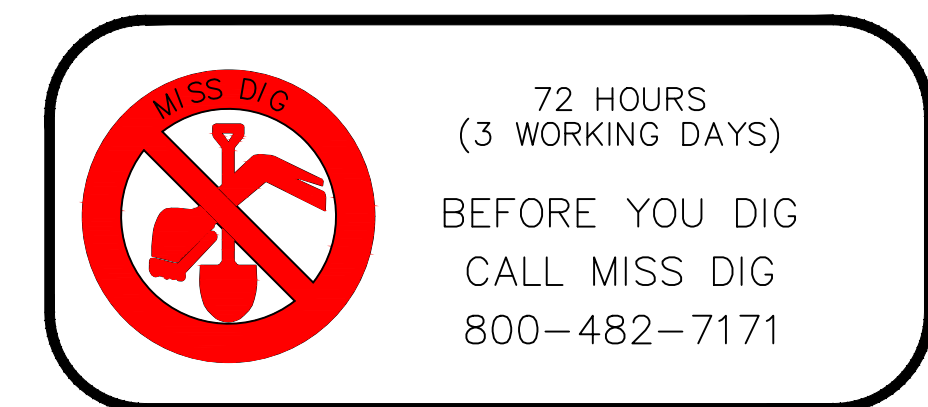
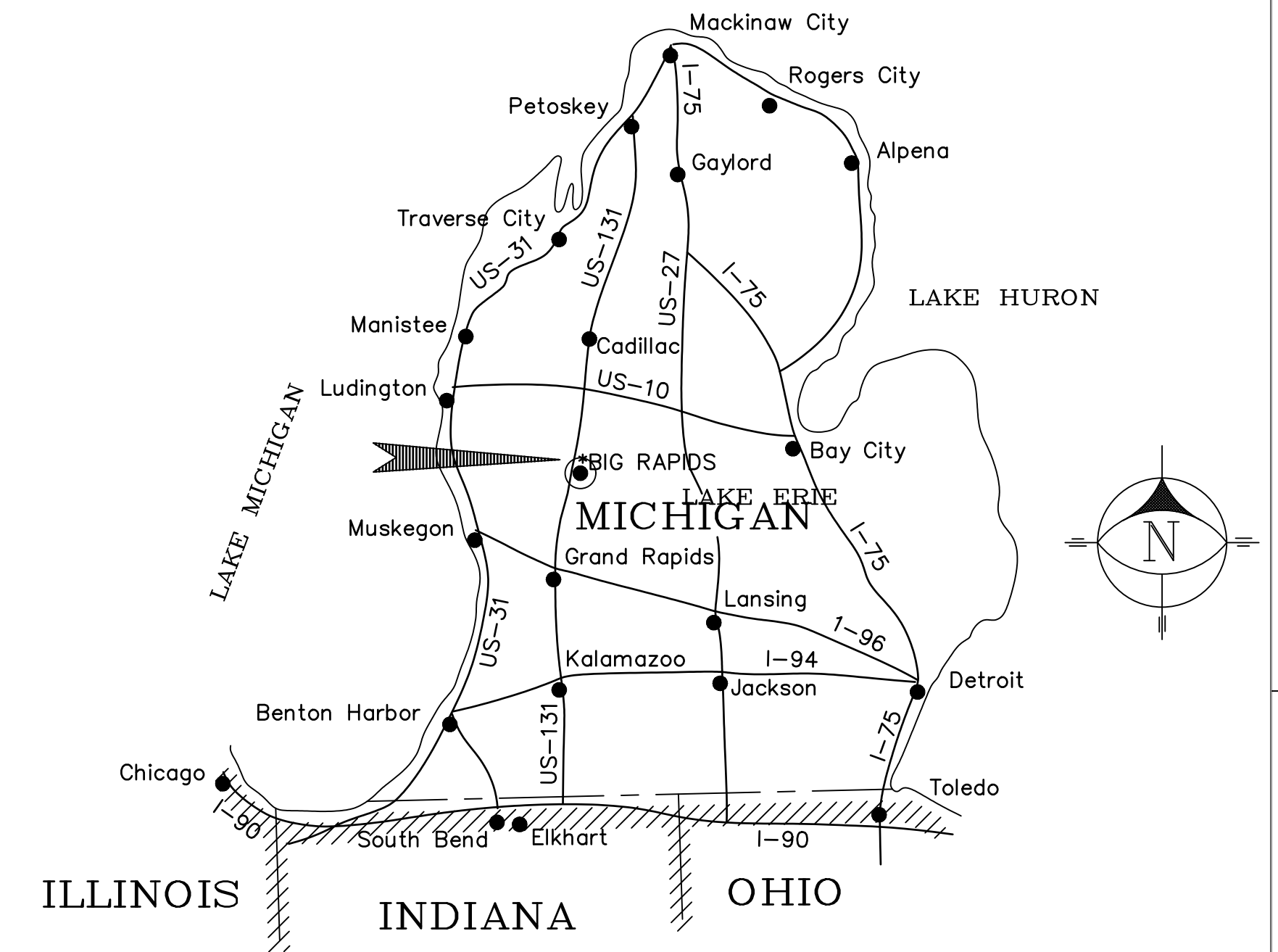
SITE PLAN REVIEW FEE \$200

I have read the requirements of submittal and review of a site plan by the City of Big Rapids Planning Commission and attest that the provided site plan is complete:

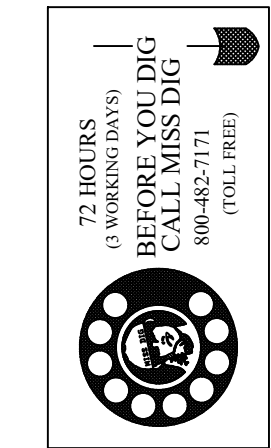

Applicant Signature


Date

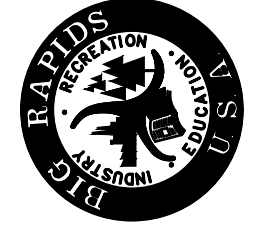
City of Big Rapids
Engineering Office
Big Rapids, MI 49639
P: 231.349.2060
ATTN: Cody Wyman

[illegible]

<div><p>71400 RRS (3 WORKING DAYS) BEFORE YOU DIG CALL MISS DIG 800-482-7171 (TOLL FREE)</p></div>	NO.	REVISION	BY	CHKD	DATE	APP	APP	<div><p>CITY OF BIG RAPIDS ENGINEERING DEPT. 226 N. MICHIGAN AVE. BIG RAPIDS, MI 49307 PHONE: (231) 592-4019 FAX: (231) 592-4059</p></div>	ENGINEER				<div><p>Rust Avenue Extension Rust Avenue Title Page</p></div>	<div>PROJECT NUMBER</div>	<div>2021 - 001</div>	<div>SHEET 1 OF 1</div>	<div>0 REV</div>
	△									SURVEY	CLW						
	△			/	/					DRAWN	CLW						
	△			/	/					CHECKED							
	△			/	/					APPD							
	△			/	/					SCALE	H: 1" = 30' V: 1" = 2'						



NO.	REVISION	BY	CHKD	DATE	APP
1	1				
2	2			/ /	
3	3			/ /	
4	4			/ /	
5	5			/ /	

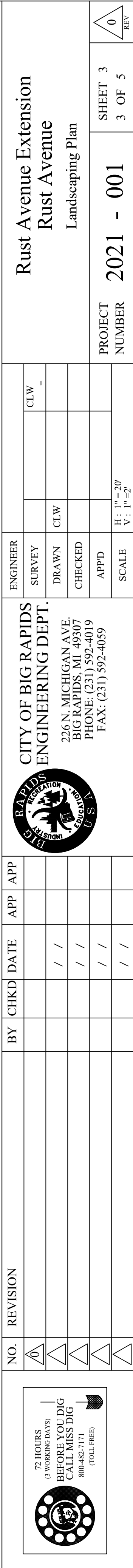


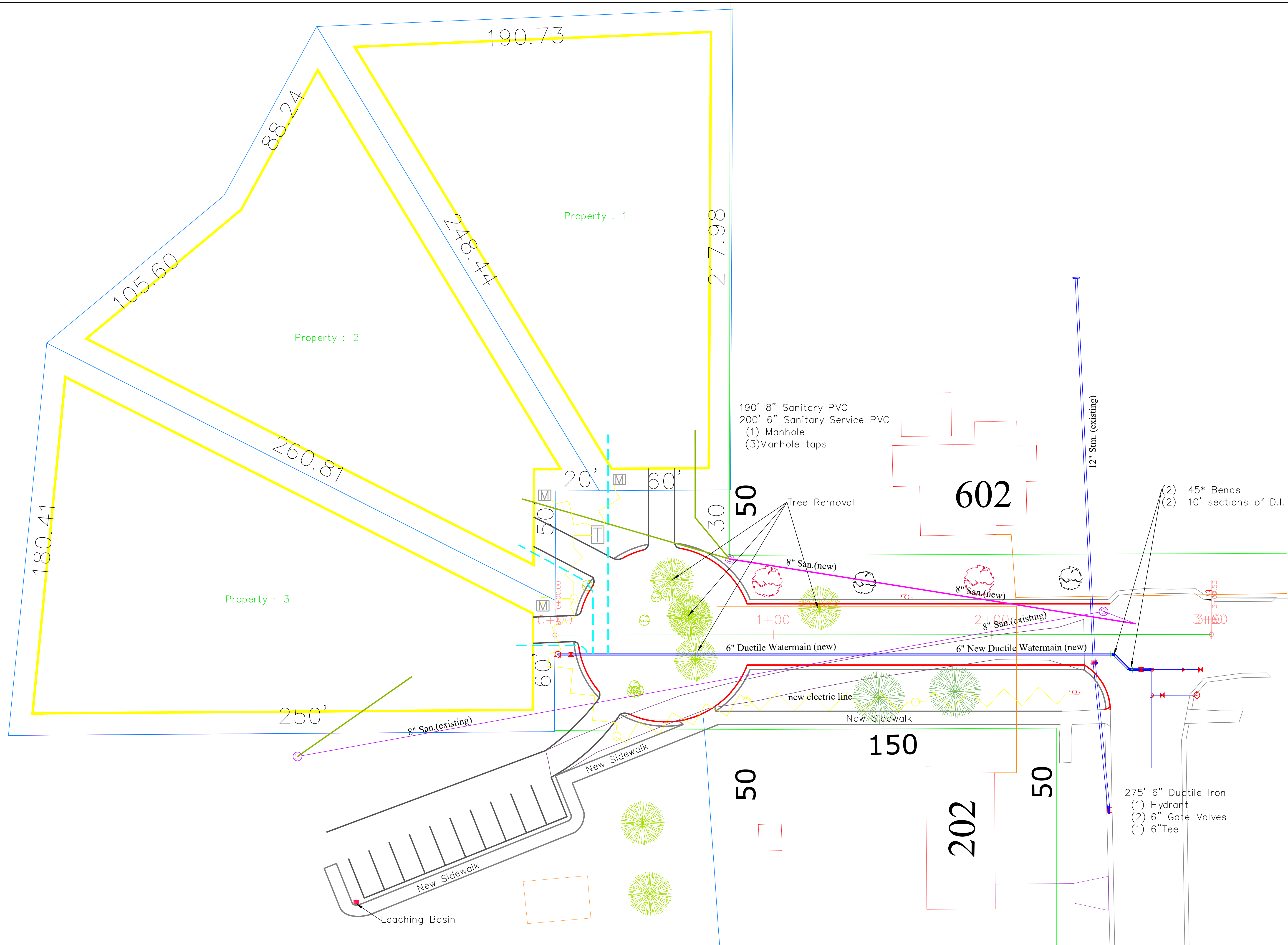
**CITY OF BIG RAPIDS
ENGINEERING DEPT.**

226 N. MICHIGAN AVE.
BIG RAPIDS, MI 49307
PHONE: (231) 592-4019
FAX: (231) 592-4059

ENGINEER			CLW
SURVEY			
DRAWN	CLW		
CHECKED			
APP'D			
SCALE	$H : 1'' = 20'$ $V : 1'' = 2'$		

<p>Rust Avenue Extension Rust Avenue Plan with Contours</p>	<p>PROJECT NUMBER</p> <p>2021 - 001</p>	<p>SHEET : 2 OF 5</p>
---	---	----------------------------------





<div><div>72 HOURS (3 WORKING DAYS) BEFORE YOU DIG CALL MISS DIG 800-462-5771 (TOLL FREE)</div></div>	NO.	REVISION	BY	CHKD	DATE	APP	APP	<div><div>CITY OF BIG RAPIDS ENGINEERING DEPT. 224 N. MICHIGAN AVE. BIG RAPIDS, MI 49307 PHONE: (231) 592-4019 FAX: (231) 592-4059</div></div>	ENGINEER				<div>Rust Avenue Extension Rust Avenue Lighting Plan</div>	<div>PROJECT NUMBER</div> <div>2021-01</div>	<div>SHEET 4 4 OF 5</div>	<div>0 REV</div>	
	1									SURVEY		CLW					-
	2				/	/				DRAWN	CLW						
	3				/	/				CHECKED							
	4				/	/				APPD							
									SCALE	H: 1" = 20' V: 1" = 2'							

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Community Development Director
SUBJECT: Discussion on Whether to Designate the City-Owned Property on W. Madison Street as Surplus Property
DATE: April 21, 2021

Introduction

City Staff are bringing forward a City-owned property on W. Madison Street, to the west of Highlandview Cemetery and located in Big Rapids Township. The purpose of discussing this property is to consider whether to designate this property as surplus and sell it to a new owner.

This City-owned parcel in Big Rapids Township does not have a street address but is recognized by Parcel ID Number (PIN) 54-05-010-006-000. This is a flag-lot, with about 62 feet of street frontage, which runs back 330 feet, after which the lot opens up with dimensions of 600 feet by 995 feet, for a total of about 15 acres. See the attached materials for maps and current parcel information from the Township.

History

Between the years of 2012 and 2016, the City made a concerted effort to evaluate all unused City-owned properties to determine if they were surplus and should be sold or if they had a future use worth keeping them for. During this time nineteen properties were evaluated, including this property in 2012 and 2013.

The property in question here, PIN 54-05-010-006-000, was purchased in 1974 for \$14,000. Due to the fact that this property is adjacent to the Cemetery, it was supposedly intended to expansion of the Cemetery at a later date. However, the money came from the City's General Fund, not from funds designated for cemetery purposes.

During the years of surplus property evaluation, this property was referred to the Planning Commission by the City Commission in Resolution 12-105 on October 1, 2012. The Planning Commission held a Public Hearing and discussed the property over the course of two meetings on November 14, 2012 and December 19, 2012. The Planning Commission made a motion to recommend that the property "be declared surplus with the intention to use it for Cemetery purposes" which passed in a vote of 3 to 2. At the March 4, 2013 meeting of the City Commission, all five Commissioners voted to deny Resolution 13-26, which would have declared this property as surplus property. The resolutions referenced above and the Staff Report packet to that March 2013 City Commission meeting are attached. These materials provide context for the situation and decisions made at that time.

Determination and Recommendation of Surplus Property – Process and Procedure

In the past, the City Commission has encouraged utilizing the process of review outlined in Chapter 36 of the City Code of Ordinances when considering surplus properties. This chapter lays out the process for vacating, discontinuing, or abolishing streets or public grounds. The full text of Chapter 36 is included in the attachments to this Report.

After a property is referred to them for consideration, the Planning Commission holds a Public Hearing on the topic. They make a recommendation to the City Commission, who makes the final decision on the property with four votes being required to approval the proposal to vacate, discontinue, or abolish a street or public ground. While surplus properties do not fall under the direct report of this Chapter, the process outlined above provides a good guide to making the decision and ensuring adequate time for public participation.

If the Planning Commission chooses to move forward to make a recommendation to the City Commission, staff will prepare the Public Hearing for the May 2021 meeting. Part of that preparation will include reaching out to the Big Rapids Township Board of Supervisors and the Cemetery Board of Trustees for their opinions on the future of this property. The members of those groups, as well as all neighboring property owners within 300 feet, would be invited to attend the Public Hearing.

Criteria for Review of Potential Surplus Property

Neither the City Code of Ordinances nor the Zoning Ordinance provide clear guidance for how to determine if a property should be deemed surplus.

Possible considerations for decision making include 1) whether the intended use of the property at time of purchase is still valid and 2) whether there is a true public use for the property. If the original intended use is no longer warranted, what is the current or future best use of the property? If there is a true public use for the property, it may be worth keeping. If not, perhaps it is better to sell the land for private development. If the Planning Commission chooses to move forward, Staff will provide more information to assist in determining whether this property is truly surplus property.

Action

Eight years have passed since that last decision, and some City Staff wanted to consider this property again, with fresh eyes and the additional information garnered with time.

As it has been years since the City walked through the process of designating property as surplus, and due to the complexity and long history of this particular property, the discussion of the City-owned property on W. Madison Street tonight is more of a “study session” than an “action item”. If the Planning Commission believes there is reason to re-evaluate the status of this property, Staff will prepare for a Public Hearing to be held at the May 19, 2021 meeting.

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
THOMSON JEAN B. & BERNICE	CITY OF BIG RAPIDS	0	07/31/1974	WD	ARMS LENGTH		RPS	100.0
Property Address MADISON AVENUE Owner's Name/Address CITY OF BIG RAPIDS 226 NORTH MICHIGAN AVE BIG RAPIDS MI 49307								
Class: EXEMPT PERSONAL PR Zoning: A-RES Building Permit(s) School: BIG RAPIDS P.R.E. 0% EXTRA ADDRESS: NOT AVAILABLE 2021 Est TCV 0 Land Value Estimates for Land Table 4010.4010 AVERAGE RES ACREAGE								
Improved		X		Vacant		* Factors * Description Frontage Depth Front Depth Rate %Adj. Reason Value A-FF 669.00 976.68 1.0000 0.0000 51 100* 0 RES ACRE 15.000 Acres 3,250 100 48,750 * denotes lines that do not contribute to the total acreage calculation. 669 Actual Front Feet, 15.00 Total Acres Total Est. Land Value = 48,750		
Tax Description SEC 10 T15N R10W W 1/2 NE 1/4 SW 1/4 EXC S 363 FT OF W 594 FT Comments/Influences								
Topography of Site Level X Rolling Low X High Landscaped Swamp Wooded Pond Waterfront Ravine Wetland Flood Plain								
Who	When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other
			2021	EXEMPT	EXEMPT	EXEMPT		Taxable Value
			2020	EXEMPT	EXEMPT	EXEMPT		EXEMPT
			2019	0	0	0		0
			2018	0	0	0		0

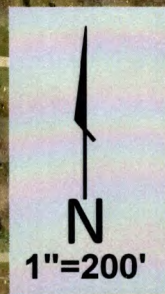
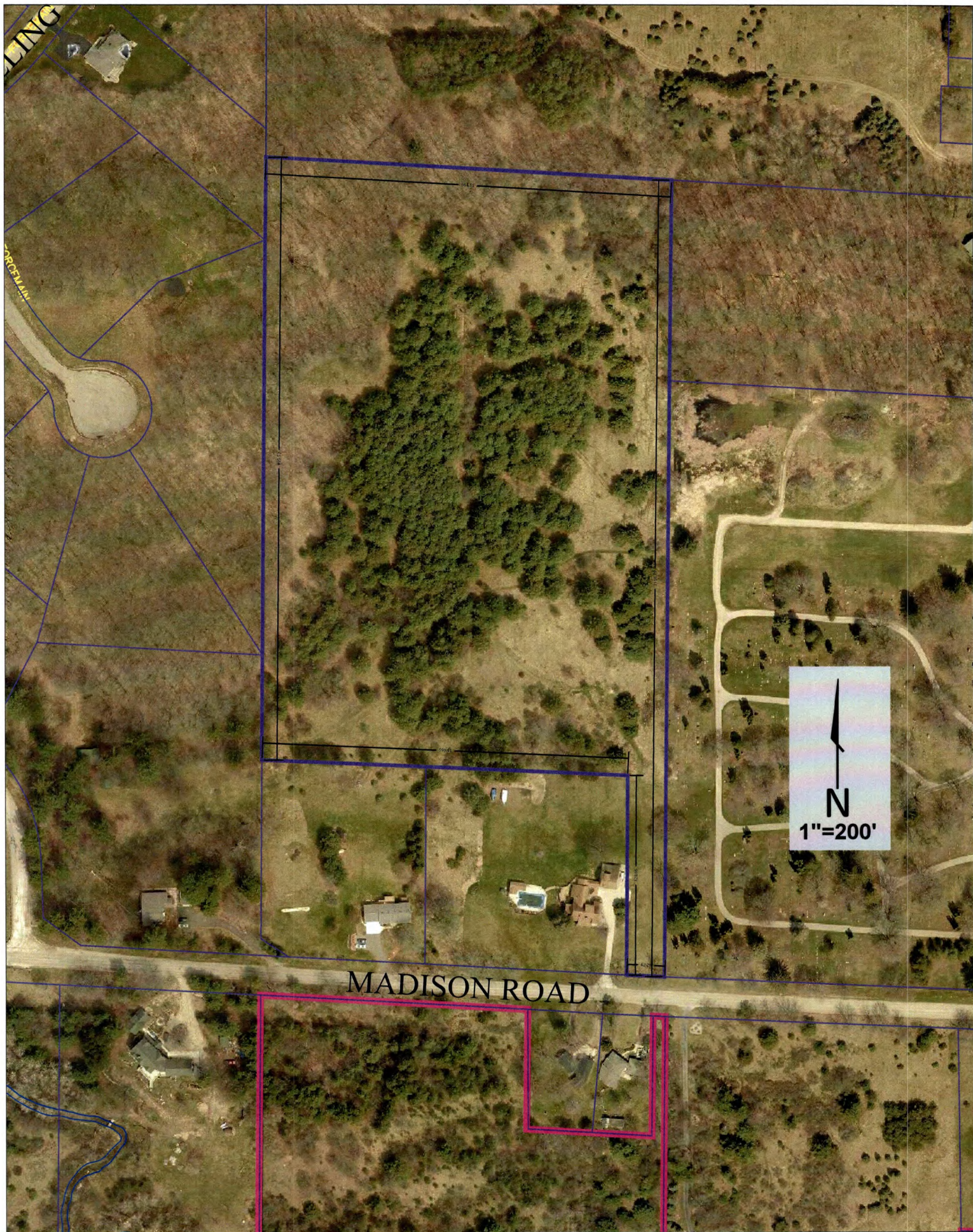
Information herein deemed reliable but not guaranteed

The Equalizer. Copyright (c) 1999 - 2009.
 Licensed To: Internal Use Only.

THIS INSTRUMENT PREPARED BY
BONLEY, WALZ, PERSHEE & JORDAN, P.C.
ATTORNEYS AT LAW
126 MAPLE
BIG RAPIDS, MICHIGAN 49307

BIG RAPIDS





MADISON ROAD

LING

ORCEMAN

RESOLUTION NO. 12-105

Commissioner Hogenson moved, supported by Commissioner Anderson, the adoption of the following:

RESOLUTION REFERRING REAL PROPERTY ISSUES TO THE PLANNING COMMISSION

WHEREAS, in 1974 the City of Big Rapids [the "City"] purchased +/- 16 acres of real property for \$14,000, and

WHEREAS, the +/-16 acre parcel was conveyed to the City by way of a Warranty Deed, and

WHEREAS, Big Rapids Charter Township [the "Township"] has asked if the +/-16 acre parcel should be added to Highland View Cemetery.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission refers this matter to the City Planning Commission for a review and recommendation regarding what [if any] disposition should be made of the +/-16 acre parcel located west of the City limits on Madison Street and adjacent to Highland View Cemetery.

2. The Planning Commission is encouraged to follow the procedures set forth in Title III, Chapter 36, of the City's Code of Ordinances.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 1, 2012

RESOLUTION NO. 13-26

Commissioner Anderson moved, supported by Commissioner Hogenson, the adoption of the following:

RESOLUTION ACCEPTING PLANNING COMMISSION RECOMMENDATION PERTAINING TO REVIEW OF PARCEL 05-101-006-000 LOCATED WEST OF HIGHLAND VIEW CEMETERY AS SURPLUS PROPERTY

WHEREAS, the City Commission, per Resolution No. 12-105, dated October 1, 2012, referred the +/- 16 acre parcel located west of the City limits on Madison street and adjacent to Highland View Cemetery to the Planning Commission for determination if it is surplus property, and

WHEREAS, at its December 19, 2012 meeting, the Planning Commission held a Public Hearing, whereby, determining that the property located west of Highland View Cemetery (Parcel 05-010-006-000) be declared surplus property.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the Planning Commission's recommendation and declare Parcel 05-010-006-000, which is located west of Highland View Cemetery, as surplus property.

Yeas: None

Nays: Anderson, Hogenson, James, Rothstein, Warba

The Mayor declared the resolution **Denied**.

Date: March 4, 2013

**CHAPTER 36: VACATING, DISCONTINUING OR ABOLISHING
STREETS OR PUBLIC GROUNDS**

Section

- 36.01 Proposal to be presented to City Commission
- 36.02 Planning Commission to conduct public hearing
- 36.03 Planning Commission to report summary of comments, recommend approval or denial
- 36.04 City Commission to act on proposal
- 36.05 Clerk to record ordinance

§ 36.01 PROPOSAL TO BE PRESENTED TO CITY COMMISSION.

All requests or proposals to vacate, discontinue, or abolish any highway, street, lane, alley or public ground, or any part thereof, shall be presented to the City Commission, and by resolution approved by at least three members of the City Commission, shall be referred to the Planning Commission to conduct a public hearing on the proposal, and to receive recommendations from City staff, and to make a recommendation to the City Commission.
(Ord. 487-11-01, passed 11-19-01; Am. Ord. 655-1-13, passed 1-22-13)

§ 36.02 PLANNING COMMISSION TO CONDUCT PUBLIC HEARING.

Upon referral by the City Commission the Planning Commission shall conduct a public hearing on the proposal, and the City Clerk shall publish notice of the proposal and the public hearing on it once a week for three weeks prior to the public hearing. City departments shall make recommendations on the proposal in writing to the Planning Commission prior to the public hearing, and shall identify existing easements and public or private improvements located within the area proposed to be vacated.
(Ord. 487-11-01, passed 11-19-01; Am. Ord. 655-1-13, passed 1-22-13)

§ 36.03 PLANNING COMMISSION TO REPORT SUMMARY OF COMMENTS, RECOMMEND APPROVAL OR DENIAL.

The Planning Commission shall report to the City Commission a summary of the written and oral comments received at the public hearing on the proposal, and shall recommend approval or denial of the proposal, with a recommendation and description of the size and location of any easement to be reserved by the City in the area proposed to be vacated.
(Ord. 487-11-01, passed 11-19-01; Am. Ord. 655-1-13, passed 1-22-13)

§ 36.04 CITY COMMISSION TO ACT ON PROPOSAL.

Not sooner than 28 days and not later than 90 days after the public hearing on the proposal conducted by the Planning Commission, the City Commission shall receive the report and recommendation of the Planning Commission and shall act on the proposal, with at least four votes being required to approve the proposal in ordinance form to vacate, discontinue, or abolish any highway, street, lane, alley or public ground or any part thereof.
(Ord. 487-11-01, passed 11-19-01; Am. Ord. 655-1-13, passed 1-22-13)

§ 36.05 CLERK TO RECORD ORDINANCE.

The Clerk shall record with the Mecosta County Register of Deeds any ordinance by which the City Commission decides to vacate, discontinue, or abolish any highway, street, lane, alley or public ground or any part thereof.
(Ord. 487-11-01, passed 11-19-01)

POSITION PAPER

TO: City Commission
FROM: Mark Sweppenheiser, Neighborhood Services Director
RE: City owned parcel of land west of Highland View Cemetery
DATE: 02/13/13

In 1974, the City purchased 15+/- acres immediately west of Highland View Cemetery. This land for \$ 14,000 was purchased with general fund monies and not purchased with Cemetery funds. The 1992 Detachment did not include this parcel as part of the Cemetery that the Township owns. The City was contacted by the Township because they thought this parcel should have been included with the Cemetery. This parcel may be useful for Cemetery expansion.

The terms of the Detachment require the City to pay 50% of the annual maintenance and operations of the Cemetery. This year's payment is expected to be \$48,000.

The Planning Commission held a public hearing November 14, 2012 to make a recommendation concerning whether the vacant parcel was surplus. The recommendation was tabled to give staff added time to gather information. Additional information was gathered for the December 19, 2012 Planning Commission meeting. Additionally, Eric Williams was present to help present the history of the detachment and the purchase of the vacant land in 1974.

Ultimately, The Planning Commission voted 3-2 to recommend that the City owned property located west of the Highland View Cemetery be declared surplus property with the intention to use it for cemetery purposes.

Meeting minutes, position papers, and the accompanying information packet from Eric Williams have been included in your packet.

The current Township administration does not foresee an immediate need for the property to be utilized by the cemetery.

POSITION PAPER

TO: Planning Commission
FROM: Mark Sweppenheiser, Neighborhood Services Director
RE: City owned parcel of land west of Highland View Cemetery
DATE: 11/12/12

In 1974, the City purchased 15+/- acres immediately west of Highland View Cemetery. This purchase of land for \$ 14,000 was with general fund monies and not purchased with Cemetery funds. The 1992 Detachment did not include this parcel as part of the Cemetery that the Township owns. The City was contacted by the Township because they thought this parcel should have been included with the Cemetery. This parcel may be useful for Cemetery expansion.

The terms of the Detachment require the City to pay 50% of the annual maintenance and operations of the Cemetery. This year's payment is expected to be \$48,000.

This request comes at a time when management is changing in the Township. Staff would like to know how many available plots or acreage is currently available for burial sites. There is a recreation component as well as a place for the City to place snow or leaves that could be a potential option. Staff feels the parcel should remain in City control, the Township need is not ripe for decision making.

MEMORANDUM

TO: PLANNING COMMISSION
FROM: MARK GIFFORD
SUBJECT: SURPLUS PROPERTIES
DATE: 11/14/2012
CC:

Public Works has reviewed the 16 acre parcel West of Highland View Cemetery and the lot near Wolverine to determine potential City uses for the properties.

The land near the cemetery is directly adjacent (across Madison Ave.) to Clay Cliffs Nature Area and with the recent discussions of a recreation complex at the airport I could foresee the desire to have a trail system that linked Clay Cliffs, the property next to the cemetery, to Sheridan Ave, and then to the airport. Other potential uses could be for leaf and/or snow disposal. There are no utilities or easements on the property.

The City use of the land in the short term is unlikely but I speculate that the short term use for the cemetery is somewhat unlikely. There are too many unknowns at this time and prematurely disposing of the property is not in the best interest of the City.

The lot along Fourth Ave. does not have any City utilities or easements on it and I do not believe that the City will need the property for utility or recreation purposes in the future. From a Public Works perspective, the sale of that property would not be detrimental to the City.

Thank you for your consideration.

Mark Gifford
Director of Public Works

To: Steve Sobers, City Manager

From: Daniel Kirwin, City Manager *Dan*

Date: April 13th, 2012

Subject: Market Value of City owned parcel

The estimated market value of the City owned parcel aka
54-05-010-006-000 on Madison Road is estimated to be:

15.05 acres more or less

\$ 3,500 per acre

\$ 52,675 estimated total market value

Please see attached sold and listing information; apex drawing; and
digital aerial depicting outline of the subject parcel.



CITY OF BIG RAPIDS

226 North Michigan Avenue
Big Rapids, MI 49307

September 25, 2012

Mr. James K. White
Mika, Myers, Beckett & Jones, PLC
900 Monroe Avenue, NW
Grand Rapids, MI 49503

Re: land purchase next to Highland View Cemetery

Dear Jim:

Enclosed should be copies of some additional records pertaining to the purchase of about 16 acres of land next to Highland View Cemetery.

1. Warranty deed dated July 31, 1974, reflecting conveyance of land purchased for \$14,000.

2. Minutes regarding Resolution No. 5597-A, indicating "Commissioner Fairman moved, supported by Commissioner Smith that the City Manager be authorized to purchase 16 acres West and adjacent to the Highland View Cemetery in the amount of \$14,000.00."

3. STATEMENT OF ACCOUNTING POLICIES, June 30, 1975, (two pages), listing Capital Projects Funds, within which was a Public Improvement Fund, and Trust and Agency Funds, within which was the "Cemetery Fund," and definition of The Capital Project Funds.

4. STATEMENT OF REVENUES AND EXPENDITURES AND CHANGES IN FUND BALANCE - CAPITAL PROJECTS FUND, Year Ended June 30, 1975; Federal revenue sharing funds appropriated, \$14,000 in or from the Public Improvements Fund, and an Expenditure of \$14,000 from the Public Improvements Fund as "Land purchases for cemetery use"

The City of Big Rapids is an Equal Opportunity Provider

City Manager	231-592-4020	City Treasurer	231-592-4002	Neighborhood Services	231-592-4035
Assessing	231-592-4030	DART	231-796-8675	Public Safety	231-527-0005
City Clerk	231-592-4000	Income Tax	231-592-4012	Public Works	231-592-4015
Water Plant	231-796-6231	Engineering	231-592-4018	Wastewater Plant	231-796-8483

5. STATEMENT OF CHANGES IN FUND BALANCE - TRUST AND AGENCY FUNDS, Year Ended June 30, 1975; CEMETERY TRUST FUND shows no \$14,000 expenditure for the purchase of land in 1975.

6. Minutes of January 3, 1974, Cemetery Board of Trustees, reflecting a motion and vote to recommend to the City Commission that they do not purchase the 16 acres for Cemetery use at \$14,000.00.

7. Minutes of March 7, 1974, Cemetery Board of Trustees, where

Mr. Wensloff discussed the purchase of property for future Cemetery use, which is to be used by the City until the time arises the Cemetery needs it.

Lester Buist moved, supported by Robert Freeland that the Cemetery Board support the purchase of property as described by the City Manager with the stipulation that it will always be available to the Cemetery when the need arises.

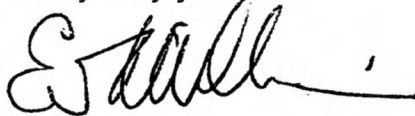
8. Minutes of May 6, 1976, Cemetery Board of Trustees, where

Charles Osburn moved, supported by Clarke Geedey that it be recommended to the City Commission that David Routley be allowed to use the 15 acres West of the Cemetery for farming.

These records indicate the 16 acre parcel was purchased with some intention to add the parcel to the Cemetery when needed. The parcel was purchased out of the general fund, as opposed to out of the cemetery fund, or the perpetual care fund.

If more information on the history of the 16 acre parcel comes to light, it will be shared with you.

Very truly yours,

A handwritten signature in black ink, appearing to read "E. Williams", with a long horizontal flourish extending to the right.

Eric D. Williams

WARRANTY DEED—STATUTORY.
(PHOTO-STAT)—(No. 1100-P)MECOSTA
COUNTY

16016

STATE OF

MICHIGAN

Dept. of
TAXATION OCT-774

REAL ESTATE

TRANSFER

LINE OF LEGAL BLENDS
MICHIGAN

at _____ o'clock

Liber _____ of Deeds, Page _____

Register of Deeds:

This Indenture, Made this 31st day of July, A. D. 19 74,
a/k/a J. B. Thomson
BETWEEN James B. Thomson/and Bernice C. Thomson, his wife, of Big Rapids, Michigan,
the parties of/ first part,
and City of Big Rapids, a municipal corporation of Big Rapids, Michigan,
a/k/a J. B. Thomson party of the second part,
WITNESSETH, That the said James B. Thomson/and Bernice C. Thomson, his wife,
part ies of the first part,
CONVEYS and WARRANTS to the said City of Big Rapids, a municipal corporation of Big
Rapids, Michigan,
part of the second part,
all that certain piece or parcel
situate and being in the Twp. of Big Rapids County of Mecosta,
State of Michigan, and described as follows, to-wit:

All of the West 1/2 of the Northeast 1/4 of the Southwest 1/4, Section 10, Township
15 North, Range 10 West, except a parcel in the southwest corner along Madison
Road, 36 rods east and west by 22 rods north and south

I hereby certify that there are no Tax Liens or Titles held by the
State or any individual against the within description, and all Taxes
on same are paid for five years previous to the date of this in-
strument, as appears by the records in my office. This certificate
does not apply on taxes, if any, now in process of collection.

10/7/74
Date

[Signature]
Mecosta County Treasurer.

for the sum of Fourteen Thousand and no/100 (\$14,000.00) Dollars

to the said party of the second part, the receipt whereof is hereby confessed and
acknowledged. lawful money of the United States of America,

IN WITNESS WHEREOF, the said parties of the first part ha VE hereunto set their hands and seals
the day and year first above written.

Signed, Sealed and Delivered in Presence of

[Signature]
Dorothy A. Green

[Signature]
Janeen K. Greathouse

[Signature] [L. S.]
James B. Thomson
[Signature] [L. S.]
Bernice C. Thomson.
[L. S.]

STATE OF MICHIGAN,
County of MECOSTA,

ss.

On this 31st day of July, A. D. 1974,

PETITION NO. 5589

December 12, 1973

Cadillac Cab Company
118 Graine Street
Cadillac, Michigan 49601

Gentlemen:

Our fares have not been changed in some time. We regret that it has become necessary to do so now.

Our operating expences have increased considerably.

We are asking that our rate structure be changed to local calls from \$.75 to \$.90, becoming effective on January 1, 1974.

We have enjoyed serving your community.

Sincerely yours,
Thomas W. Fisher

RESOLUTION NO. 5590

RESOLVED BY THE CITY COMMISSION OF THE CITY OF BIG RAPIDS, that Petition No. 5589 presented by Thomas W. Fisher, representing the Cadillac Cab Company, requesting permission to change their rates from \$.75 to \$.90 for one person any one place in the City Limits.

NOW, THEREFORE BE IT RESOLVED that taxi-cab rates for transporting passengers any where in the City shall be \$.90 per person, starting January 1, 1974.

Commissioner White moved, supported by Commissioner Fairman its adoption.

Yeas: Unanimous.

Nays: None.

RESOLUTION DECLARED ADOPTED.

Date: December 17, 1973.

The following departmental reports were presented.

REPORT NO. 5591

Minutes of the Hospital Board of Trustees meeting held November 28, 1973.

REPORT NO. 5592

Noise complaints report from December 1 through December 16, 1973.

REPORT NO. 5593

Dog Warden's report for the month of October 1973.

REPORT NO. 5594

Dog Warden's report for the month of November 1973.

REPORT NO. 5595

Hospital report for month of September 1973.

REPORT NO. 5596

Hospital report for month of October 1973.

REPORT NO. 5597

Minutes of the City Plan Board meeting held November 28, 1973.

Commissioner White moved, supported by Commissioner Fairman that the departmental reports be placed on file.

Yeas: Unanimous.

Nays: None.

RESOLUTION NO. 5597-A*

Commissioner Fairman moved, supported by Commissioner Smith that the City Manager be authorized to purchase 16 acres West and adjacent to the Highland View Cemetery in the amount of \$14,000.00.

Yeas: Unanimous.

Nays: None.

RESOLUTION NO. 5598 (filed in Agreement File)

Commissioner White moved, supported by Commissioner Fershee, the adoption of the following resolution.

RESOLVED that the City Manager be authorized to

*Action item
minutes*

SKETCH/AREA TABLE ADDENDUM

Parcel No 045 010 006 000

File No parcel near cemetery

Property Address Madison Road

City Big Rapids

County Mecosta

State MI

Zip 49307

Owner City of Big Rapids

Client

Appraiser Name Daniel R. Kirwin

Inspection Date April 13th, 2012

Due E 660'

05-010-006-000

15 acres m/l

Due W 594'

split

-215622.00 sf

Due E 594'

Madison Road

Due S 1320'

Cemetery

Due S 363'

Due N 363'

Scale: 1" = 400'

05-010-006-000

Beginning at a point of the Tract described by Metes and Bounds as follows:

THENCE Due West, a distance of 660.00 Feet;

THENCE Due North, a distance of 1320.00 Feet;

THENCE Due East, a distance of 660.00 Feet;

THENCE Due South, a distance of 1320.00 Feet to point of beginning;

Said tract containing 20.00 acres (871200.00 sf) of land, more or less.

Perimeter = 3960.00 Feet

No significant error of closure.

split

Beginning at a point of the Tract described by Metes and Bounds as follows:

THENCE Due East, a distance of 594.00 Feet;

THENCE Due North, a distance of 363.00 Feet;

THENCE Due West, a distance of 594.00 Feet;

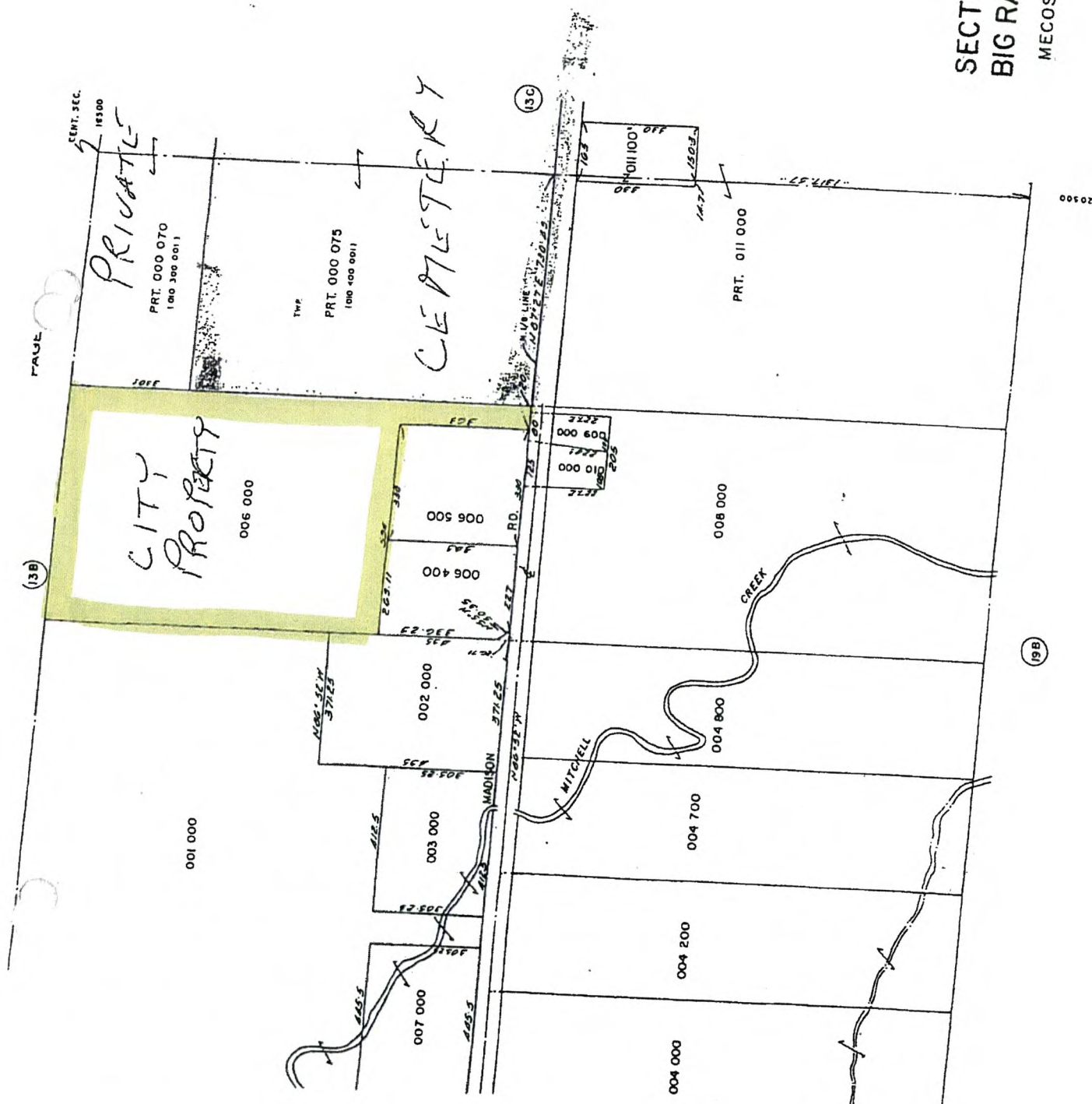
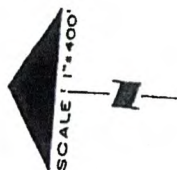
THENCE Due South, a distance of 363.00 Feet to point of beginning;

Said tract containing -4.95 acres (-215622.00 sf) of land, more or less.

Perimeter = 1914.00 Feet

No significant error of closure.

54 05 010



STATEMENT OF ACCOUNTING POLICIES

CITY OF BIG RAPIDS, MICHIGAN

Year ended June 30, 1975

The financial statements have been prepared generally in accordance with the accounting principles outlined in the American Institute of Certified Public Accountants' audit guide "Audits of State and Local Governmental Units" and the Manual for Uniform Reporting Format for Local Units of Government in Michigan, as prepared by the State Treasurer.

FUND CLASSIFICATIONS. The financial activities of the City for the year were recorded in the following funds and groups of accounts:

General Fund

Special Revenue Funds:

Major Street Fund

Local Street Fund

Dial-a-Ride Fund

Debt Service Funds:

1958 General Obligation (Hospital) Bonds

1965 General Obligation (Downtown Off-Street Parking) Bonds

Building Authority Revenue Bonds

Parking Authority

1960 Motor Vehicle Highway Bonds

1963 Motor Vehicle Highway Bonds

1964 Motor Vehicle Highway Bonds

Capital Project Funds:

Swimming Pool Fund

* Public Improvement Fund

General Fixed Assets Group of Accounts

General Long-term Debt Group of Accounts

Motor Pool Fund

Enterprise Funds:

Water Supply System

Sewage Disposal System

Special Assessment Funds:

Roads

Water and Sanitation

Downtown Off-Street Parking

Trust and Agency Funds:

Act 345 Retirement Fund

* Cemetery Fund

Price Trust Fund

Cookingham Trust Fund

Federal Revenue Sharing Fund

STATEMENT OF ACCOUNTING POLICIES - CONTINUED

Trust and Agency Funds - continued:

- County and School Tax Collection Fund
- Payroll Fund
- City Income Tax Refund Fund
- General Disbursing Fund
- Miscellaneous Trust and Agency Fund

The General Fund is used to account for all financial transactions not accounted for in another fund. Many of the more important activities of the City, including police and fire protection, parks and recreation, and refuse collection and disposal, are financed by the revenues of the General Fund, which include general property taxes, state tax distributions, licenses, fines, and reimbursements from other governmental units.

The Major and Local Street Funds are used to account for maintenance, construction, and other expenditures on streets within the City designated as state trunk lines, major, or local streets by the State Highway Commission. Expenditures are reimbursed under the provisions of Act 51 Public Acts 1951, as amended, and through contributions from other funds.

The Dial-a-Ride Fund is used to account for the activities of the City's transit system under an operating subsidy grant from the State of Michigan.

The Debt Service Funds are used to account for payment of interest and retirement of principal on long-term debt obligations of the City except that debt service on long-term debt recorded in the Enterprise and Special Assessment Funds is accounted for within those respective funds.

The Capital Project Funds are used to account for the financing and construction of special projects.

The General Fixed Asset Group of Accounts reflects all City owned property, buildings, and equipment except for that recorded in the Enterprise Funds.

The Long-term Debt Group of Accounts is used to account for the long-term debt obligations other than those recorded in Enterprise and Special Assessment Funds.

The Motor Pool Fund is an intragovernmental service fund used to account for equipment rental and supplies furnished to other departments of the City.

Enterprise Funds are used to account for the financing and operation of self-supporting activities which render services on a user charge basis to the general public. Such activities are initially financed by revenue or general obligation bonds, and the payments of interest and principal on the bonds are made from charges to the consumers.

definition of account uses

STATEMENT OF REVENUES AND EXPENDITURES AND
CHANGES IN FUND BALANCE - CAPITAL PROJECTS FUNDS

CITY OF BIG RAPIDS, MICHIGAN

Year ended June 30, 1975

	SWIMMING POOL	PUBLIC IMPROVEMENTS FUND
Revenues:		
Interest on investments	\$ 167.00	\$ 2,494.99
Rental of city property		2,970.00
Federal grant	97,032.04	
State grant	38,812.77	
Contributions and donations from private sources	5,494.00	8,500.00
Federal revenue sharing funds appropriated		14,000.00
TOTAL REVENUES	141,505.81	27,964.99
Expenditures:		
Repairs and maintenance		87.97
Land purchases for cemetery use		14,000.00
Special assessments on city property		764.98
Pool construction costs	193,332.97	
TOTAL EXPENDITURES	193,332.97	14,852.95
EXCESS OF REVENUES OVER EXPENDITURES (EXCESS OF EXPENDITURES)	(51,827.16)	13,112.04
Fund balance at July 1, 1974	37,162.68	41,014.52
FUND BALANCE (DEFICIT) AT JUNE 30, 1975	\$(14,664.48)	\$54,126.56

See note to financial statements and statement of accounting policies.

*Land purchased from Capital Projects Fund
Revenue from Federal Revenue Sharing*

STATEMENT OF CHANGES IN FUND BALANCE - TRUST AND AGENCY FUNDS

CITY OF BIG RAPIDS, MICHIGAN

Year ended June 30, 1975

		<u>CEMETERY TRUST FUND</u>	
		<u>EXPENDABLE</u>	<u>NON-EXPENDABLE</u>
<hr/>			
Additions:			
Interest and dividends		\$ 2,927.03	
Sale of cemetery lots			\$ 375.00
Federal revenue sharing distributions			
	TOTAL ADDITIONS	<u>2,927.03</u>	<u>375.00</u>
Deductions:			
Perpetual care of lots			
Central Michigan Mental Health Clinic			
Transfers to:			
General Fund		2,927.03	
Improvement Fund			
Local Street Fund			
Water Supply System Fund			
	TOTAL DEDUCTIONS	<u>2,927.03</u>	
	NET ADDITIONS (DEDUCTIONS)	-0-	375.00
Fund balance at June 30, 1974, as previously reported		10,635.19	66,755.81
Adjustment to record amount receivable from Federal Revenue Sharing at June 30, 1974		-0-	-0-
Adjustment to record expendable Cemetery Trust Fund income in General Fund at June 30, 1974		<u>(10,635.19)</u>	<u>-0-</u>
Fund balance at July 1, 1974, as restated		<u>-0-</u>	<u>66,755.81</u>
	FUND BALANCE AT JUNE 30, 1975	<u>\$ -0-</u>	<u>\$67,130.81</u>

See note to financial statements and statement of accounting policies.

Cemetery Trust Fund for same year shows no transfer or transaction for land purchases

January 3, 1974

Regular meeting of the Cemetery Board of Trustees was called to order by the Chairman Charles Osburn at 10:00 o'clock A.M.

Present: Robert Freeland, Clarke Geedy, Lucille Hurdle, Charles Osburn, Superintendent Glenn Potter.

Absent: Lester Buist.

The minutes of the last regular meeting were read and approved as read.

Clarke Geedy was appointed as the new Chairman of the Board..

Superintendent Potter reported that the only City he had contacted was Clare and they have no provisions for reusing Cemetery lots.

Mr. Osburn moved, supported by Mrs. Hurdle that the Cemetery Board recommend to the City Commission that they do not purchase the 16 acres for Cemetery use at \$14,000.00.

Yeas: Unanimous.

Nays: None.

There being no further business to come before the Board Mr. Freeland moved, supported by Mr. Osburn that the meeting be adjourned at 11:00 o'clock A.M.


W. E. Richardson, City Clerk

Existing Cemetery

66' Road ROW to prop

15 1/2 Acres
to be purchased

by city



M. J. 1501

Future

5661

MARCH 7, 1974

Regular meeting of the Cemetery Board of Trustees was called to order by the Chairman Clarke Geedey at 10:00 o'clock A.M.

Present: Lester Buist, Robert Freeland, Charles Osburn, Clarke Geedey.

Absent: Lucille Hurdle and Glenn Potter both of whom had been excused.

Also present: City Manager Gerald E. Wensloff.

Mr. Wensloff discussed the purchase of property for future Cemetery use, which is to be used by the City until the time arises the Cemetery needs it.

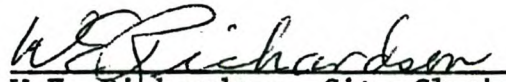
Lester Buist moved, supported by Robert Freeland that the Cemetery Board support the purchase of property as described by the City Manager with the stipulation that it will always be available to the Cemetery when the need arises.

Yeas: Unanimous.

Nays: None.

There being no further business to come before the Board--

Mr. Freeland moved, supported by Mr. Buist that the meeting be adjourned at 11:30 o'clock A.M.


W.E. Richardson, City Clerk

May 2, 1974

Regular meeting of the Cemetery Board of Trustees was called to order by the Chairman Clarke Geedey at 10:00 o'clock A.M.

Present: Robert Freeland, Clarke Geedey, Lucille Hurdle, Charles Osburn.

Absent: Lester Buist - Superintendent Glenn Potter.

Also present: Mayor William A. Grigsby, Commissioner John S. Taylor, City Manager Gerald E. Wensloff.

The minutes of the last regular meeting were read and approved as read.

A discussion was held on a new sign to be placed at the entrance of the Cemetery.

Mr. Osburn moved, supported by Mrs. Hurdle that the City Manager be authorized to investigate the cost of the type of sign discussed and to report back at the next meeting.

Yeas: Unanimous.

Nays: None.

March 4, 1976

Regular meeting of the Cemetery Board of Trustees was called to order by the Chairman Clarke Geedey at 10:00 o'clock A.M.

Present: Lester Buist, Lucille Hurdle, Clarke Geedey, Glenn Potter, John Pound, City Manager Gerald E. Wensloff.

Absent: Robert DeVries, Charles Osburn.

The minutes of the last regular meeting were approved.

The proposed budget for the fiscal year 1976-1977 was discussed with the main change being in Capital Improvement of \$5,000.00 to develop the five (5) acres that are unplatted.

Mrs. Hurdle moved, supported by Mr. Buist that the Proposed Budget be approved and be presented to Administrative Assistant Joseph Brakora.

Yeas: Unanimous.

Nays: None.

Mr. Wensloff discussed the possible use of the fifteen (15) acres for use of garden plots but because of the deer, rabbits and other animals he was afraid people wouldn't reap much from their gardens.

There being no further business to come before the Board the meeting is adjourned at 10:55 o'clock A.M.


W.E. Richardson-City Clerk

May 6, 1976

Regular meeting of the Cemetery Board of Trustees was called to order by the Chairman at 10:00 o'clock A.M.

Present: Clarke Geedey, Lucille Hurdle, Charles Osburn, Glenn Potter, John Pound.

Absent: Robert DeVries, Lester Buist.

The minutes of the last regular meeting were approved.

Charles Osburn moved, supported by Lucille Hurdle that Article 7 Section 7.2 of the Rules and Regulations adopted by the Cemetery Board of Trustees be enforced and no artificial flowers be permitted.
Yeas: Unanimous.
Nays: None.

Charles Osburn moved, supported by Lucille Hurdle that a sign be made and placed at the Cemetery entrance as follows:

Cemetery hours 7:00 A.M. until dark.
No artificial flowers permitted.

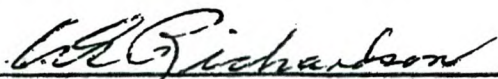
Yeas: Unanimous.
Nays: None.

Charles Osburn moved, supported by Clarke Geedey that it be recommended to the City Commission that David Routley be allowed to use the 15 acres West of the Cemetery for farming.

Yeas: Unanimous.
Nays: None.

Glenn Potter reported that the flags had been received but he had to accept polyethylene flags instead of the usual cloth flags.

The meeting adjourned at 10:45 o'clock A.M.



W.E. Richardson, City Clerk

**CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
NOVEMBER 14, 2012
(Approved)**

Chairperson Vogel called the special meeting of the November 14, 2012, Planning Commission to order at 6:33 PM.

PLEDGE OF ALLEGIANCE

PRESENT: Sue Bean, Renato Cerdena, Richard Griffin, Heather Miller, Jane Johansen, John Schmidt, Tim Vogel

ABSENT: None

ALSO PRESENT: Mark Sweppenheiser, NSD Director
Cindy Plautz, Planning Commission Secretary

There were 8 people in the audience.

Motion was made by Richard Griffin, seconded by Jane Johansen, to approve the minutes of the October 17, 2012, Planning Commission Meeting as presented. Motion passed unanimously with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA: None

PUBLIC HEARINGS

Determination and Recommendation of Surplus Property of a City Owned Parcel (#54 05 010 006 000) of Land Located West of Highland View Cemetery .

Chairperson Vogel reviewed the Public Hearing Procedure for the audience.

Staff Report

Sweppenheiser reviewed his staff report saying that the City purchased the property in 1974 for \$14,000 from the General Fund – not Cemetery funds. The 1992 detachment did not include this property as a part of the Cemetery that was ceded to the Township but required the City to pay 50% of the Cemetery's annual maintenance and operational costs. This year's payment is expected to be \$48,000. Currently, Big Rapids Township is interested in the City owned property purchased in 1974 to expand the Cemetery. Sweppenheiser feels more information is needed to make a good decision on whether or not to declare the property as surplus.

Public Works reviewed the parcel to determine potential City uses. It was determined that it could be used for recreational trails, or as a snow/leaf disposal area. They also

determined that there are too many unknowns at this time and to prematurely dispose of the property is not in the City's best interest.

Chairperson Vogel opened the Public Hearing at 6:41 PM.

Applicant Statement

The applicant for this determination is the City as it was referred to the Planning Commission by the City Commission.

Those Who Spoke in Favor of Declaring the Property Surplus

Maxine McClelland, Big Rapids Township Supervisor, asked if the City had already determined that they weren't in favor of declaring the property surplus. Sweppenheiser explained that the City feels it needs more information to make a sound decision.

McClelland explained that the Cemetery property was detached to the Township in 1992 and the City didn't want it back. Initially, they relied on volunteers to maintain the property. The court mandated detachment agreement said that the City was responsible for 50% of the Cemetery upkeep per year. Initially, the cost was based on \$30,000 and was to be adjusted every 20 years. Recently, Mayor Warba has supported adjusting the amount every 5 years. She added that State law says if a cemetery is located within a municipality's limits, it is the municipality's responsibility to take care of it.

McClelland stated that the Cemetery is pretty full. She said that the land was originally purchased by the City from James Thompson for cemetery use when it was needed. She would like the City to relinquish the land to the Township to use as it was intended. At the time of the 1974 purchase the City owned the Cemetery, but in 1992 the Township took over ownership.

Sweppenheiser said that the City usually doesn't declare surplus property unless there is a need identified for the property. He also stated that if land is determined surplus it needs to be sold at market value and go through a bid process.

Sue Bean asked if there has been any research done to locate documentation that states that the land be used for cemetery purposes only. Maxine has not found it on a deed but recalls it was put in writing. She will ask the family of the original land owner (James Thompson) if they have run across any information about the sale in his estate.

Chairperson Vogel closed the Public Hearing at 6:55 PM and the Commission entered into fact finding.

Schmidt feels the request for surplus determination is premature. He would like more information about the current state of the Cemetery and future plans for the property. He suggests the request be delayed to give the Township more time to gather information. Bean agreed that more documentation is needed.

Vogel stated that he worked for the City at the time of the sale and it was his understanding that the land was to be used for the Cemetery, however, he does not recall it to be stated in writing. He added that the Cemetery has been kept in great shape over the years.

Motion was made by John Schmidt, seconded by Richard Griffin, to delay/table the recommendation to the City Commission until the next Planning Commission meeting the request for designation and recommendation of surplus property of the City owned property west of the Highland View Cemetery (Parcel #54 05 010 006 000) for the purpose of gathering more information.

Motion passed unanimously with Sue Bean, Renato Cerdena, Richard Griffin, Jane Johansen, Heather Miller, John Schmidt, and Tim Vogel in favor.

Public Hearing for Determination and Recommendation of Surplus Property of a City Owned Parcel of Land Located at 1002 N Fourth Avenue.

Chairman Vogel opened the Public Hearing at 7:00 PM.

Staff Report

Sweppenheiser reviewed his Staff Report for the Commission stating that Wolverine World Wide (WWW) is interested in the City owned property located at 1002 N Fourth Avenue to use as a parking lot for their business. In order to use the land, which is zoned R-2, it will need to be rezoned as Industrial.

WWW is planning to build a 20,000 square foot warehouse addition to the north of their building. This addition is thought to utilize current parking space, thus the need for additional parking. The City has not received a site plan as yet.

Sweppenheiser reported that currently, the City does not foresee a use for this property. Public Works Director Mark Gifford supplied a statement as to his perspective for the use of the property saying that the land doesn't have any utilities or easements on it and he doesn't believe that the City will need the property for utility or recreational purposes in the future. He feels the sale of the property would not be detrimental to the City.

Chairperson Vogel opened the Public Hearing at 7:02 PM.

Applicant Statement

Since the request for recommendation came from the City Commission, the City acts as the Applicant. Nothing else was stated at this point.

Those Who Spoke in Favor of the Surplus Property Determination

Peggy Brennan, 1038 N Fourth, stated that she is not for or against the request but she would like to make a statement. She has lived in the area for many years and as her property is directly north of the subject property, she has tried to purchase a part of the

December 19, 2012
Planning Comm Minutes

Sweppenheiser agreed that the women made good use of the rain water but they must comply with the Storm Water Ordinance

Schmidt added that it is good they are not planning to build out to the road.

Bean commented that this resale business is needed in the community and they are bursting at the seams. She agreed that the changes are needed.

Vogel asked if the roof line will be changed from that depicted on the site plan. Burch answered that it will be. Vogel would like to see the change incorporated on the site plan and the site plan sealed. Burch agreed.

Motion was made by Sue Bean, seconded by John Schmidt, to approve the site plan for a 2,416 sq. ft. building addition to the St Vincent de Paul House, 102 Williams Street, with the following conditions:

before the Zoning Permit is issued, the site plan is to include the proposed change to the roof line and the engineer's seal, and the roof line change will require a new storm water review.

Motion passed unanimously with Sue Bean, Jane Johansen, Heather Miller, John Schmidt and Tim Vogel in favor.

Determination and Recommendation of Surplus Property of a City Owned Parcel of Land (Parcel 05 010 006 000) Located West of Highland View Cemetery.

It was explained that the Public Hearing was tabled at the last Planning Commission meeting for the purpose of gaining additional information.

Motion was made by Sue Bean, seconded by Heather Miller to bring the Public Hearing off the table of the November 14, 2012 Planning Commission meeting. Motion passed with Sue Bean, Jane Johansen, Heather Miller, John Schmidt, and Tim Vogel in favor.

City Attorney Eric Williams gave a brief history of the property and referenced his September 25, 2012 letter to Mr. James K. White, Attorney for the Township (Attached).

When the City went through the detachment process in 1992, there were a few proposals. One was to transfer the property to Big Rapids Township – it was rejected. Another option did not include the transfer of the property and the City still owns the property.

Currently, Big Rapids Township contends that the property should be part of the Highland View Cemetery which was transferred to the Township at the time of the detachment. Documentation shows that the property is still owned by the City. While the City was still in ownership of the Cemetery, the City purchased the property to make it available if it was needed for Cemetery use, or it could be used for something else if needed.

The Planning Commission needs to decide if the property is surplus and the City Commission will determine what happens to it after that. The best purpose may be to transfer it to the Township for Cemetery use.

Schmidt asked if the property would need to go up for public bid if it is determined to be surplus. Williams answered that it can but doesn't have to go up for sale right away. It could also be transferred instead of sold. When the property was purchased, it didn't come out of Cemetery or Perpetual Care money. The City would need to determine how much they would need to recoup the cost.

There is an agreement that outlines an amount the City pays the Township each year for maintenance. The amount is supposed to be reset every 20 years but needs to be reset more often than that.

The City could also determine to sell all or part of the property.

A recommendation is needed from the Planning Commission for the City Commission to decide.

Schmidt asked if some of the unused lots could be resold and used. There are many that are not currently used. Williams commented that they do not have to be used within a certain time frame. He suggested that one way to know if they will be used or not is to contact the owners.

It would be helpful to know how many lots are still available.

Vogel stated that he spoke to Maxine McClelland and Bill Stanek of the Township. Stanek estimated that there are 40 to 50 burials per year and there are approximately 500 to 600 plots left. The new section to the north is not yet plotted. He thought there may be a need within 5 to 6 years.

Schmidt wondered why this is currently an issue. Williams thought perhaps it is because the maintenance agreement is due to reset this year. A comment was made that when the issue came up it was suggested that the situation was urgent.

Vogel stated that according to the memo from Mark Gifford the property could potentially be used as part of the City trail system or used as a compost area. Vogel didn't think it sounded like it was surplus property.

Schmidt said he didn't see an urgent need to expand the cemetery into a new area right now. It could be 10 years before it is needed.

Williams urged the Commission to make a recommendation to the City Commission as to whether or not the property is surplus. The City Commission will benefit from the Planning Commission's views of the best use of the property.

Vogel stated that he managed the Cemetery for years. He believed the property in question was for Cemetery use if needed. Other uses for the property are not determined right now.

Schmidt believes that the intention of our fore fathers was to use the property for the Cemetery and we should honor that. Other uses are not determined at this time but he has a hard time determining if it is surplus or not.

Bean stated that currently there doesn't appear to be a use for the property.

Motion was made by John Schmidt, seconded by Sue Bean to recommend the City owned property located west of Highland View Cemetery (Parcel 05-010-006-000) be declared surplus property with the intention to use it for Cemetery purposes as found in the September 25, 2012 letter from Eric Williams to James K. White. Motion passed with Sue Bean, Jane Johansen, and John Schmidt in favor. Heather Miller and Tim Vogel were opposed.

Determination and Recommendation of Surplus Property of a City Owned Parcel of Land Located at 201 and 223 N. Michigan Avenue (Parking Area Across the Street From City Hall).

Chairperson Vogel opened the Public Hearing at 7:26 PM.

Sweppenheiser reviewed the Staff Position Paper and stated that previously the Social Security Administration was looking at the area but it fell through. Currently a developer is looking to develop a 4 story structure with commercial use on the ground floor and senior apartments on the top 3 floors. Staff has visited a similar development of theirs in Clare, MI and found it to be very nice.

Assistant City Manager Mark Gifford reviewed the property with this purpose in mind and found no City utilities on this site except for a storm drain which can be modified to suit the project. Any parking taken away can be accommodated by large surrounding City lots and any park related uses can be accommodated elsewhere in the City. From a Public Works standpoint he recommends the property be declared surplus.

Sweppenheiser also recommends finding the property surplus.

Applicant Statement:

Phil Siebert, 608 E. Blue Grass Road, Mr. Pleasant, MI, stated that they looked at Mid-Michigan Community Action property on M-20 but their property needs lots of repair and they would like to locate elsewhere. He shared a picture of the Clare development that is similar to what he would propose for this site. He has several others around the State but likes the *Clare Castle* best. The Clare property has Meals on Wheels located on

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Emily Szymanski, Planning & Zoning Technician
SUBJECT: Review of Section 8.4 – Fence and Wall Standards when Buffering is Not Required
DATE: April 21, 2021

Introduction

Section 8.4:2 (5) from the City's Zoning Ordinance states that fences and walls "may be constructed of wood, brick, plastic, masonry, iron, or woven wire commonly known as chain link..." Community Development staff have experienced at least four instances where an applicant wishes to use chicken wire or woven wire to construct a fence, and due to the term "woven wire", staff has had to approve this type of material. Staff is asking the Planning Commission to discuss the current Ordinance and provide feedback on the current standards.

Comparison Communities:

Mackinaw City

Section 3-115: Fences

A. Construction and Maintenance: All Districts

3. Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets, or other materials not commercially designed for fence construction are prohibited.
9. Fences shall be maintained by the property owner (or subsequent property owners) that erected the fence to retain their original appearance, shape, and configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.

Clawson

Section 34-1037: Fence, Wall, and Privacy Fence Regulations in the R-1 and R-2 Districts

(3) Materials.

All fences shall be constructed of durable materials, such as painted or stained wood, vinyl, or chain link. Chain link fences shall not include woven or otherwise appended screening materials.

(4) Construction and Maintenance

- a. All fences in residential districts must be of sound construction with adequate supports and footings (typical spacing is from eight to ten feet and posts are generally set in concrete). The fence shall be installed plumb and maintained as not to become unsightly. Wooden and vinyl fences shall be freestanding and not attached to other fences or the former support posts of other fences, such as chain link fences.
- b. Damaged or deteriorated fences, including fences with peeling paint, shall be repaired, or removed within 30 days of damage or notice of nuisance from the building department.
- c. A fence may be installed by the owner any residential lot in the city at the sole expense of the owner desiring to construct the fences. Such partition fences shall at all times be maintained in a neat, substantial, and safe condition at the sole expense of the owner constructing such fence, or upon such other basis as may be mutually agreed upon with the adjoining property owner.

Battle Creek

Section 1298.07 Construction and Maintenance of Fences

- (c) Fences may be constructed from wrought iron, vinyl, wood pickets, stone, brick, chain link, or any other accepted fencing material. In no instance shall a fence be constructed from pallets, twigs, pressed board, plywood, scrap lumber or other nontraditional fencing material without the Zoning Administrator's approval.
- (d) The owner of the fence shall maintain a fence by painting, treating, trimming, repairing, or removal, as necessary to maintain the fence in a safe and reasonably attractive condition. A fence that is dangerous to public safety, health or general welfare as determined by the Zoning Administrator is considered a violation and the City may commence proceedings for the abatement thereof.

Grand Rapids

Section 5.2.11 Fences and Walls

1. Workmanship, Materials, and Maintenance

- f. Fences shall be made of ornamental metal, rot-resistant wood, chain link or other high-quality, durable materials.
- h. Maintenance. Walls and fences shall be maintained in good repair and in safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements with the same materials and removal of graffiti.

Sample Language in Big Rapids

Current Regulations: *[Found in Section 8.4 from the City's Zoning Ordinance]*

Section 8.4:2 Requirements –

- (1) Fencing or walls may be located on the property line if the abutting property owner consents, in writing, thereto.
- (2) Fencing or walls shall be constructed a minimum of six (6) inches from the property line if consent in compliance with Section 8.4:2.1 cannot be obtained.
- (3) Fences or walls with a height not to exceed six (6) feet may be constructed in all yards except along required front yard setback or side street setbacks in residential districts. Along front yard or side street setbacks, fences or walls shall not exceed four (4) feet in height; however, on residential perimeters (not in required front yard or side street yard setbacks) which border commercial or industrial zoned properties, fences, or walls shall not exceed twelve (12) feet.
- (4) Fences or walls constructed in front yards or side street yards in residential districts shall be no more than forty-five (45) percent solid. (Section 8.4:2 (4) amended by Ord. No. 531-05-04)
- (5) Fences and walls may be constructed of wood, brick, plastic, masonry, iron, or woven wire commonly known as chain link, and posts may consist of wood, steel, iron, brick, plastic, masonry, or stone.
- (6) In no instance shall barbed or razor wire fencing be permitted on or adjacent to residential property or residential zone district. In no instance shall a fence be electrified.

Possible Changes

Remove “Woven Wire”

- (5) Fences and walls may be constructed of wood, brick, plastic, masonry, iron, or ~~woven wire commonly known as~~ chain link, and posts may consist of wood, steel, iron, brick, plastic, masonry, or stone.




Rework Completely

- (5) Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets, or other materials not commercially designed for fence construction are prohibited.

NEW SECTION 8.4:2 (7) Maintenance

Fences shall be maintained by the property owner (or subsequent property owners) that erected the fence to retain their original appearance, shape, and configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.

Examples of “woven wire” fencing types

Chain Link Fence	Chicken Wire Fence	Woven Wire Fence
		

Way Forward

This is an informational discussion session only. If the Planning Commission would like to further explore a possible amendment to the Fence Standards, staff will prepare the amendment for next meeting.

Planning Commission

Regular Meeting

May 19, 2021 at 6:30 P.M.

Zoom Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/85937025981?pwd=azluRWZmNUt5U1VGTFp6aXdzVi81Zz09>

Meeting ID: 859 3702 5981

Passcode: 475744

Phone Login – Dial +1 312 626 6799

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
 - a. April 21, 2021
5. Public Comment
6. Public Hearing
 - a. Zoning Ordinance Amendment to Section 8.4 Fence and Wall Standards when Buffering is Not Required
7. General Business
 - a. Discussion of Zoning Ordinance Amendments to C-2 and RR Districts – and Reintroduction to Form-Based Code
8. Unscheduled Business
9. Adjourn

CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
April 21, 2021
Unapproved

Chair Jane called the April 21, 2021 regular meeting of the Planning Commission, held remotely via Zoom, to order at 6:31 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Megan Eppley, Kasey Thompson, Chris Jane, Karen Simmon, and Jacob Buse

EXCUSED Paul Jackson

ABSENT None

ALSO PRESENT Mark Gifford, City Manager
Paula Priebe, Community Development Director
Emily Szymanski, Planning & Zoning Technician
Cody Wyman, Public Works Engineering Technician

There were 6 audience members.

The newest member of the Planning Commission, Jacob Buse, introduced himself and looks forward to serving the public as a Planning Commissioner.

APPROVAL OF MINUTES

Motion was made by Megan Eppley, seconded by Kasey Thompson to approve the minutes of the March 17, 2021 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

Site Plan Review for a Road Extension to the West End of Rust Avenue

Staff Report

Priebe summarized the Staff Report, stating the road extension project would take place on the west end of Rust Avenue in City limits. The project was brought forward by City Staff and the

property is City-owned. Rust Avenue would be extended, and three new residential lots would be subdivided out of the City parcel and sold for residential development. Everything down the slope and toward the creek would remain park property. Currently, there are no prospective buyers for the residential lots, however, future development would have to meet R-1 District regulations. Several trees would have to be removed in order for construction of the road extension and cul-de-sac, however, the City would plant new trees in the City's right-of-way to offset tree loss. Staff reviewed the plan and found that it meets the City's Ordinance. Priebe directed project specific questions toward Mark Gifford and Cody Wyman.

Discussion ensued over the following topics:

- Simmon asked if the lot is currently designated as park land. Priebe stated from a zoning perspective, parks are a principle use in the R-1 District. The lot is developable and there are no deed restrictions that limit development.
- Mr. Gifford stated that the City purchased the first 40 acres of the property with the help from a MDNR grant. The project was intended and has been in mind since the initial purchase. The City since purchased more property to the north with City funds. The only portion that the City can develop is the 3 acres included in this project.

The Public Hearing was opened at 6:51.

Those Who Spoke in Favor of the Request: None heard

Those Who Spoke in Opposition of the Request:

Craig Randle of 602 Rust Ave expressed concerns regarding his existing irrigation system that runs along the run. He also stated that him and his family are used to a quiet area without any disruptions happening around his home. He also shared his concerns regarding the ballpark attracting traffic in the summertime so much so that visitors end up parking on the lawn. He would like to know if the City would plant greenery or implement screening to help keep privacy.

Chad and Sarah Montgomery of 121 Escott Street expressed concerns with the fact that currently, they have a nice view looking out on the open field and with three houses, that would take away their view. Chad also stated his belief that new development would decrease their property values. If the project moves forward, what restrictions would be in place and would there be any height restrictions to the developed homes? Would the City provide trees or fencing to help maintain privacy? When the lots go to market, could the effected homeowners get first pick on purchasing the lots?

Telephonic or Written Correspondence Received by Staff:

Staff received comment from two neighbors of the property in question. One asking how to attend the meeting and the other asking for more information about the project but had no comments or concerns.

Applicant Rebuttal:

In response to the concerns stated, Mr. Gifford stated that the height restrictions of the future homes are an interesting idea, and staff would look into pursuing. The City would consider screening and would also pay for the irrigation system to be moved or restored. The City would work to alleviate any concerns from the neighbors.

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

Eppley stated that there is a need for housing options and if there is a way to make this project happen with some conditions, that would be ideal. Ruddick said that part of living in the City is having close neighbors, but he is open to approving the project with conditions to help address the neighbors' concerns. Thompson stated that she is in favor of approving the project, but with conditions that best meet the needs of the neighbors directly impacted with this growth. She thanked the public for stating their concerns and being apart of this discussion. Simmon asked who would be responsible for the upkeep of the privacy screening. Buse is in favor of approving the project with conditions.

Motion

Motion was made by Megan Eppley, seconded by Kacey Thompson, that the Site Plan Application for the road extension of Rust Avenue at 610 Rust Avenue Vacated be approved with conditions. The Application meets the Criteria for Review set in Section 9.6 of the Zoning Ordinance, but conditions are required to: Ensure compatibility with adjacent uses of land.

The following conditions are required to address this need:

- **Provide landscape screening to the far east edge of the easternmost lot, and**
- **Work with immediate neighbors at 602 Rust Ave to ensure the irrigation system is moved.**

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

Motion passed with all in favor.

GENERAL BUSINESS

Discussion on Whether to Designate the City-Owned Property W. Madison Street as a Surplus Property

Priebe stated that the City owns the lot that is west of the Highland View Cemetery just outside of City limits. The City purchased the property with general fund dollars in 1974 with plans to keep the lot for future expansion of the cemetery. All City-owned property not currently used for City purposes can be designated as surplus property. Surplus property designation is

recommended by the Planning Commission and approved by the City Commission. After being designated as surplus, the City would look to sell the property for other uses. The property in question has been considered in the past as surplus property, but the City Commission was not sure about the future plans for the lot. Priebe stated that if the Planning Commission would like to go through the surplus property designation process, staff will prepare the Public Hearing for a future meeting.

Commissioners discussed the following items:

- Thompson asked why the property is being brought up again if it had been quiet for some time? Priebe stated that the City has a history of reviewing properties that were not designated surplus properties in the past. The property in question is not in City limits, so it is a unique case and one that might need to be reconsidered.
- Simmon stated that several years ago, the Planning Commission passed a vote to declare the property as surplus and the City Commission denied the designation, so is there any relevant history that would help Commissioners decide? Mr. Gifford stated there was an idea that the lot could be a connector between Clay Cliffs over to the airport and a new recreation complex. Since that time, the City has decided that a recreation complex will not be moving forward.
- Eppley stated that at some point, the cemetery will need to expand, and the property could be used for that expansion. Priebe stated that the City has owned the property for over 50 years and has not been needed yet. The current cemetery has unused space designated for expansions. The Cemetery Board and the Township would be consulted before any decisions were made
- Ruddick stated that since the City has no jurisdiction over the property other than ownership, he sees no reason for the City to keep the property.

The Planning Commission decided to explore the topic in more detail. Staff will reach out to other groups mentioned and prepare to hold a Public Hearing at a future meeting.

Discussion of Fencing Materials Allowed in the Landscape Standards Article of the Zoning Ordinance

Szymanski summarized the Staff Report stating that the current Fence Standards in the Landscape Standards Article of the Zoning Ordinance includes the term “woven wire”. This has led staff to approve fences constructed out of chicken wire or other woven wire types. Staff has brought this issue to the Planning Commission to receive thoughts and feedback and how the Commission would like to move forward.

Discussion ensued over the following topics:

- Eppley asked if an amended ordinance would apply to new fences only or if existing ordinances would have to comply as well. Priebe stated that zoning does not apply

retroactively. If a maintenance section were added, staff could enforce both new and existing fences and ensure fences are being maintained.

- If someone had a chicken wire fence but wanted to install a new fence, would they be able to use chicken wire again? No, the new fence must meet the current standards.
- Ruddick stated that he believes that chicken wire is more of a rural fencing type and should not be used for a property's primary fence.
- Jane would be open to clarifying the language in the Ordinance to prohibit poorly constructed fences.

Staff will prepare the text amendment for the next meeting.

UNSCHEDULED BUSINESS

Public Hearing for Marihuana Business Setbacks

The City Commission is holding a Public Hearing on May 17, 2021 regarding removing the C-2 District from the City's Marihuana Ordinance. At the June 7 meeting, after the Public Hearing in May, the City Commission will consider a vote on the two options—adding a setback between the MOISD building or take the C-2 District out of the districts that allow marihuana businesses—when both options are legally allowed to be enacted.

There being no further business, Chair Jane adjourned the meeting at 7:52 PM with all in favor.

Respectfully submitted,

Emily Szymanski
Planning & Zoning Technician and Planning Commission Secretary

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Community Development Director
Emily Szymanski, Planning & Zoning Technician
SUBJECT: Zoning Ordinance Amendment to Section 8.4 – Fence and Wall Standards when Buffering is Not Required
DATE: May 19, 2021

Introduction

Section 8.4:2 (5) from the City’s Zoning Ordinance states that fences and walls “may be constructed of wood, brick, plastic, masonry, iron, or woven wire commonly known as chain link...” Community Development staff have experienced at least four instances where an applicant wishes to use chicken wire or woven wire to construct a fence, and due to the term “woven wire”, staff has had to approve this type of material. Staff is asking the Planning Commission to discuss the current Ordinance and provide feedback on the current standards.

This topic was discussed during the April 21, 2021 Planning Commission meeting. After understanding the issue at hand, reviewing example language from comparison communities, and discussing the matter, the Planning Commissioners provided City Staff with feedback on their preferred way forward. The topic is being considered at the May 2021 meeting for the Public Hearing and to make a recommendation to the City Commission.

Current Regulations

Zoning Ordinance Section 8.4:2 – Fence and Wall Standards when Buffering is Not Required

- (1) Fencing or walls may be located on the property line if the abutting property owner consents, in writing, thereto.
- (2) Fencing or walls shall be constructed a minimum of six (6) inches from the property line if consent in compliance with Section 8.4:2.1 cannot be obtained.
- (3) Fences or walls with a height not to exceed six (6) feet may be constructed in all yards except along required front yard setback or side street setbacks in residential districts. Along front yard or side street setbacks, fences or walls shall not exceed four (4) feet in height; however, on residential perimeters (not in required front yard or side street yard setbacks) which border commercial or industrial zoned properties, fences, or walls shall not exceed twelve (12) feet.
- (4) Fences or walls constructed in front yards or side street yards in residential districts shall be no more than forty-five (45) percent solid. (Section 8.4:2 (4) amended by Ord. No. 531-05-04)

- (5) Fences and walls may be constructed of wood, brick, plastic, masonry, iron, or woven wire commonly known as chain link, and posts may consist of wood, steel, iron, brick, plastic, masonry, or stone.
- (6) In no instance shall barbed or razor wire fencing be permitted on or adjacent to residential property or residential zone district. In no instance shall a fence be electrified.

Amended Language Being Considered for Adoption

Replace Current Section 8.4:2 (5) with New Language Below

- (5) Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets, or other materials not commercially designed for fence construction are prohibited.

Add New Section 8.4:2 (7) with Language Below

Fences shall be maintained by the property owner so as to retain their original appearance, shape, and configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.

Zoning Ordinance Text Amendment Process and Procedure

The Zoning Ordinance Text Amendment Application was initiated by staff. As required by Ordinance, the Zoning Ordinance amendments must go through a public hearing process. Notice was posted in the Big Rapids Pioneer on Wednesday, May 5, 2021.

Text Amendments are reviewed first by the Planning Commission where a Public Hearing is held. The Planning Commission then makes a recommendation to the City Commission, who will vote on adoption of the Ordinance Amendment.

Standards for Zoning Amendment Review

Section 14.2:4 of the Zoning Ordinance clearly lays out a series of standards for reviewing Zoning Amendments, stating as follows:

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

- (1) The use requested shall be consistent with and promote the intent and purpose of this Ordinance.
- (2) The proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural land 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 a determination that the plan is not applicable due to a mistake in the plans, change in relevant conditions, or changes in relevant plan policies.

Planning Commissioners are encouraged to review the proposed Amendment against the standards in Section 14.2:4 to decide if they find it meets or fails to meet them. These standards shall be used to decide the recommendation provided by the Planning Commission.

Recommendation

Staff supports recommending adoption of the Zoning Ordinance Amendment to Section 8.4:2 for Fence and Wall Standards when Buffering is Not Required, as the amendment meets the standards for review found in Section 14.2:4 of the Zoning Ordinance and addresses the concerns raised by City Staff and complainants regarding the materials and maintenance condition of some fences in the City.

Action

Two options lay before the Planning Commission regarding Zoning Ordinance Text Amendment Applications: Recommendation to Adopt or Recommendation to Not Adopt. As the City Commission has the final determination on Ordinance Amendments, the application must be forwarded to them with a recommendation.

Explanations and sample motions are included below.

Recommendation to Adopt

A recommendation of adoption motion is appropriate when the Application meets the Standards of the Zoning Ordinance.

“I move to recommend that the Zoning Ordinance Text Amendment to Section 8.4:2 for Fence and Wall Standards when Buffering is Not Required be adopted as presented, as the amendment meets all of the Standards for Review found in Section 14.2:4 of the Zoning Ordinance.”

Recommendation to Not Adopt

A recommendation to not adopt motion is appropriate when the Application fails to meet the Standards of the Zoning Ordinance.

“I move to recommend that the Zoning Ordinance Text Amendment to Section 8.4:2 for Fence and Wall Standards when Buffering is Not Required not be adopted, because it does not meet the Standards for Review set in Section 14.2:4 of the Zoning Ordinance.”
(Include which number Standards the application does not meet)

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Community Development Director
SUBJECT: Discussion of Zoning Ordinance Amendments to C-2 and RR Districts – and Re-Introduction to Form-Based Code
DATE: May 19, 2021

Introduction

The need for a fresh look at the C-2 Mixed-Use Commercial and R-R Restricted Residential Zoning Districts came out of the Redevelopment Ready Communities process. RRC Best Practice 2.3 is about Concentrated Development. It requires that “the Zoning Ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired”.

In 2018, the City of Big Rapids hired land use consulting firm SmithGroup to assist the City with this and other sections of the RRC process. The work they have been doing, with guidance from City staff, is included later in this report.

RRC Best Practice 2.3 – Concentrated Development

According to the RRC 2.0 Best Practices Handbook, this best practice says that “allowing for areas of context-sensitive concentrated development provides myriad benefits including enabling pedestrian mobility, providing a sense of place, generating fiscal stability for communities, and leveraging existing infrastructure”.

2.3 Concentrated Development

Allowing for areas of context-sensitive concentrated development provides myriad benefits including enabling pedestrian mobility, providing a sense of place, generating fiscal stability for communities, and leveraging existing infrastructure.

CRITERIA: The zoning ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired.	
ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<p><input type="checkbox"/> The ordinance allows mixed-use buildings by-right in designated areas of concentrated development.</p> <p>The ordinance requires ONE or more of the following elements in areas of concentrated development:</p> <ul style="list-style-type: none"><input type="checkbox"/> Build-to lines<input type="checkbox"/> Open store fronts<input type="checkbox"/> Outdoor dining<input type="checkbox"/> Minimum ground floor transparency<input type="checkbox"/> Front-facing doorways<input type="checkbox"/> Parking located in the rear of the building	<p><input type="checkbox"/> The ordinance allows mixed-use buildings by-right in designated areas of concentrated development.</p> <p>The ordinance requires TWO or more of the following elements in areas of concentrated development:</p> <ul style="list-style-type: none"><input type="checkbox"/> Build-to lines<input type="checkbox"/> Open store fronts<input type="checkbox"/> Outdoor dining<input type="checkbox"/> Minimum ground floor transparency<input type="checkbox"/> Front-facing doorways<input type="checkbox"/> Parking located in the rear of the building

There are two required elements of 2.3, as articulated in the graphic above:

- The first element is met in the C-2 Downtown district, which permits “dwelling units within commercial structures, except on the main floor and basement of those structures” as principal uses according to Section 3.10:2 (5) of the Zoning Ordinance. Yet, more could be done to allow mixed use in other districts.
- The second element is not met and the City still needs to make changes to be aligned in this area. Our current Ordinance does not include any of these as requirements.

Additionally, the October 2017 RRC Report of Findings Report for Big Rapids noted a specific recommendation for this Best Practice: “Consider adopting a form-based code to help achieve community goals”.

Report of Findings – Baseline Finding for 2.3

The paragraphs below are copied directly from the 2017 Report of Findings from the MEDC and articulate their review of our Zoning Ordinance and how it does/does not align with this required Best Practice.

“The city’s zoning ordinance currently does not meet RRC best practice criteria for providing areas of concentrated development in key areas. Although the C-2 zoning district allows for buildings to be constructed up to the public realm (front lot line), it does not require it. To encourage compact development, the ordinance could establish build-to lines in the C-2 zoning district—and perhaps also for the C-1- and C-3-zoned commercial corridors along State Street and Maple Street. Build-to lines in these areas would require buildings to be constructed up to the front lot line. This would support placemaking efforts as pedestrian-friendly building façade lines would be developed downtown and along key city corridors.

“The city’s zoning ordinance allows for the mixing of uses in the R-P and R-R zoning districts. While the R-P zone district allows single-family homes to mix with a determined set of compatible uses, the R-R allows a degree of density as it allows multi-family buildings to be located alongside office buildings, banks, barbershops, child-care facilities, and other low-impact land uses. Although the R-R zoning district permits a mix of uses, it does little to encourage the compact development needed to help the city leverage existing services and reduce expensive infrastructure maintenance costs — which was frequently cited as a desire of residents in the master plan. To ensure desirable, compact, mixed-use development occurs, Big Rapids should consider integrating some form-based elements into its code.

“Form-based elements focus on the physical character (i.e., architecture and functionality) of development, particularly how it relates to the public realm that everyone shares. A growing number of communities across the country and the state of Michigan have found that form-based code elements provide a more precise and reliable tool for achieving what they want, preserving what they value and preventing what they don’t want. Form-based codes can be customized to Big Rapids’ vision for the future — it can be used to preserve and enhance the existing character of one neighborhood while dramatically improving the character of another. Most importantly, form-based codes can help Big Rapids achieve many of the goals asserted in the master plan.

“Form-based code elements encourage a mix of land uses, which can reduce the need to travel extensively; thus providing residents with an affordable means of travel while also reducing traffic and infrastructure maintenance costs. The code should stem from a design process which will generate consensus and a clear vision for a community. Further, through proactively addressing aesthetics and performance, form-based codes can gain resident support and generate a higher comfort level with compact development, allowing developers to build more units per acre — which can ultimately result in lower housing costs for residents. Additionally, form-based codes can regulate development regulations continued at the scale of an individual building or lot, which can encourage consistent independent developments across large areas without requiring large land assemblies and mega projects which can be costly and time-consuming endeavors.

“The extent to which form-based regulations are integrated into the ordinance can vary. The city could adopt form-based code guidelines that would help developers understand what the community feels is appropriate and provide guidance and support for city staff and officials. Or it could require certain physical properties and/or architectural features, including building massing elements (e.g., wings, bays), open store fronts, minimum ground floor transparency, façade elements such as the location of windows or doors, building materials and streetscape elements—which could help Big Rapids develop according to the vision outlined in the master plan.”

What is Form-Based Code and How is it Different from Current Zoning?

According to the Form-Based Code Institute (formbasedcodes.org) “a form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation.

“Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. They are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types.

“This approach contrasts with conventional zoning’s focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters (e.g. Floor Area Ratio, dwellings per acre, setbacks, parking ratios, traffic Level of Service), to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory. They are drafted to implement a community plan. They try to achieve a community vision based on time-tested forms of urbanism. Ultimately, a form-based code is a tool; the quality of development outcomes depends on the quality and objectives of a community plan that a code implements.”

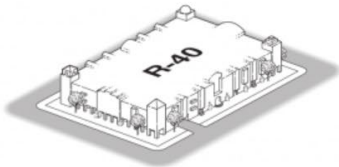
Conventional Zoning

Density use, FAR (floor area ratio), setbacks, parking requirements, maximum building heights specified



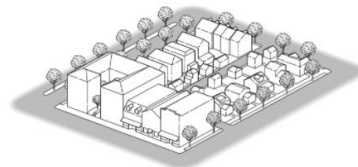
Zoning Design Guidelines

Conventional zoning requirements, plus frequency of openings and surface articulation specified



Form-Based Codes

Street and building types (or mix of types), build-to lines, number of floors, and percentage of built site frontage specified.



An article from Strong Towns has been included in the Packet which calls out “6 Reasons Your City Needs a Form-Based Code”. Please review this short article to learn more about how this type of regulating method can be beneficial in our community.

Action

The alterations to the Zoning Ordinance proposed by SmithGroup to help the City align with RRC Best Practice 2.3 are significant. Staff have considered two options to work through the proposed changes before bringing a large Amendment to the Planning Commission for recommendation to adopt.

- Alternative A: We spend a portion of our time at each meeting over the next several months walking through the sections of the recommended alterations in detail as a full group, ensuring full understanding by all members and working out any details that need adjustment. After all recommendations are analyzed and processed, we will hold a Public Hearing and vote on the recommendation to adopt.
- Alternative B: A Committee is formed of staff and up to three Planning Commissioners to work out the details of the recommended alterations outside of regular Planning Commission meetings. This smaller group can cover ground more quickly and work through the details. Then, the Recommendations of the Committee will be shared with the full Planning Commission for review, Public Hearing, and recommendation to adopt.

6 Reasons Your City Needs a Form-Based Code

Article from Strong Towns website, June 8, 2020, by Daniel Herriges

<https://www.strongtowns.org/journal/2020/6/8/6-reasons-your-city-needs-a-form-based-code>

Your city's zoning code is like the DNA of your community. It provides the rules that govern where buildings can be built, how tall they can be, how far from the street and neighboring properties, and so on. Closely related codes (we'll group them all under "zoning" here, though this includes things like **subdivision rules**) govern **how wide** streets are, where they do or don't have sidewalks and bike lanes: essentially everything that determines the limits of what's permissible in the built environment you see every day.

If your city is like most North American cities, its DNA is broken. Zoning practices **adopted nearly everywhere** over the course of the 20th century—a giant, unprecedented, and untested revolution in city planning we've dubbed the **Suburban Experiment**—have enshrined a set of destructive planning practices that lead to spread-out, unwalkable, and **financially insolvent** communities; to housing shortages and onerous restrictions on local businesses.

One of the tools that planners have devised that promises to lead us back to a better way of building our places is a Form-Based Code. And if you're unfamiliar with these alternative zoning codes, now is the time to learn, and to find out if your city has considered one or would.

The Form-Based Codes Institute, a program of Smart Growth America, defines a form-based code as the following:

A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.... Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.

In short, a form-based code puts the emphasis on making sure the *buildings* in a neighborhood are compatible with their surroundings, while letting the mix of actual *activities* in them be more eclectic. In contrast, conventional, or Euclidean, zoning code works like the game SimCity—the primary thing it regulates is allowable use, as well as the density or level of activity.

Hartford's case is especially compelling because it was a long time coming, and because the new code covers the entire city, not just one neighborhood. We wrote about one aspect of the code back in 2018: **the decision to eliminate mandatory parking minimums citywide**. This is only one feature of Hartford's FBC, but it made the city one of the national leaders in parking reform.

Here are 6 reasons your community might want to pursue a form-based code, if it isn't already:



1. Encourage Revitalization

There's a reason some of the biggest Form-Based Code success stories have come out of the Rust Belt. Cities that have shrunk in population and experienced blight don't attract big development projects in the same way that a tech boomtown on the West Coast might. The kind of developer who does great work in a place like **Buffalo, Akron, Hartford, or South Bend** needs to be more nimble and creative. A form-based code opens up opportunities for them to rehabilitate and reuse historic properties in novel ways, without worrying so much about parking or use restrictions.

Smart Growth America explains why Hartford's code will make it easier for small-scale developers, who often deal with thin profit margins and can't afford drawn-out regulatory hurdles, to operate:

The comprehensive code will make future development more predictable and streamline the project approval process. Whereas the old code had 63 pages of complex "use tables" that made development costly and time consuming, the new form-based code has just 3 pages of use tables with much more general categories. And easy-to-read graphics guide the reader through the standards that apply to their project, helping to facilitate, rather than hinder development.

2. Promote Affordable Housing

Zoning codes can be a drag on housing affordability. Because standard Euclidean zoning often over-regulates things like density, **lot sizes** and **setbacks**, it ends up prohibiting **small and versatile** forms of **missing middle housing** that would actually fit very well within the fabric of a historic neighborhood. A form-based code can satisfy neighbors' desire that new housing match the look and feel of a place, but **create more room to allow** things like cottage courts, **ADUs**, pocket neighborhoods, and other various flexible forms of housing that **meet important needs**.

3. Help Small Businesses

This one is more important than ever in the wake of COVID-19. Historically, businesses such as **corner stores** were embedded in neighborhoods all over America's cities, but one legacy of the suburban experiment has been strictly residential zoning where no business uses whatsoever are allowed. Because a form-based code de-emphasizes the use of a building in favor of how it fits in—that gracious historic Victorian can **now easily house a hair salon, law office, or coffee shop**, while the proprietor lives upstairs—it offers entrepreneurs badly-needed flexibility in where you can locate and what kind of space you can occupy.

Hartford's new code goes further by also addressing outdoor temporary business uses:

*Combined with new flexibility to set up “outdoor shop displays (with four feet of sidewalk clearance), farmer’s markets, and outdoor cafes,” Hartford’s new zoning code will help the city’s businesses rebound in the **open air**.*

4. Promote Walkability

Walkable neighborhoods have a tremendous array of benefits. They are **more financially productive** for cities' tax bases, and they are more accessible for those who cannot or do not wish to drive cars.

A walkable neighborhood **requires destinations to walk to**, not just sidewalks and shade trees. A walkable neighborhood is a **15-minute neighborhood**: one where you can meet your needs on foot within a close distance of home. A form-based code makes it much, much easier to achieve such a neighborhood, because it allows a diversity of services and businesses to coexist.



5. Preserve or Recapture a Sense of Place

The concept of “neighborhood compatibility” is often misused in planning discussions to mean “sameness” rather than actual “compatibility.” But the slightest bit of actual scrutiny of historic places that Americans cherish—think of **old New England towns**, or **New Orleans’s French Quarter**—reveals that they’re not characterized by sameness at all, but by an eclectic variety of buildings and activities within a unifying look and feel. This variety, sadly, is typically illegal to achieve under a Euclidean zoning code. There are whole towns that **could not legally be rebuilt** under their current zoning if they were destroyed tomorrow.

A form-based code is part of the solution to this loss of place. It focuses on a harmonious, cohesive look to a neighborhood even as its buildings and their uses are eclectic—rather than an overly cookie-cutter, micromanaged sameness.

6. Stop Regulating the Wrong Things

Ultimately, the problem with Euclidean zoning is that the things it regulates most heavily aren’t actually the things that result in a successful, lovable, resilient or financially stable place. **We regulate all the wrong things.** We obsess over height, even though it often has little bearing on how a place looks and feels—for example, a 4-story building and a 10-story building are roughly the same if you’re a pedestrian standing at the foot of them. We obsess over density, even though **it’s not the same thing as crowding** or any actual measure of quality of life. We obsess over parking, even though all evidence suggests **we have far too much of it.**

A form-based code is not a panacea for everything wrong with American planning. But it’s a model that lets us open up discussion about correcting a lot of the mistakes of the past 70 or so years.

[Instead of the lists of uses permitted in each district, as in the current Zoning Ordinance, we will create a Use Table which will cover all districts, and include that new Use Table at the start of the new Districts sections.]

Sec. 3.8 R-R – Restricted Residence District

3.8:1 Purpose. The intent of the Restricted Residence district is to accommodate a flexible variety of uses and scales; preserve historic detached houses; integrate context-sensitive mixed residential, office, and service uses; and serve as a transition from the denser downtown to nearby established residential neighborhoods.

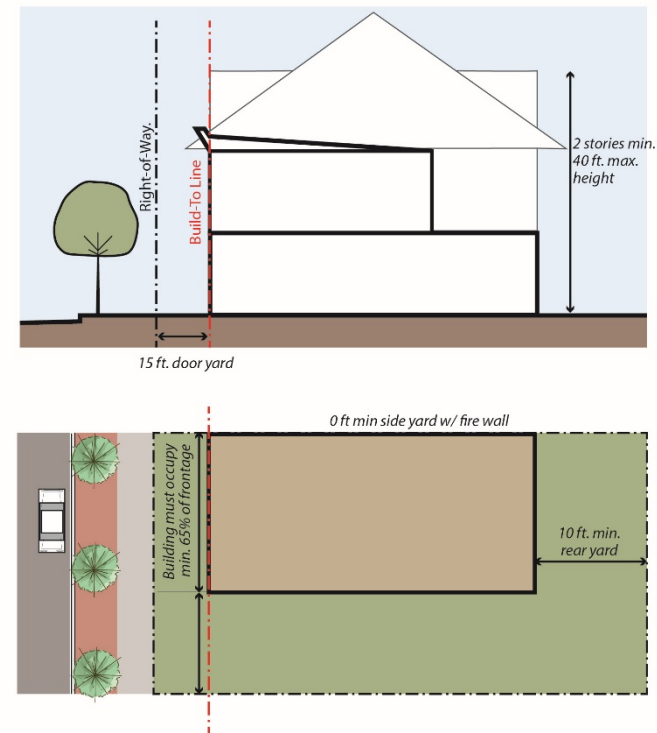


Illustrative example of the intent of this district.

B. Siting and Building Requirements

Height		
Minimum	2 stories	24 ft.
Maximum	3 stories	40 ft.
Ground Floor Elevation - Residential Units (min.)		3 ft.

Siting	
Build-To/Dooryard	15 ft.
Frontage Build-To (min.)	65%
Side Setbacks (min.)	0 ft.
Rear Setback (min.)	10 ft.
Adjacent single-family residential setback (rear)	25 ft.
Surface parking is not permitted directly between a building façade and a street frontage.	



Sec. 3.10 C-2 – Mixed-Use District

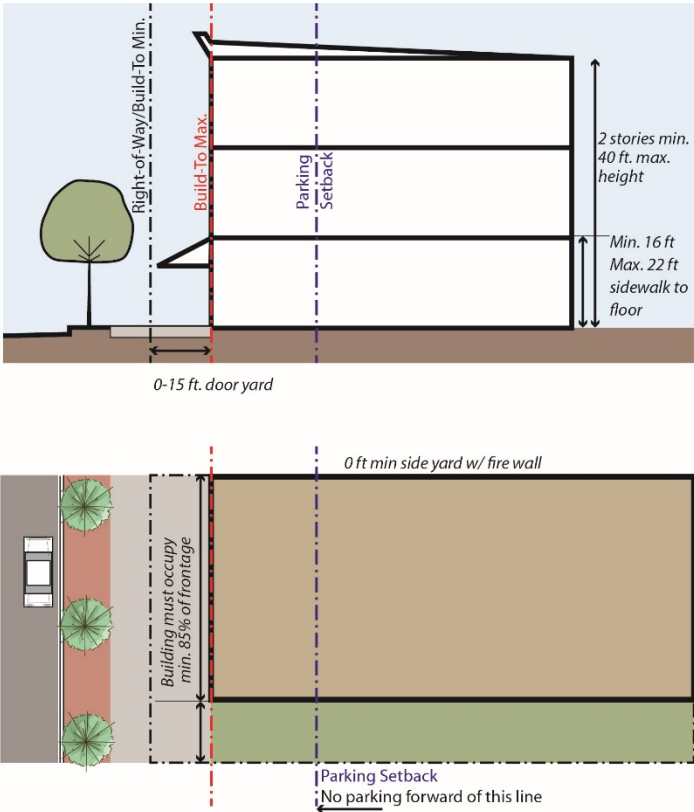
3.10:1 Purpose. The intent of the Mixed-Use District is to create a pedestrian-friendly, compact district with a mixture of uses. Typically, the mixture of uses are ground floor storefronts for retail and entertainment uses with offices and residential on upper stories. Attached residential units such as townhouses are applicable to serve as a transition to adjacent residential districts, especially along Warren Street.



Illustrative example of the intent of this district.

3.10:2 Siting and Building Requirements

Height		
Minimum	2 stories	24 ft.
Maximum	3 stories	40 ft.
Second Floor Finished Elevation		16 ft. to 22 ft.
Upper Stories Clear Height (min.)		9 ft.
Siting		
Build-To/Dooryard		0-15 ft.
Frontage Build-To (min.)		85%
Side Setbacks (min.)		0 ft.
Rear Setback (min.)		0 ft.
Parking Setback (min.)		15 ft.
Surface parking is not permitted directly between a building façade and a street frontage.		



3.10:3. **Storefront Frontage**

This additional designation in the Mixed-Use district requires ground floor storefront uses and architectural requirements in order to preserve the walkable, active downtown interface with the public realm. Storefront buildings shall also meet the design specifications for the Mixed-Use district, except as provided herein:

1. Build-to/dooryard shall be 0'
2. Maximum height of 60' or 5 stories.
3. Fenestration
 - (a) Ground floor fenestration shall comprise between 70% and 90% of the ground story façade.
 - (b) Ground floor windows may not be made opaque by window treatments (except operable sunscreen devices). A minimum of 80% of the window surface shall allow a view into the building interior for a depth of at least 12 feet.
 - (c) The bottom of the window must be no more than 3 feet above the adjacent exterior grade.
4. Horizontal Articulation
 - (a) Buildings shall be designed to reduce apparent mass by dividing facades into a series of smaller vertical components or bays. Bays shall extend continuously from base to top. Components shall be distinguished from one another through a combination of the following:
 - (1) Variations in overall massing. Changes in parapet projection height shall only occur with a corresponding change in plan
 - (2) Vertical bays defined by pronounced changes in plan to create recesses and projections, a minimum of three feet (3'-0") from build to line of the façade;
 - (3) Distinct changes in exterior finish material corresponding to a change in the building plan- a minimum of three feet (3'-0") from build to line of the façade- or a distinct organizing architectural feature with a projection a minimum of 8".

- (b) There shall be a minimum of one functional entrance every full 25 feet of frontage along Michigan Avenue.

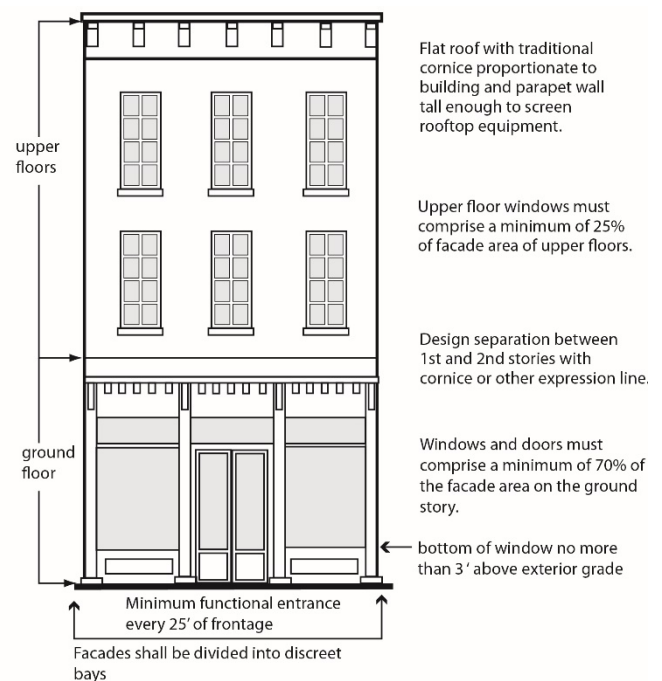
5. Ground floor Articulation

- (a) Storefront buildings shall be designed to create a distinct and separated ground floor area through the use of a horizontal expression line, such as a string course, change in material or textures, awnings or canopies, or sign band between the first and second stories.

6. Uses

Only Active Ground Floor Uses are permitted:

- (a) Retail sales and services
- (b) Restaurant/Bar/Lounge
- (c) Residential and Lodging Uses: Support functions such as lobbies, rental offices, and club rooms may be located on the ground floor.
- (d) Offices



The above drawing is intended to illustrate the application of the design standards in this ordinance, but not require a specific architectural style.

Regulating Plan

The Storefront District Regulations found in Section 3.10:3 will apply as noted in the Regulating Plan map below.



Planning Commission

Regular Meeting

June 16, 2021 at 6:30 P.M.

Zoom Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/88941372083?pwd=U28rcEhGVW84RVVYTGQrOHlkUDBVZz09>

Meeting ID: 889 4137 2083

Passcode: 133509

Phone Login – Dial +1 312 626 6799

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
 - a. May 19, 2021
5. Public Comment
6. Public Hearing
 - a. Zoning Ordinance Map Amendment to rezone 415 N State St, 421 N State St, and 105 W Bellevue St from R-R Restricted Residential to C-3 Commercial.
 - b. Easement for the Ives Drain at 917 Ives Ave.
7. General Business
8. Unscheduled Business
9. Adjourn

CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
May 19, 2021
Unapproved

Chair Jane called the May 19, 2021 regular meeting of the Planning Commission, held remotely via Zoom, to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Megan Eppley, Kasey Thompson, Chris Jane, Karen Simmon, Rory Ruddick, Sarah Montgomery, and Jacob Buse

EXCUSED None

ABSENT None

ALSO PRESENT

There were 2 audience members.

APPROVAL OF MINUTES

Motion was made by Karen Simmon, seconded by Jacob Buse, to approve the minutes of the April 21, 2021 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

Zoning Ordinance Amendment to Section 8.4 Fence and Wall Standards when Buffering is Not Required

The Public Hearing was opened at 6:33 PM

Staff Report

Priebe summarized the Staff Report, stating that City staff have experienced instances where an applicant wishes to use chicken wire or other types of woven wire to construct a fence, and due to the term “woven wire” staff has had to approve this type of material. This issue was discussed at the April 21, 2021 Planning Commission meeting where Commissioners stated that they

would like to see the language amended to prohibit woven wire and to also include a new Section regarding the maintenance of fences in City limits.

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 received

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

Jane asked how is a fence determined to be 45% solid? Priebe stated that split rail or picket fences that have openings whereas privacy fences are completely solid. In the front or side-street yards, fences cannot be taller than 4 feet and must be no more that 45% solid to keep the friendly neighborhood environment. Jane asked how would the City enforce retaining original appearance? Priebe stated that fence maintenance would be part of the City's routine Code Enforcement program. Buse asked if someone had a garden and wanted to have the garden enclosed with chicken wire, would this amendment prohibit them from being able to do so? Priebe stated that the City currently does not require permits for seasonal or garden fences or the more temporary fencing, so this amendment would not impact those.

Motion

Motion was made by Karen Simmon, seconded by Megan Eppley to recommend that the Zoning Ordinance Text Amendment to Section 8.4:2 for Fence and Wall Standards when Buffering is Not Required be adopted as presented, as the amendment meets all of the Standards for Review found in Section 14.2:4 of the Zoning Ordinance.

Motion passed with Jacob Buse, Kasey Thompson, Megan Eppley, Chris Jane, Sarah Montgomery, Rory Ruddick, and Karen Simmon in favor.

GENERAL BUSINESS

Discussion of Zoning Ordinance Amendments to C-2 and R-R Districts—and Reintroduction to Form-Based Code

Staff Report

Priebe summarized the Staff Report, stating that part of obtaining the Essentials certification though the Redevelopment Ready Communities (RRC) program is adding a section in the City's Zoning Ordinance dedicated to Concentrated Development within the downtown. To meet this Best Practice, mixed-use buildings need to be allowed by-right in areas of concentrated development, and two elements of concentrated development (build-to lines, open store fronts, outdoor dining, etc.) are required. After conducting an analysis of the City's Zoning Ordinance, RRC staff provided City staff with a report of findings, stating that downtown Big Rapids needs to allow more mixed-use and include more elements that help to build the downtown

environment and not just build downtown uses. To address this issue, RRC staff recommended the City implement form-based Code regulations within the downtown.

Discussion ensued over the following topics:

- The City has been working with Kathleen Duffy from SmithGroup, a planning and land-use consulting firm, to help develop the form-based code for the C-2 and R-R Districts. To work through this process, staff purposed the following options:
 1. For the next several months, time will be set aside during every full-group Planning Commission meeting to work on the code as a group.
 2. City staff and volunteers from the Planning Commission will form a sub-committee and attend additional meetings as a smaller group and bring back the discussion during regular Planning Commission meetings.
 3. Hold a special meeting of the Planning Commission and have Kathleen Duffy walk Commissioners through the process of developing a form-based code. After the initial meeting, a sub-committee could be formed if necessary.
- In response to the three options provided, all commissioners agreed that the third option seems to be the best option.

Staff will reach out to Kathleen Duffy to schedule a meeting time and date for the special Planning Commission meeting.

UNSCHEDULED BUSINESS

RRC Tasks – Training Strategy

Szymanski stated that in order to receive the “Essentials” certification from RRC, the City needs to develop a training strategy for development-related boards. Part of the strategy will entail a short survey for development-related boards (City Commission, Planning Commission, Zoning Board of Appeals, and Downtown Development Authority) to submit back to staff.

Memorial Ceremony to be Held for Bill Yontz

On June 26, 2021 at 12:00 PM, there will be a memorial service for Bill Yontz, beloved veteran, and involved Big Rapids resident. The service will be held at AMVETS.

There being no further business, Chair Jane adjourned the meeting at 7:41 PM with all in favor.

Respectfully submitted,

Emily Szymanski

Planning & Zoning Technician and Planning Commission Secretary

STAFF REPORT TO THE CITY COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Community Development Director
SUBJECT: Zoning Ordinance Map Amendment to rezone 415 N State St, 421 N State St, and 105 W Bellevue St from R-R Restricted Residential to C-3 Commercial
DATE: June 16, 2021

Introduction

The properties at 415 N State St, 421 N State St, and 105 W Bellevue St are all currently zoned R-R Restricted Residential. All three contain residential properties, one also includes a restaurant which was approved via a Special Land Use Permit in 2018.

Krist Oil Company is under contract to purchase all three of these properties for future use as a gas station and convenience store. This use is not allowed within the R-R Restricted Residential district, but it is permitted by right in the C-3 Commercial district. They are requesting the Zoning Map amendment which would allow their desired use. If the Map Amendment is successful, they will need to return to a future Planning Commission meeting for a Site Plan Review of plans for the development. The current meeting is focusing on the rezoning not the site plan.

Planning Commissioners may be familiar with the property at 415 N State St, as it was subject to a Zoning Ordinance Map Amendment application from R-R to C-3 in August 2019. At the time, the property was for sale with no buyer lined up. The request was recommended for denial by the Planning Commission and it was denied by the City Commission in September 2019.

Rezoning Process and Procedure

The issue on the table is to consider rezoning this site from R-R Restricted Residential to C-3 Commercial. A rezoning, also called a Map Amendment, is a request to change the zoning of a property from one type to another type to permit a different array of uses on the site.

The R-R Restricted Residential District is a transitional area between emerging commercial uses and established residential districts. Residential uses and some commercial uses are allowed by right or by Special Land Use. The C-3 Commercial District provides areas for commercial development which require large exterior spaces or which depend upon continual movement of vehicular traffic. Within the City of Big Rapids, C-3 is the only district which currently permits gasoline service stations.

The process of rezoning a property is circumscribed by the Zoning Ordinance in section 14.2. All Rezoning Applications require a Public Hearing. Notice was posted at City Hall and in the Big Rapids Pioneer on June 2, 2021, notice was sent to all property owners within 300 feet of 906 N State St, and notice was placed on a sign at each property. Staff received 3 calls from neighbors in advance of the hearing asking for more information or how to join the meeting.

Standards for Zoning Amendment Review

Section 14.2:4 of the Zoning Ordinance clearly lays out a series of standards for Zoning Amendment Review, stating as follows:

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

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

Planning Commissioners are encouraged to review the Application against the Standards in Section 14.2:4 to decide if they find it meets or fails to meet them.

Staff Recommendation

Staff encourages the Planning Commission to recommend that the City Commission adopt the Map Amendment to rezone the properties at 515 N State St, 421 N State St, and 104 W Bellevue St from R-R Restricted Residential to C-3 Commercial.

Action Three options lay before the Planning Commission regarding Rezoning Applications: Approval, Denial, or Table. Explanations and sample motions are included below.

Approval

An approval motion is appropriate when the Application meets the Standards of the Zoning Ordinance and sends the Application to the next step in the process where City Commission has final say in approving or denying the request.

“I move that the Rezoning Application for the properties at 515 N State St, 421 N State St, and 104 W Bellevue St from R-R Restricted Residential to C-3 Commercial be recommended to the City Commission for approval, because it meets the Standards set in Section 14.2:4 of the Zoning Ordinance.”

Denial

A denial motion is appropriate when the Application fails to meet the Standards of the Zoning Ordinance and ends the application process.

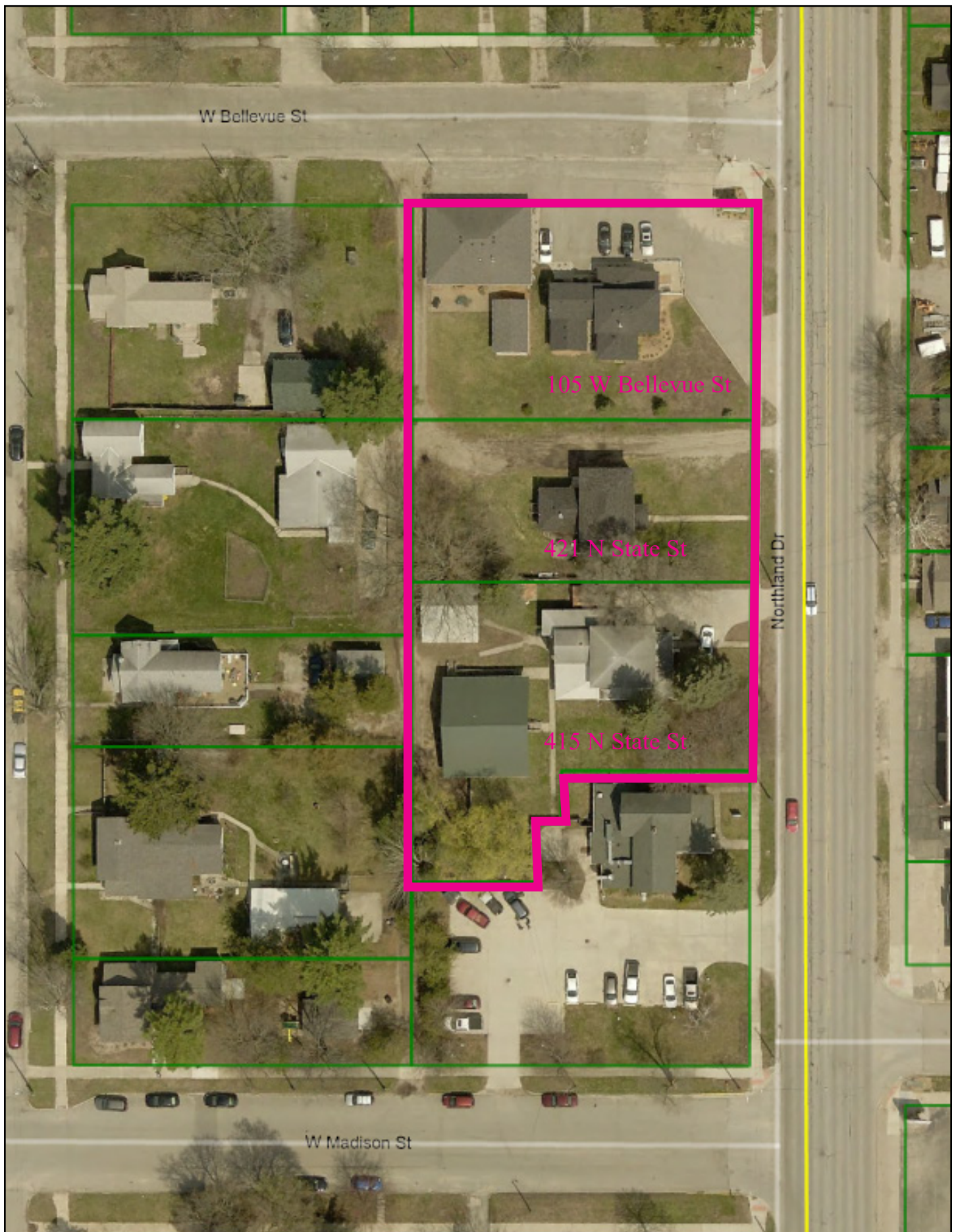
“I move to deny the Rezoning Application for the properties at 515 N State St, 421 N State St, and 104 W Bellevue St from R-R Restricted Residential to C-3 Commercial, because it does not meet Standard 14.2:1 (X) of the Zoning Ordinance.
(Fill in the X with which number Standard the application does not meet.)”

Table

A Table motion is appropriate when more information is needed before reaching a decision regarding the Application and pauses the process until a later date.

“I move to table a decision on the Rezoning Application for the properties at 515 N State St, 421 N State St, and 104 W Bellevue St from R-R Restricted Residential to C-3 Commercial until the July 2021 meeting of the Planning Commission, because (list your reason for tabling the decision here).”

Aerial Imagery



Excerpt from Future Land Use Map



Excerpt from Zoning Map





City of Big Rapids

Department of Community Development
Application to the Planning Commission for Zoning Request

Application Date: June 1, 2021

Applicant Information:

Name: Krist Atanasoff	
Address: 303 Selden Road, Iron River, MI 49935	
Phone Number: 906.367.2563	Property Zoning: RR
Request Property Address: 105 W. Bellevue Street, 415 and 421 N. State Street	
Explanation of Request:	
Zoning Map Amendment from RR to C-3	

Please check one of the following:

☐ Special Land Use Permit, Please include the following information

1. A legal description of the property.
2. Twelve (12) copies of a site plan meeting the requirements of Section 9.4 of the Big Rapids Zoning Ordinance as amended.
3. A written description of the use.
4. Address use standards set forth in Section 10.3:8.
5. \$200.00 Application Fee

☒ Zoning Amendment Review, Please include the following information:

☒ Zoning Map Amendment (Rezoning)

1. A legal description of the property.
2. A written description of reasons for rezoning and proposed new zoning classification.
3. Address the requirements set forth in Section 14.2:4. (posting of notification).
4. A location map.
5. \$200.00 Application Fee

☐ Text Amendment

1. A written description of proposed changes and reasons why.
2. Proposed new text.
3. Address the requirements set forth in Section 14.2:2.
4. \$200.00 Application Fee

Signature of applicant or property owner

June 1, 2021

(Date)

KRIST OIL COMPANY, INC.

2021 APPLICATION FOR ZONING MAP AMENDMENT

105 W. BELLEVUE STREET, 415 AND 421 N. STATE STREET, BIG RAPIDS, MI 49307

LEGAL DESCRIPTION OF PROPERTIES

105 W. BELLEVUE STREET:

000105 W BELLEVUE STREET: FRENCH'S ADDITION -- BLK 11, THE N 1/2 OF LOT 11 & ENTIRE LOT 12. SUBJ TO A 99 YR LEASE DATED FEBRUARY 11, 1946 FOR THE PURPOSE OF A PUBLIC ALLEY ALG THE W 16 FT OF SD DESC.

415 N. STATE STREET:

FRENCH'S ADDITION – BLK 11, PART OF LOTS 8, 9, 10. DESC AS COM AT THE SE COR OF LOT 7, TH N 00 DEG 10' 21" E ALG THE W LI OF STATE ST (E LI OF LOTS 7 & 8) 137.94 FT TO THE POB, TH N 89 DEG 59' 25" W // WITH THE N LI OF MADISON ST (S LI OF LOT 7) 89.09 FT, TH S 00 DEG 6' 00" W // WITH THE W LI OF LOTS 7 – 10.25 FT. TH N 89 DEG 59'

421 N. STATE STREET:

FRENCH'S ADDITION -- BLK 11, LOT 10 EXC THE S 25 FT & THE S 1/2 OF LOT 11. SUBJ TO A 99 YR LEASE DATED FEBRUARY 11, 1946 FOR THE PURPOSE OF A PUBLIC ALLEY ON THE W 16 FT OF SD DESC.

KRIST OIL COMPANY, INC.

2021 APPLICATION FOR ZONING MAP AMENDMENT

105 W. BELLEVUE STREET, 415 AND 421 N. STATE STREET, BIG RAPIDS, MI 49307

SUPPLEMENTAL NARRATIVE

Krist Oil Company, Inc. (Krist Oil) is requesting a zoning change of the properties located at 105 W. Bellevue Street, 415 and 421 N. State Street. Currently the properties are zoned RR (Restricted Residential), and Krist Oil is requesting the properties be rezoned to C-3 (Commercial). The properties previously contained a restaurant and residential dwellings. Upon site plan approval, Krist Oil will replace the restaurant and home with their development and construction of the Krist Food Mart. Driveway entrances will be installed off N. State Street and W. Bellevue Street.

Rezoning of the property is being requested by Krist Oil to construct a 60' x 92' Krist Food Mart with a five (5) island gas canopy and a two (2) island diesel canopy. The proposed Krist Food Mart with fuel pumps would give the immediate area fuel and convenience store amenities.

Krist Oil has no intention of any type of residential development on this property. The proposed rezoning to C -3 would be the same as the east and west sides of the six hundred (600) block to the north. Also, the entire east side of N. State Street from W. Pere Marquette Street to Hemlock Street is zoned C-3, including directly across from the subject parcel. On the eastside of N. State Street, one (1) block north of the property contains a car detailing business and one (1) block south of the property contains a home furnishings business. A map of the zoning for these adjacent parcels is attached to this narrative.

Krist Oil is proposing to install greenspace along N. State Street to provide a buffer between the concrete pavement and the street. Krist Oil is also proposing to install fencing and landscape elements along the south and west property lines, hence providing a buffer to the adjacent properties.

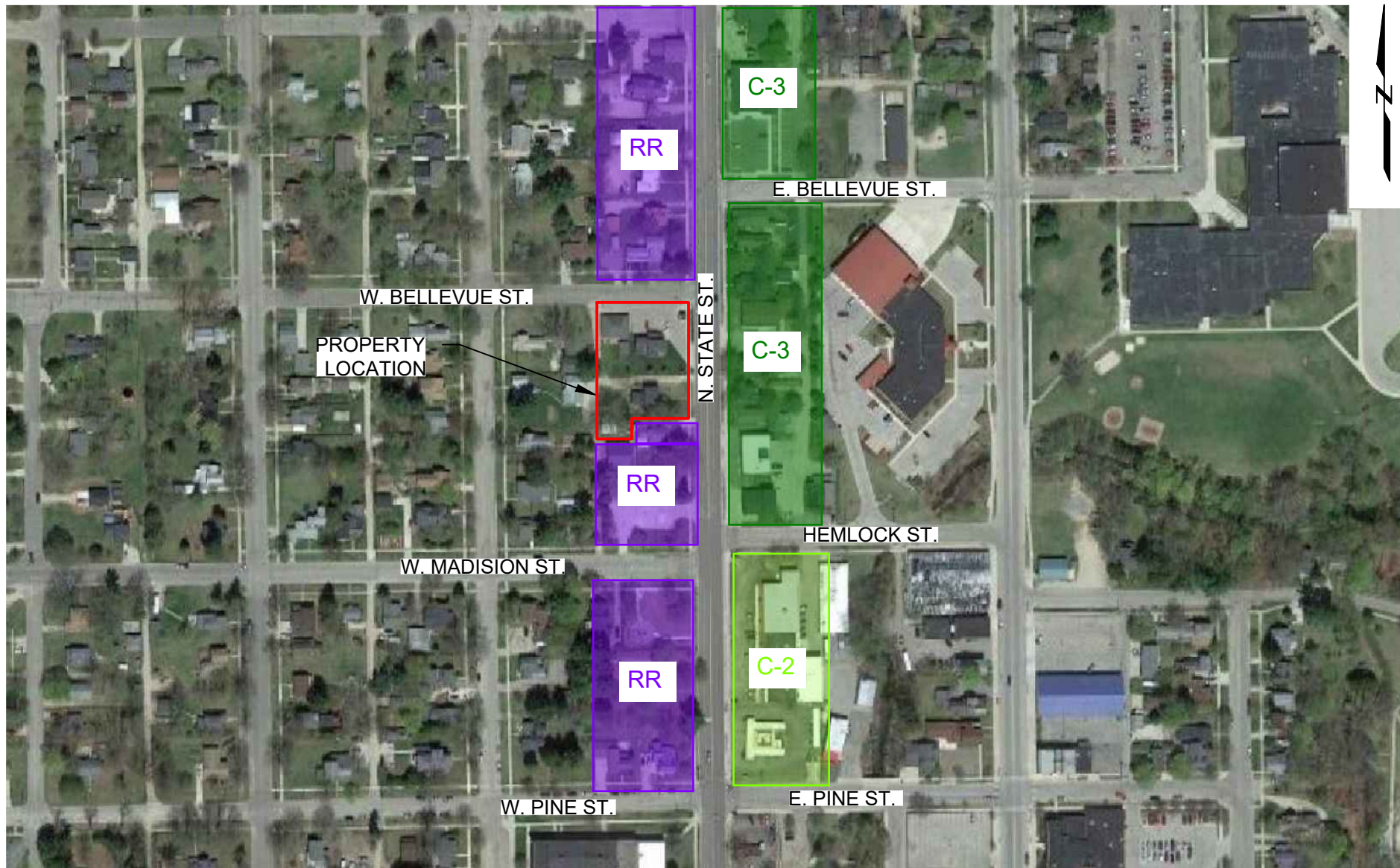
KRIST OIL COMPANY, INC.

2021 APPLICATION FOR ZONING MAP AMENDMENT

105 W. BELLEVUE STREET, 415 AND 421 N. STATE STREET, BIG RAPIDS, MI 49307

SECTION 14.2:4 REQUIREMENTS

- 1.** Krist Oil Company, Inc. (Krist) is requesting a zoning change of the properties located at 105 W. Bellevue Street and 415 and 421 N. State Street. They are requesting the zoning to be changed from RR (Restricted Residential) to C-3 (Commercial). This is consistent with and promotes the intent of this ordinance because the property is currently zoned Restricted Residential. Which, per the purpose of the zone is “established to provide for areas of transitional use between emerging commercial uses and established residential districts.” Being that there is a restaurant and residential dwelling on these properties currently, Krist is proposing to further the commercial transition by constructing a Krist Food Mart and fuel service station.
- 2.** The proposed Krist Food Mart and fuel service station will be compatible with adjacent land uses by complimenting the existing businesses and neighborhoods in the immediate area. This will be accomplished through offering fuel and convenience store amenities, which is not available within 0.40 miles of the subject property.
- 3.** The proposed Krist Food Mart and fuel service station will not create an adverse effect on public health, safety, or welfare for the City of Big Rapids.
- 4.** The proposed use is consistent with the City Master Plan. In the “Community Survey – Summary of Information Related to Future Land Use” section of the City Master Plan, it is stated that “most respondents favor expanding commercial uses adjacent to existing commercial areas and almost as may favor developing new commercial areas.” Additionally, in the commercial section of the Future Land Use Plan, it mentions that State Street is a focus area for commercial development. Re-zoning these parcels to C-3 for development of a Krist Food Mart and fuel service station will satisfy both goals.



NOTES:

1. NO SCALE

105 W. Bellevue Street and 415/421 N. State Street
Big Rapids, MI 49307

Krist Oil Company Inc.
Iron River, MI 49935

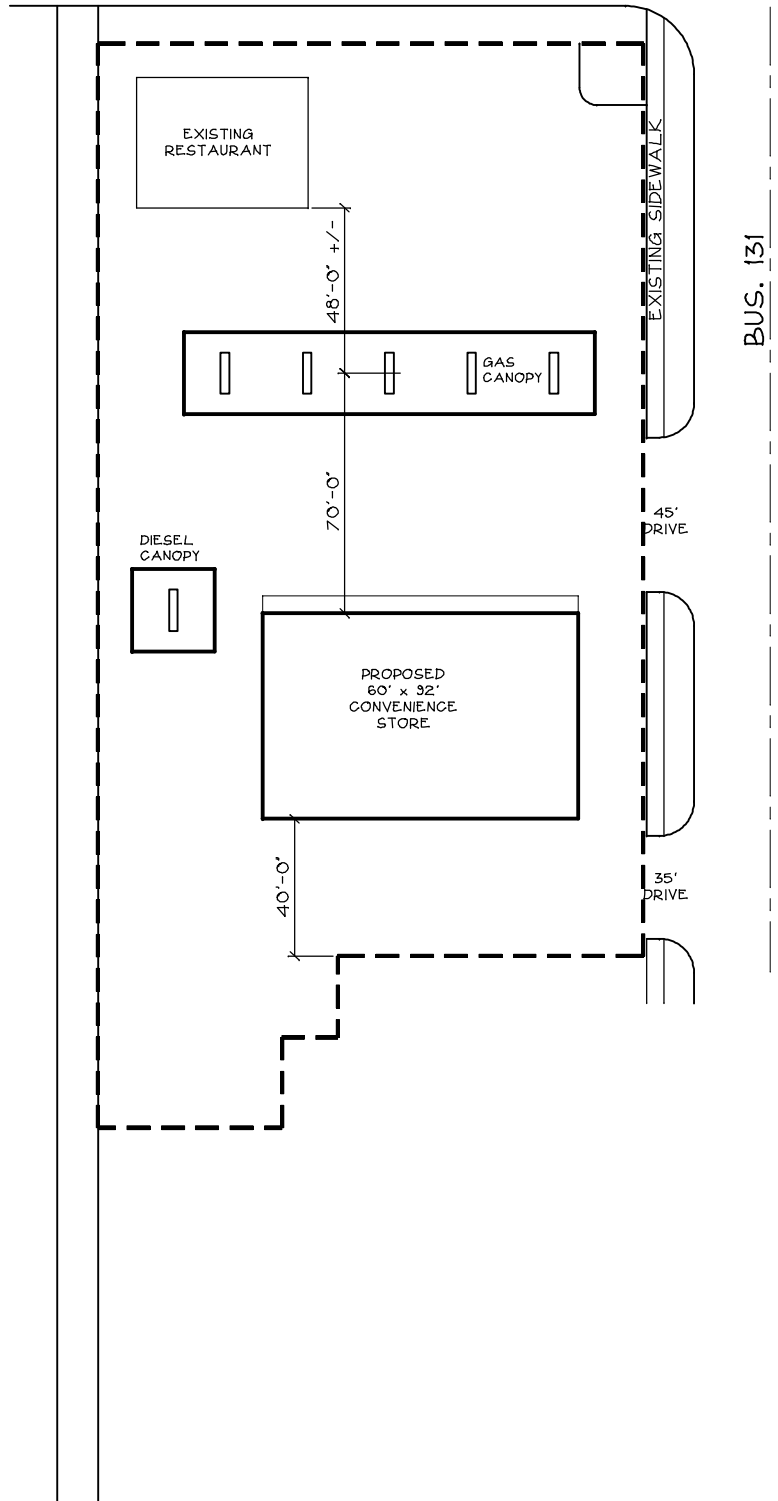


Project 1509480

PROPERTY LOCATION
MAP

JUNE 2021

Fig. 1



CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
August 21, 2019

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

PLEDGE OF ALLEGIANCE

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

EXCUSED Tim Vogel

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

There were 23 people in the audience.

APPROVAL OF MINUTES

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

Motion passed with all in favor.

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

Motion passed with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

None

PUBLIC HEARING

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

Staff Report

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

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

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

Applicant Statement

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

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

Those Who Spoke in Favor:

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

Those Who Spoke in Opposition: None heard.

Telephonic or Written Correspondence Received by Staff:

Priebe reported receiving two phone calls:

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

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

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

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

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

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

Motion

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

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

PUBLIC HEARING:

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

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

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

Amendments will be made to the following:

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

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

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Community Development Director
SUBJECT: Easement for the Ives Drain at 917 Ives Avenue
DATE: June 16, 2021

Introduction

The Mecosta County Drain Commissioner, Ms. Karla Miller, has requested an easement from the City of Big Rapids for a portion of the City-owned parcel 54-17-14-300-006, with street address 917 Ives Ave. The easement is needed for the establishment, construction, operation, maintenance, and improvement of the Ives Drain and the newly established Ives Drain Drainage District.

The requested easement is approximately 32' wide and 345' long, and encompasses about half of this parcel, in the middle of the property. See the attached easement documentation for location information and details.

Legal Framework

Easements for City-owned land must be reviewed by the Planning Commission and voted on by the City Commission. The decision-making process is not clearly outlined in the Zoning Ordinance, as is the case for some other types of recommendations. However, it is a best practice that the Planning Commission hold a Public Hearing and make a recommendation to the City Commission for any legal decision that impacts City-owned land.

Decision Making

Unlike much of the other business of the Planning Commission, cases like this have no delineated standards for review. It is up to the Commission to investigate the case and then make a recommendation as they believe best on behalf of the community.

Staff recommends using the general Standards for Review found in Section 14.1:6 of the Zoning Ordinance for making recommendations or approvals authorized by the Ordinance.

1. Whether or not there has been a compliance with the provisions of this Ordinance.
2. Whether or not there is property yard space, parking facilities, loading space, percentage of lot coverage, green belts, size of buildings, lot area, and other conditions required by this Ordinance.
3. Whether or not the use involved is in accord with the spirit and purposes of this Ordinance.
4. Whether or not the use involved would constitute a public or private nuisance.
5. Whether or not the use involved would disturb or interfere with the natural or planned development of the surrounding neighborhood.
6. Whether or not the use involved would affect the natural or planned drainage system so as to deleteriously affect the surrounding neighborhood.

Action

Staff encourages the Planning Commission to recommend that the City Commission approve the attached easement for the Ives Drain on Parcel 54-17-14-300-006, with street address 917 Ives Avenue.

Aerial Imagery



DRAIN EASEMENT
Parcel I.D. No. 54-17-14-300-006

IVES DRAIN

For and in consideration of Zero Dollars (\$0.00) and the prospective benefits to be derived because of the establishment, construction, operation, maintenance and improvement of the Ives Drain ("Drain"), a county drain under the supervision of the Mecosta County Drain Commissioner, whose address is 14485 Northland Drive, Big Rapids, Michigan 49307;

The City of Big Rapids, a municipal corporation, of 226 North Michigan Avenue, Big Rapids, Michigan 49307 ("Landowner"), which is the owner of lands described in ***Exhibit A*** ("Property"), now conveys and releases to the Ives Drain Drainage District ("Drainage District"), whose address is 14485 Northland Drive, Big Rapids, Michigan 49307, an easement for purposes of establishment, construction, operation, maintenance, and improvement of the Drain over and across the Property ("Drain Easement"), as described and depicted in the attached ***Exhibit A*** ("Drain Easement Area").

This conveyance shall be deemed a sufficient conveyance to vest in the Drainage District an easement over the Drain Easement Area for the uses and purposes of drainage with such rights of entry upon, passage over, storing of equipment and materials including excavated earth as may be necessary or useful for the establishment, construction, operation, maintenance, and improvement of the Drain.

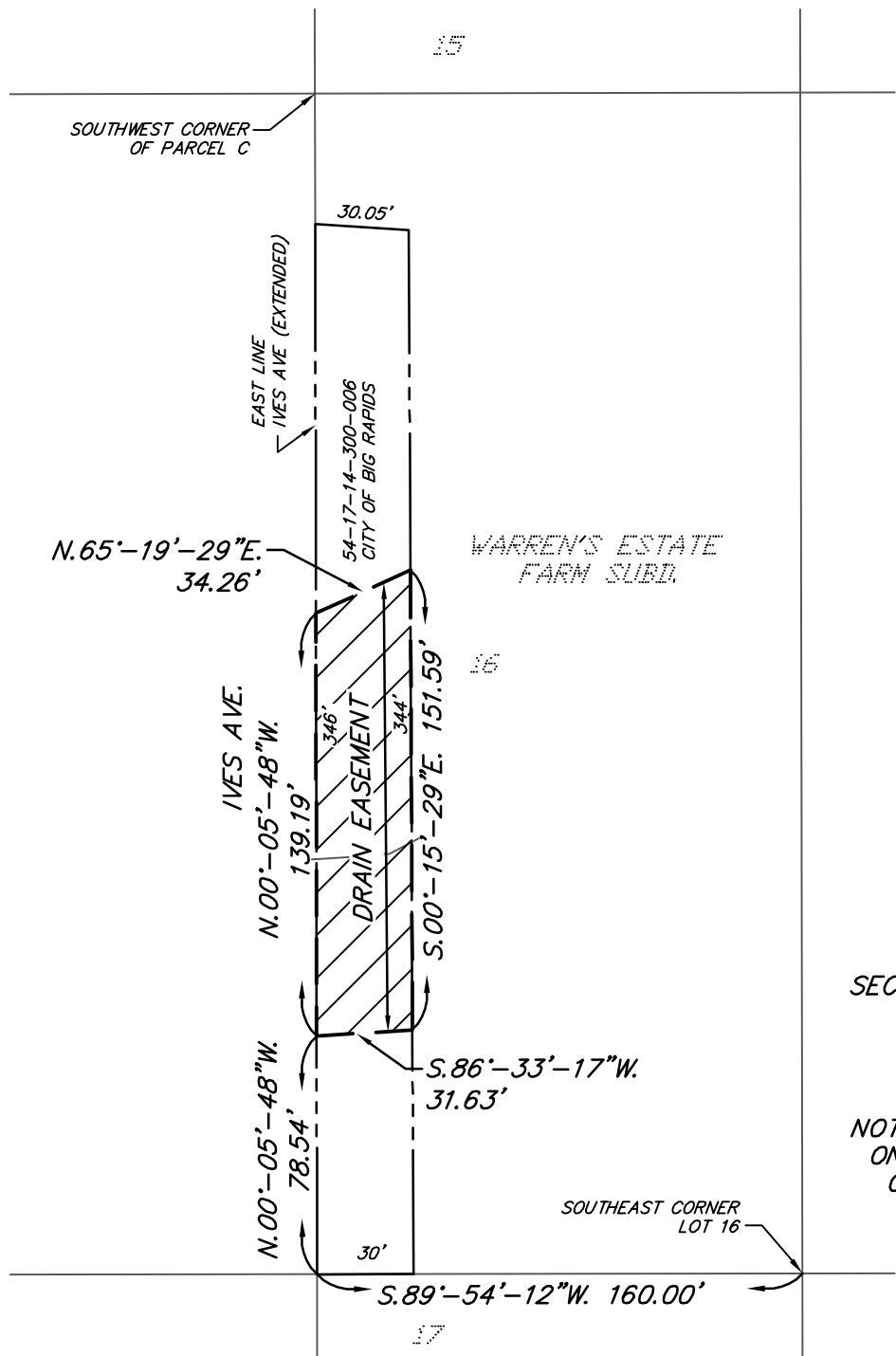
This conveyance shall also be deemed sufficient to vest in the Drainage District an easement over the Drain Easement Area for the clearing and/or grading of the Drain Easement Area and the spreading and/or removal of spoils and excavated materials.

Non-movable or permanent structures shall not be constructed by Landowner, its agent, employees, or contractors within the specific limits of the Drain Easement Area without the prior written consent of the Drainage District.

This Drain Easement shall be binding upon Landowner and the Drainage District, their heirs, assigns, successors in interest and successors in office and be deemed to run with the land in perpetuity.

54-17-14-300-006
OWNER:
City of Big Rapids
917 Ives Ave.
Big Rapids, MI 49307

EXHIBIT A
DRAIN EASEMENT



SECTION 14, T.15 N.-R.10 W.
CITY OF BIG RAPIDS
MECOSTA COUNTY, MI

NOTE: BEARINGS ARE BASED
ON GPS OBSERVATION OF
GOVERNMENT CORNERS.

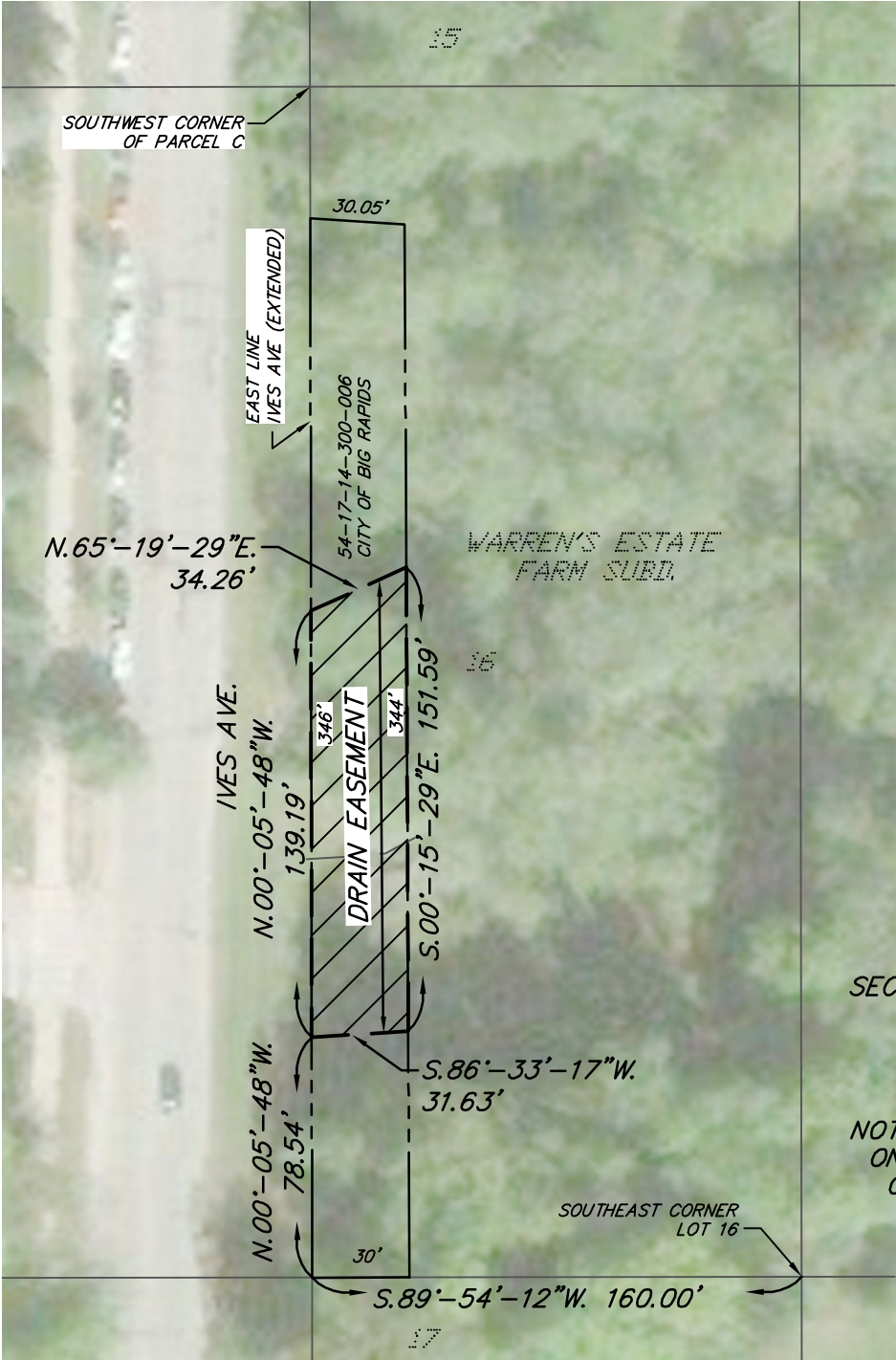
PARENT PARCEL DESCRIPTION (PER TAX ROLL):
Warren Estate's Farm Subdivision, That part of Lot 16, more particularly described as beginning at the intersection of the North line of Lot 17 AND the East line of Ives Avenue; thence N.89°-31'E., 30 feet; thence North, 344 feet; thence N.86°-40"W, 30.05 feet; thence South, 346 feet to the point of beginning.

DRAIN EASEMENT DESCRIPTION:
A strip of land in Lot 16, Warren's Estate Farm Subdivision, as recorded in Mecosta County Records, Section 14, T.15 N.-R.10 W., City of Big Rapids, Mecosta County, Michigan, described as follows: To fix the point of beginning, Commence at the Southeast Corner of said Lot 16; thence S.89°-54'-12"W, on said South line, 160.00 feet to the East line of Ives Avenue; thence N.00°-05'-48"W, on said East line of Ives Avenue, 78.54 feet to the point of beginning of this description: thence continuing N.00°-05'-48"W, on said East line, 139.19 feet; thence N.65°-19'-29"E., 34.26 feet; thence S.00°-15'-29"E., 151.59 feet; thence S.86°-33'-17"W., 31.63 feet to the point of beginning, containing 0.10 acres of land, more or less.

SCALE: 1" = 60'	DRAWN BY: MLW CHECKED BY: DMW	DATE: 03-27-20 SHEET 1 OF 1	JOB#: 123850.16 DWG#: JA-5315
-----------------	----------------------------------	--------------------------------	----------------------------------

54-17-14-300-006
OWNER:
City of Big Rapids
917 Ives Ave.
Big Rapids, MI 49307

EXHIBIT A
DRAIN EASEMENT



SECTION 14, T.15 N.-R.10 W.
CITY OF BIG RAPIDS
MECOSTA COUNTY, MI

NOTE: BEARINGS ARE BASED
ON GPS OBSERVATION OF
GOVERNMENT CORNERS.

PARENT PARCEL DESCRIPTION (PER TAX ROLL):
Warren Estate's Farm Subdivision, That part of Lot 16, more particularly described as beginning at the intersection of the North line of Lot 17 AND the East line of Ives Avenue; thence N.89°-31'E., 30 feet; thence North, 344 feet; thence N.86°-40"W, 30.05 feet; thence South, 346 feet to the point of beginning.

DRAIN EASEMENT DESCRIPTION:
A strip of land in Lot 16, Warren's Estate Farm Subdivision, as recorded in Mecosta County Records, Section 14, T.15 N.-R.10 W., City of Big Rapids, Mecosta County, Michigan, described as follows: To fix the point of beginning, Commence at the Southeast Corner of said Lot 16; thence S.89°-54'-12"W, on said South line, 160.00 feet to the East line of Ives Avenue; thence N.00°-05'-48"W, on said East line of Ives Avenue, 78.54 feet to the point of beginning of this description: thence continuing N.00°-05'-48"W, on said East line, 139.19 feet; thence N.65°-19'-29"E., 34.26 feet; thence S.00°-15'-29"E., 151.59 feet; thence S.86°-33'-17"W., 31.63 feet to the point of beginning, containing 0.10 acres of land, more or less.

SCALE: 1" = 60'	DRAWN BY: MLW CHECKED BY: DMW	DATE: 03-27-20 SHEET 1 OF 1	JOB#: 123850.16 DWG#: JA-5315
-----------------	----------------------------------	--------------------------------	----------------------------------

Planning Commission

Regular Meeting

July 21, 2021 at 6:30 P.M.

Zoom Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/86818618679?pwd=bG80ZlhlWXIRTEMrbFZXRmpZMk9yZz09>

Meeting ID: 868 1861 8679

Passcode: 530795

Phone Login – Dial +1 312 626 6799

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
 - a. June 16, 2021
5. Public Comment
6. Public Hearing
7. General Business
 - a. Zoning Analysis of Updated Proposal for 906 N. State St
 - b. Continued Discussion of Form-Based Code Amendments to C-2 and RR Districts with Kathleen Duffy of SmithGroup
8. Unscheduled Business
9. Adjourn

CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
June 16, 2021
Unapproved

Chair Jane called the June 16, 2021, regular meeting of the Planning Commission, held remotely via Zoom, to order at 6:31p.m.

PLEDGE OF ALLEGIANCE

PRESENT Megan Eppley, Chris Jane, Karen Simmon, Rory Ruddick, Sarah Montgomery, and Jacob Buse

EXCUSED None

ABSENT Kasey Thompson

ALSO PRESENT

There were 17 audience members.

APPROVAL OF MINUTES

Motion was made by Rory Ruddick seconded by Karen Simmon to approve the minutes of the May 19, 2021, 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

Zoning Ordinance Map Amendment to rezone 415 N State St, 421 N State St, and 105 W Bellevue St from R-R Restricted Residential to C-3 Commercial

The Public Hearing was opened at 6:36 PM

Staff Report

Priebe summarized the Staff Report, stating that 415 N State St, 421 N State St, and 105 W Bellevue St are currently all zoning R-R Restricted Residential and have residential properties, 105 W Bellevue also includes a restaurant. Krist Oil Company is under contract to purchase all three properties for future use as a gas station and convenience store. This use is not allowed

within the R-R Residential Restricted District but is permitted in the C-3 Commercial District. Krist Oil is requesting a Zoning Map Amendment, or rezoning, which would allow this use. If successful, Krist Oil will have to return to the Planning Commission for a Site Plan Review.

Applicant Statement

Craig Richardson from GI Consultants spoke as a representative of Krist Oil Company stating that he looks forward to moving the project further along, having Krist Oil in Big Rapids, and providing a nice service for community members.

Joe McNally, Real Estate Agent, stated that Krist Oil attempted to located in Big Rapids once before and that location did not work out due to unrelated reasons. After the first attempt, it became clear that there is a need for a gas station and convenience store on the north side of town. Mr. McNally stated that Krist Oil builds incredible facilities throughout Michigan and are from Michigan themselves. He also said that the BR lunchbox is a beloved restaurant in town and currently have a lease on their building. Krist Oil has expressed that they would keep BR Lunchbox at their current location through their lease. After that, if they come to an agreement, the restaurant could move within the convenience store's building.

Those Who Spoke in Favor of the Request None heard

Those Who Spoke in Opposition of the Request

Pamela Fleming of 405 Marion Avenue stated that she spoke to over eighteen of her neighbors and they were all in opposition of the Map Amendment. She stated that her family has lived in Big Rapids for twenty years and the homes that were once abandoned on Marion Ave have been renovated and the area is now a thriving family-friendly neighborhood. She asked the Commission how another gas station would benefit the City of Big Rapids.

Jacqueline Holman of 124 W Madison Street stated that she agrees with everything Ms. Pamela Fleming stated and has additional concerns herself. Ms. Holman stated that living next to a gas station poses both environmental and health risks. While Ms. Holman is in opposition of any gas station, she strongly opposes Krist Oil due to previous discriminatory statements said by the president of the company. She also has concerns regarding the change in traffic patterns that will be a result of this gas station. The primary concern with the increased traffic is the safety of children who walk, bike, and play around the neighborhood.

Kathryn McLeod of 204 Rose Avenue stated that with the school in close proximity and the removal of the crosswalk will create additional safety concerns. Ms. McLeod also suggested that Krist Oil look at existing abandoned buildings in the C-3 Commercial District to locate.

Both Michelle Wise of 416 N State Street and Laura Smart of 418 N Michigan Avenue agreed that the opposite side of N State Street would be a better location for Krist Oil to locate due to that side already being zoned C-3 Commercial.

Telephonic or Written Correspondence Received by Staff:

Twelve letters and five phone calls were received by staff before the Planning Commission meeting. Staff summarized their comments and all were in opposition. A summary and all of the written statements have been attached to these minutes.

Applicant Rebuttal:

In response to the opposition voiced from community members, Stan Atanasoff, President and CEO of Krist Oil Company, addressed some of the concerns:

- For concerns with traffic, safety, and aesthetics, Mr. Atanasoff stated that Krist Oil will be more than happy to add fencing and other forms of screening to accommodate the neighbors because they want to be good neighbors themselves.
- In regard to the concerns with hazardous materials and incidents, Mr. Atanasoff stated that in the State of Michigan, there has never been an explosion around the gasoline filling stations. The equipment is state-of-the-art and follows State regulations.

Craig Richardson also added that if this amendment is approved, Krist Oil will follow the necessary procedures for a Site Plan Review to ensure the concerns are addressed as much as possible.

Joe McNally stated that if the amendment were to be approved, there are still a number of aspects that need to be sorted out and any feedback from the community is welcomed.

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

Ruddick stated that there are other abandoned properties in town and so he would not feel comfortable rezoning these properties for that reason. Montgomery stated that she agrees with the concerns regarding rezoning residential areas but that she also understands the economic benefit of improving the area. Simmon asked Jane and Priebe about the details regarding the other rezoning attempt in 2019 for the area. Priebe stated that at time, it was just the property at 415 N State St. Although the property was for sale, it did not have an intended owner and rezoning a single property felt like spot zoning to the Planning Commissioners. Jane stated that the City has spent a lot of time and energy into studying the demand for housing and to demolish housing for this project doesn't seem like the best thing to do. He asked Krist Oil if they would be willing to locate somewhere else in Big Rapids if this one particular location does not move forward.

Motion

Motion was made by Megan Eppley seconded by Jacob Buse to deny the Rezoning Application at 415 N State St, 421 N State St, and 104 W Bellevue from R-R Residential to C-3 Commercial be recommended to the City Commission for denial because it does not meet the Standards for Review found in Section 14.2:4 (2) and (3) of the Zoning Ordinance:

- (2) The purposed 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 purposed land use.**
- (3) The land use sought is consistent with the public health, safety, and welfare of the City of Big Rapids.**

Motion passed with Jacob Buse, Megan Eppley, Chris Jane, Sarah Montgomery, Rory Ruddick, and Karen Simmon in favor.

Easement for the Ives Drain at 917 Ives Ave

The Public Hearing was opened at 7:27 PM

Staff Report

The Mecosta County Drain Commissioner, Karla Miller, is requesting an easement from the City as part of the Ives drain project that is ongoing. The project has been approved, however, to build out the drain, Mecosta County would have to obtain a legal easement from City of Big Rapids to move forward. Both the Community Development and Public Works Departments have reviewed the easement and did not find any issues.

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 received

Chair Jane closed the Public Hearing at 7:33 PM and the Commission entered into Fact Finding.

Ruddick asked if the County plans on installing an underground line or if they are wanting to maintain what is existing? Priebe stated that Ms. Karla Miller will be attending the June 21, 2021, City Commission meeting to answer any specific questions. The Planning Commission is making a recommendation to approve or deny the easement to use City property to access the drain.

Motion

Motion was made by Jacob Buse seconded by Rory Ruddick to recommend that the City Commission approve the attached easement at the Ives drain at parcel number 54-117-14-300-006 with street address 917 Ives Ave because it meets the standards in the Zoning Ordinance for making recommendations authorized by the Ordinance.

Motion passed with Megan Eppley, Karen Simmon, Chris Jane, Rory Ruddick, Jacob Buse, and Sarah Montgomery in favor.

GENERAL BUSINESS None

UNSCHEDULED BUSINESS None

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

Respectfully submitted,

Emily Szymanski
Planning & Zoning Technician and Planning Commission Secretary

Public Comments for Public Hearing on the Zoning Ordinance Map Amendment to rezone 415 N State St, 421 N State St, and 105 W Bellevue St from R-R Restricted Residential to C-3 Commercial.

A summary of the Telephonic Comments Received:

- Ms. Betty Johansen of 425 Marion Ave - Against
 - This is not the best location for a gas station, she is concerned about increased traffic to the neighborhood on N. State St, and she doesn't want another gas station in Big Rapids.
- Ms. Lynn Anderson of 319 S Michigan Ave – Against
 - The location is too close to residential properties for a gas station.
- Ms. Blanche Johnson of 212 W. Madison St – Against
 - She does not want to see a gas station in the neighborhood.
- Ms. Gabrielle Bays of 514 Marion Ave – Against
 - Deny the rezoning. The current gas stations and convenience stores in Big Rapids are located close enough to this area and we don't need more.
- Ms. Mary Ristoff of 505 Marion Ave – Against
 - We need more housing not more commercial property. Also, there are many students from CCA and BRPS that walk nearby; the increased traffic would be a safety hazard to the children.

A summary of the Written Comments Received:

- Staff received 12 emails or letters on this topic. They are attached for review.

Paula Priebe

From: Randy J Stein <RandyStein@ferris.edu>
Sent: Wednesday, June 16, 2021 5:01 PM
To: Paula Priebe
Cc: Cheryl Stein
Subject: [External Sender] Comments re potential Krist Food Mart proposal

City of Big Rapids Planning Commission:

My wife and I are strongly opposed to the possible Krist Food Mart on North State Street. This is a quasi-residential area, for which there is already a combination of residential/commercial properties. The letter sent says that the proposal will provide fuel and convenience for the immediate area. A quarter-mile to the north there is already a convenience-type business, and approximately one-half mile to the south there are two others. All of these are on State Street.

Since there are already three of these type businesses within a one-mile stretch on State Street, we see no justification for a fourth, and strongly oppose this proposal. Also, we do not want all of the extra lighting that would be turned on most of the night almost right across from our residence.

We vote 'no' on this proposal.

Randy and Cheryl Stein
440 N. State Street
Big Rapids, MI. 49307

Sent from [Mail](#) for Windows 10

SAVE OUR NEIGHBORHOOD!!

What this is about:

The properties at 415 N State Street, 421 N State Street and 105 W Bellevue are being sold with the purpose of tearing them down and building a gas station and convenience center. This will require a change in zoning from R-R Restricted Residential to C-3 Commercial.

Why this is wrong:

This neighborhood has recovered from having empty run down houses to one that has been successfully rehabilitated. It is now a family/child friendly neighborhood and should remain residentially zoned.

Small businesses in our neighborhood leave a small footprint and are welcome additions but a large gas station will change the character of this place.

We will have tankers delivering fuel at night, loud noises, bright lights and fuel odors. There will be alley traffic and litter. Back yards won't be a pleasant place to enjoy with your family anymore.

We do not need a gas station or convenience store. We have Admiral and Grunsts Brothers for those needs.

The Big Rapids City Commission declined this project on the Hanchett property and we need their support now.

There are other options for this project that will not destroy homes and this vital neighborhood.

What you can do:

The hearing for rezoning is June 16, 2021 at 6:30 pm via zoom. At the June 16 meeting, the Planning Commission will review the Application, hold a Public Hearing, and recommend approval or denial of this project to the City Commission, who has final approval. If you would like the Commission to hear your thoughts on the project, you can attend the meeting on zoom or present your statements to Paula Priebe by phone (231.592.4035), letter, or email (ppriebe@cityofbr.org) and she will present them on your behalf. The zoom link will be updated on the city website approximately June 10th.

The full Amendment language and a link to attend the meeting are available at City Hall or at cityofbr.org on the Community Development page.

Gary Raffel
429 Marion

Big Rapids Planning Commission,

I'm writing to **object** to the Proposal to rezone 415 N State St., 421 N State St., and 105 W Bellevue St. from R-R Restricted Residential to C-3 Commercial.

My family and I just bought our very first home here in Big Rapids. We closed on our new house, located on 406 Marion Ave. on May 25th, 2021. This proposed rezoning to put in a convenience store/ gas station would lower all property values within a .5-1-mile radius, as well as lower the chances of the resale of our home to an FHA home buyer because "Federal Housing Administration (FHA) insured mortgages are not available for properties located within 300 feet of tanks capable of storing 1,000 gallons or more of gasoline or other flammable-explosive materials." (Source:

<https://ceds.org/gasstation/>) We were living at 421 North State Street for the last year renting while we saved up to buy our dream home. When we realized how family friendly and safe our neighborhood was we fell in love with the area, as we just started our family late last year with the birth of our first child. Bringing in a new convenience store/ gas station will most certainly increase the traffic for Bellevue, Madison, and Marion Ave as well and more than likely the alley we would inevitably share with the gas station as well. This would turn this neighborhood into one where it wouldn't be as safe for children to play in their back yards or ride their bikes down the street anymore. With the increased traffic, as well as the sale of alcohol, at this establishment could make our neighborhood one that families would most certainly avoid living nearby. Not to mention the lights that will most definitely peer into our neighboring homes as well as the noise pollution that comes along with living near a gas station. Our health is also something that could diminish when living this close to a gas station. "A number of compounds injurious to human health are released from gas stations during vehicle fueling and from underground storage tank vents. These compounds include benzene, toluene, ethyl benzene, and xylene (BTEX). Measures to reliably resolve these adverse health effects are not employed at new gas stations. Benzene is the gasoline constituent most harmful to human health. Adverse health effects of benzene include nausea, cancer, anemia, increased susceptibility to infections, and low birth weight. According to the World Health Organization Guidelines for Indoor Air Quality there is no safe level for benzene. The following research documents the extent of benzene releases from gas stations as well as adverse health effects:

A 1993 study published by the Canadian petroleum industry found average benzene concentrations of 146 and 461 parts per billion (ppb) at the gas station property boundary in summer and winter, respectively.

A 2001 study noted median ambient benzene levels of 1.9 ppb in houses up to 328 feet from a service

station.

A 2003-2004 study conducted in France documented a significant relationship between childhood leukemia and living near a gas station.

A 2010 study conducted in Spain documented elevated air pollution within 100 meters (328 feet) of a gas station.

In 2012, Brazilian researchers found that air quality was significantly degraded up to 150 meters (492 feet) from gas stations.” (source: <https://ceds.org/gasstation/>)

We have other conveniently placed convenience stores as well as gas stations we do not need one this close to our family friendly neighborhood. It would surely diminish what we are all collectively doing to make this neighborhood the wonderful family friendly environment it is. Please take into consideration the families that would share the alley with this gas station/convenience store and think what this would mean for letting our kids play outside in the back yard that touches this alley.

Thank you for your time and consideration:

Joseph & Brooke Verville

Paula Priebe

From: Elizabeth Phillion <ephillion@yahoo.com>
Sent: Friday, June 11, 2021 5:13 PM
To: Paula Priebe
Subject: [External Sender] zoning 415 n state street

Follow Up Flag: FollowUp
Flag Status: Flagged

Hello Paula,

My name is Elizabeth Hohne. I currently live at 415N state street and myself and my husband and the rest of the neighborhood is not happy with what is going on with the matter of re-zoning that area.

We just moved into our home and are trying to raise a family, as well as the rest of the neighborhood.

There are plenty of other places in this town that would benefit from their proposed plan.

1. South of town.

That area has been without "life" so to speak for years.

It would benefit greatly from this plan as well as bring more business to that area.

With there only being a party store on the south side, residents are either going to south admiral or Marathon and or Rodney for their gas needs.

2. It would cause other business to open in that strip mall and open up more jobs and greater possibilities for future growth.

3. We would still have a home to live in., 4. Our neighborhood could continue to grow and thrive as it is trying to do.

Thank you for your time and if you would please represent this at the meeting 2021 on June 16th that would be greatly appreciated.

if you need to contact me you may do so at 231-679-7930 Thank you again.

Elizabeth Hohne

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

https://us4.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=23445989-DCXmJaOFw-VC&r_address=riebe%40cityofbr.org&report=

Paula Priebe

From: Jacqueline K Holman <JacquelineHolman@ferris.edu>
Sent: Friday, June 4, 2021 6:22 AM
To: Paula Priebe
Subject: [External Sender] Proposed Zoning Map Amendment

Follow Up Flag: FollowUp
Flag Status: Flagged

Good Morning, Paula,

I have just been made aware of the upcoming proposed zoning map amendment meeting on June 16. The property in question is directly next to my home, and I am vehemently opposed to the proposed rezoning, which will negatively impact my family's health, safety, and overall quality of life. Will you please direct me to the Big Rapids zoning ordinance? I have not had much luck finding it online. I'd be happy to pick up a printed copy if there is not a digital version.

Best,
Jacqueline

Jacqueline Holman
Stewardship and Donor Relations Coordinator
Ferris State University
231-591-3875 | jacquelineholman@ferris.edu

FERRIS STATE UNIVERSITY

THE FERRIS FOUNDATION

To: The City of Big Rapids Planning Commission

From: Jane Johansen, 117 S. Stewart, Big Rapids

Past 10 year member of the Planning Commission

Hi, I am writing in **opposition** of the re zoning of 415 N. State, 421 N. State, and 105 W. Bellevue.

#1. I don't believe we need another gas station, we have two to the south on State Street and one to the north on State Street. Basically, there is NO NEED for a gas station/convenience in this area.

2. If food or beverages are needed , we have Grunst with all types of beverages and snacks etc. We also have the Red Fox Market not too far away, and a restaurant next door.

#3. There is also the environmental hazard of having underground tanks.....definitely not needed in a residential area.

\$4. I ask all planning commission members to put themselves in the shoes of the neighborhood home owners, especially the ones that will be immediately adjacent to this proposed gas station. Think how this would impact your life. Think about the new family that just purchased 430 Marion and now to find out they will share a property line.....I know I would be very upset to find that out.

#5. I am always opposed to tearing down perfectly good homes or buildings, unless there is a safety reason etc. We learned that lessons back in the 70's when we lost a lot of beautiful structures due to "progress"

#6 In regards to 14.2:4.....I don't believe it meets either #2 or #3.....

(2)I don't believe it's compatible with adjacent land uses, as most are homes, or business that are in homes, and are low impact. These blend well with the neighborhood. A gas station is not compatible with the adjacent properties. This would also be spot zoning, something the city has been hesitant to do for good

reasons. North and south of this proposed re zoning are properties that are zoned RR, the commercial properties are on the east side of State and that's where they should stay.

(3) This is not consistent with the public health, safety and welfare for the neighborhood. Remember your health and welfare is also your mental well being. So when something like this comes in your backyard it can be very stressful and it ruins your enjoyment of your backyard and ruins your quality of life. Especially after coming out of the state wide lock down, people need to be able to enjoy their properties and not have to deal with a gas station..... As a gas station/convenience store will bring traffic, noise and a lot of lights. There is no good way to lessen that impact. A fence and some landscaping will not do the job. Homes and trees do buffer this neighborhood from State Street and all the traffic it has. And from experience, no matter what they say they will do with the lighting, it still is a problem and affects your quality of life. This station will have a lot of lights, especially if they are on all night long.....So I again ask the planning commission to think hard on this one.....please vote to not re zone, thank you

Jane Johansen

Paula,

After working in Big Rapids and commuting for over a decade, we decided to make the City of Big Rapids our home. When we bought our house at 114 W. Bellevue St., we liked that it was a quiet, residential neighborhood with little traffic. If approved, the proposed plan to rezone along N. State St. and W. Bellevue St. for a gas station and convenience store will destroy the character of the neighborhood that we specifically sought. The increased traffic this is bound to bring on our road plus the increased noise at all hours is not appropriate for a residential neighborhood. If we wanted to live across the street from a gas station, we would have bought a house across the street from a gas station.

We attended the planning commission's forum to allow the BR Lunch box to operate in our neighborhood and did not make any complaints after hearing their statements that they would largely be catering and have few tables for customers to dine in. This however has not been the case. There are cars parked out in front of our house every day and often the street has several cars parked around the business on the streets between the hours of 10 a.m. and 2 p.m. If we had known how much traffic the business would have brought through our street, we would have been against them moving in.

When the Charter school's traffic was altered, it further increased traffic on our street, as an increased number of people have found it incredibly difficult to turn onto or cross State St. anywhere closer to the school after dropping off or picking up their children. The school traffic puts a large strain on traffic flow on N. State St., with long waits, backed up southbound traffic extending north of W. Bellevue St., and frequent accidents in the area during the drop off and pick up times. The City's 2018 Master Plan addendum acknowledges that State St. is a key congestion area for the city, and it has not improved. Adding a highly trafficked business in this area will only continue to make the ongoing issues worse.

Regarding the specific points in the application made by Krist Oil Company, Inc., we offer these thoughts for your consideration.

Point 2

The justification in the application that this will bring fuel and convenience store amenities to people in our area that are not available for 0.4 miles is irrelevant. There are already fuel and convenience store amenities within walking distance of our area. We have walked to them in the past with no issue. Google Maps shows five gas stations with convenience stores within one mile of us, and another three within two miles. Increasing the walkability of our neighborhood with more well-maintained sidewalks would be a better way to compliment the existing businesses and neighborhoods.

We would rather see existing commercial zoned areas updated and brought out of their dilapidated state than to see Residential areas turned into Commercial under the guise of accessibility.

Point 3

Krist Oil claims the Food Mart and fuel service station will not create an adverse effect on public health or welfare. We would argue that the increased noise, air, and light pollution that it will create would do just the opposite. These forms of pollution have been widely studied and found to be a detriment to the health of citizens. There is also evidence that property values decline when they are in close proximity to gas stations, so it would be detrimental to the surrounding neighborhood.

'Not creating an adverse effect' is not an adequate bar to hold potential commercial entities to. Will they actually benefit our community? Another gas station with a convenience store will not create a substantial increase in job opportunities for our residents and will likely offer low wages. This does not offer much assistance to the city in its Master Plan goal for economic development. It also will not offer any additional products or services that our residents cannot easily obtain elsewhere in the city.

Point 4

The City's Master Plan shows a preference for expanding commercial uses adjacent to existing commercial areas and developing new commercial areas. The properties proposed to be rezoned are adjacent to residential properties, not commercial properties. The east side of N. State St. in the area is indeed zoned as commercial, and if Krist Oil had been interested in the old equipment rental building (recently purchased by a plumbing company) across the street from the property they are seeking, we would have found the request more favorable. At that location, it would not be increasing traffic on a residential road, and traffic moving northbound on N. State St. is rarely backed up like the southbound traffic. I don't believe that city residents are expecting that 'developing new commercial areas' would require that their residential neighborhoods become those new commercial areas.

The City's Master Plan also lists housing as a top issue from the public participation phase of the planning process. Expanding housing opportunities is an action, but this proposal would reduce existing housing opportunities.

The proposal does not seem to serve the long-term goals of the City of Big Rapids, nor does it serve to benefit us as residents. We hope that our opinion is helpful in making your determination on this proposal, and that you find that the Krist Oil proposal is not in the best interest for our community. We enjoy our neighborhood as it is and hope to continue to do so long into the future.

We sincerely thank you and the Planning Commission for considering our opinion on this proposal.

Lee and Stacey Weaver
114 W. Bellevue St.
Big Rapids, MI 49307

Paula Priebe

From: Kelly Buckley <buckleykelly@gmail.com>
Sent: Saturday, June 12, 2021 8:49 PM
To: Paula Priebe
Subject: [External Sender] Rezoning state street

Follow Up Flag: Flag for follow up
Flag Status: Flagged

To Whom it May Concern,

I am sending a statement of objection to the rezoning of the area on state.street by krist oil. I so not think or feel we need a gas station there we have one 2 blocks away which is in great need of repair and multiple more down the road. We are a small city not Grand Rapids! Families live over there and it is not needed unless you're going to make it into a real grocery store not another convince store. That is within 5 miles north and south of the area... 19 miles has one and there is one down by ferris. If the commission denied the request for the corner lot down the road on E Pere Marquette to a gas company, then this should also be denied. It also has the potential to run Grunts and the Admiral out. Our city is not big enough that we need another convince store gas station. We do not need then to tear down houses for it. This is a family residential area. I live on W GrandTraverse. As a citizen, taxpayer, and voter I firmly object to allowing this rezoning to happen. I hope my voice is heard and shared. Thank you for your time.

Kelly Buckley
Resident of Big Rapids
212 W Grand Traverse St, Big Rapids, MI 49307

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

Paula Priebe

From: Marlies Manning <manningdesignla@gmail.com>
Sent: Saturday, June 12, 2021 1:35 PM
To: Paula Priebe
Subject: [External Sender] Rezoning

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Paula,

I reviewed the information on the City's website regarding the Krist Oil rezoning request. I don't believe that punching a hole in the middle of a residentially zoned block would benefit the city, much less that neighborhood. Tearing down another older home will just further destroy the character of our town. In spite of their offer to create a landscape buffer, I can't imagine a less attractive development than a five-pump gas station (and two-pump diesel).

I hope you do not recommend this rezoning request.

Sincerely,

Marlies Manning

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

June 15, 2021

To the Zoning Commission, City Commission and City Manager,

I am writing to express my strong objection to the proposed change in zoning from R-R Restricted Residential to C-3 Commercial in the 400 block of N State Street for the purpose of building a gas station and convenience store.

I have lived on my property for over twenty years and have seen this neighborhood recover from having empty run down houses to one that has been successfully rehabilitated. It is now a family/child friendly neighborhood and should remain residentially zoned. The City of Big Rapids actually rehabbed one of these homes.

Small businesses in our neighborhood leave a small footprint and are welcome additions but a large gas station will change the character of this place.

We will have tankers delivering fuel at night, loud noises, bright lights and fuel fumes. There will be alley traffic and litter. Back yards won't be a pleasant place to enjoy with family anymore.

We **do not need** a gas station or convenience store. We have Admiral and Grunsts Brothers for those needs.

The Big Rapids City Commission declined this very project on the Hanchett property and we need their support now. One of the reasons for rejecting this Hanchett location was that it did not include housing. Tearing down multiple occupied buildings on N State St would be inconsistent with the Commission's prior decision.

There are other options for this project that will not destroy homes and this vital neighborhood. The Save-A-Lot store area is already commercial and the gas station could provide service to the areas of Golfview and the Bluffs.

I believe "community development" should be based on creating and supporting vibrant neighborhoods, not commercial enterprises and tax bases. It would be a travesty to see North State Street become another Perry Avenue.

It is understandable but unfortunate that the meeting will be held by Zoom. This is not a friendly format for many people who may want to express their opinion. I have been verbally guaranteed by Ms. Priebe that phone calls, emails and letters delivered to her will be shared at the zoning meeting.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Fleming". The ink is dark and the signature is fluid, with a long, sweeping underline.

Pamela Fleming
405 Marion Ave
Big Rapids
231.872.9199

Paula Priebe

From: Brazier, Tyrone B CIV DLA INFO OPERATIONS (USA) <Tyrone.Brazier@dla.mil>
Sent: Tuesday, June 15, 2021 9:23 AM
To: Paula Priebe
Cc: tybrazier1@charter.net
Subject: [External Sender] 415 N State Street and 421 N State Street and 105 Bellevue

Good morning Paula,

I am the homeowner at 113 West Madison.

Just wanted to make sure to send an email pertaining to the rezoning of R-R Restricted Residential properties to Commercial, I just wanted to make sure that you were aware to represent the homeowners in the area that appreciate the quiet and serene characteristics of the neighborhood and would love to maintain that effort. A gas station and party store will only bring in more problems like traffic noise and loitering and also it would not be very environmentally friendly. We do not need another eyesores in the community, so please present this objection to the change in behalf of me and my family and home owners in the area.

Thank you

Tyrone B. Brazier
J62BK
Senior IT Project Manager
Defense Logistics Agency
Comm: 231-598-0050
Tyrone.Brazier@DLA.Mil

Paula Priebe

From: Jane Williams <janethemom@yahoo.com>
Sent: Wednesday, June 16, 2021 3:30 PM
To: Paula Priebe
Subject: [External Sender] Rezoning application for Krist Oil Company, Inc.

To the Planning Commission, City Commission and City Manager:

I received the Notice of a Request to rezone property in my neighborhood for the purpose of building a Krist Food Mart and gas station. **I am strongly opposed to this change!**

I have lived in this neighborhood for approximately 37 years.
During this time my husband and I have raised 8 children.
Our family has enjoyed the friendship and comradery of our neighbors due to the nature of the neighborhood. I truly believe a food mart and gas station would change the character of the neighborhood in an adverse way, replacing a restaurant in a house with a much more intense commercial use complete with high motor vehicle traffic, bright lights, tankers, and more noise right next to conventional R-1 zoned single family housing.

A food mart and gas station are not needed in our neighborhood. We have Grunst Brothers and Admiral a few blocks away.

If the current zoning is correct, why change it for a new business? If the current zoning is wrong, why didn't the Planning Commission already take steps to change it?
The commercial use proposed by Krist should be located in a zoning district where that use is permitted, just like any other business.
Rezoning to allow commercial development should not be the normal course of development at the expense of existing housing stock.

The request to put the Krist Food Mart and Gas station on the Hanchett site was rejected by the City. I find it ironic that the Hanchett site was denied because of the lack of housing, yet the Krist Company would be tearing down residential housing if this project is allowed and improved.

I strongly encourage the Planning Commission to reject the Krist request to rezone the property.

Very truly yours,

Jane M. Williams
423 Marion Avenue
231-349-5569

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Community Development Director
SUBJECT: Zoning Analysis of Proposal for 906 N. State St
DATE: July 21, 2021

Introduction

The City Realtor has received a proposal for the purchase of the City-owned property at 906 N. State Street, also known as the Hanchett Property. This proposal is from Krist Oil who intend to develop the property for use as a gas station and convenience store.

Note: This is the third purchase proposal the City has received for this property. The first was received in November 2019 and was a proposal from Mr. Jerry Boman, for use as a marihuana grow facility. That proposal was not approved. The second was from Krist Oil received in December 2020 and was a proposal for use as a large gas station. That proposal was also not approved.

Current Proposal Information

The current proposal is from Krist Oil Companies in northern Michigan and is for a gas station and convenience store to be located on the site. Please see the attached Purchase Agreement and sketch site plan. The primary difference between the current proposal and the previous Krist Oil proposal from December 2020, is that this one is not for the full site, but rather for an area in the corner of the lot along N State St and Baldwin St with dimensions of 320' x 270'.

Zoning Analysis

The property at 906 N. State St was rezoned from Industrial District to R-3 Residential District by Ordinance No. 755-01-20 in January 2020. This action brought the zoning of the property in agreement with the stated City vision for the site, as established by a series of public meetings on the issue in 2019. The preferred site concepts included a blend of residential and mixed-use uses.

The R-3 District provides “areas of higher density of residential development than is permitted in the R-1 and R-2 Districts” and permits “multiple-family dwellings and office structures”. Special land uses permitted in the R-3 district include Planned Unit Developments and “two or more multiple-family dwellings on a single lot”. The most likely way to meet the City vision for the property is to the Planned Unit Development process, which provides additional flexibility to a developer than conventional zoning regulations allow.

The proposed use of the property, according to the proposal received, is for a gas station and convenience store. According to the City of Big Rapids Zoning Ordinance, “gasoline service stations” are only permitted in the C-3 District, as stated in Section 3.11:2(3)(i).

It is the staff view that the proposed use of the property as a gas station and convenience store does not meet the zoning of the site. While it is arguably possible that a gas station and convenience store could be included in a Planned Unit Development, the regulations for PUD

(found in section 11.1:19 of the Zoning Ordinance) expressly state that residential uses are the primary use, while non-residential uses can be permitted as secondary uses in support of the residential use. The proposed gas station and convenience store use is the only use in the proposal, and thus is the primary use for the site. This is not permitted under the PUD Ordinance.

Rezoning Considerations

The property at 906 N. State was rezoned in early 2020 to R-3 Residential District, to align with the expressed community vision for the site. A summary of that vision can be found in the attached document from Smith Group, the City's consultant on this project. This vision included Guidelines for Redevelopment of the site and three Concepts, all of which include a primary residential component and additional features such as some commercial space, greenspace and pedestrian elements, a gateway to the City from the north, and/or riverfront access.

Rezoning the property to C-3 to align with the zoning needed for the proposed gas station/convenience store use would be possible. Adjacent properties across both E. Pere Marquette St and N. State St. are zoned C-3 Commercial, so it would not be a spot zoning.

The Future Land Use Map has the property marked as Industrial. However, it is also located in Focus Area #8. According to the City's Master Plan, the vision for Focus Area Eight is included below, and does not provide specific direction, but rather states that mixed-use is the goal.

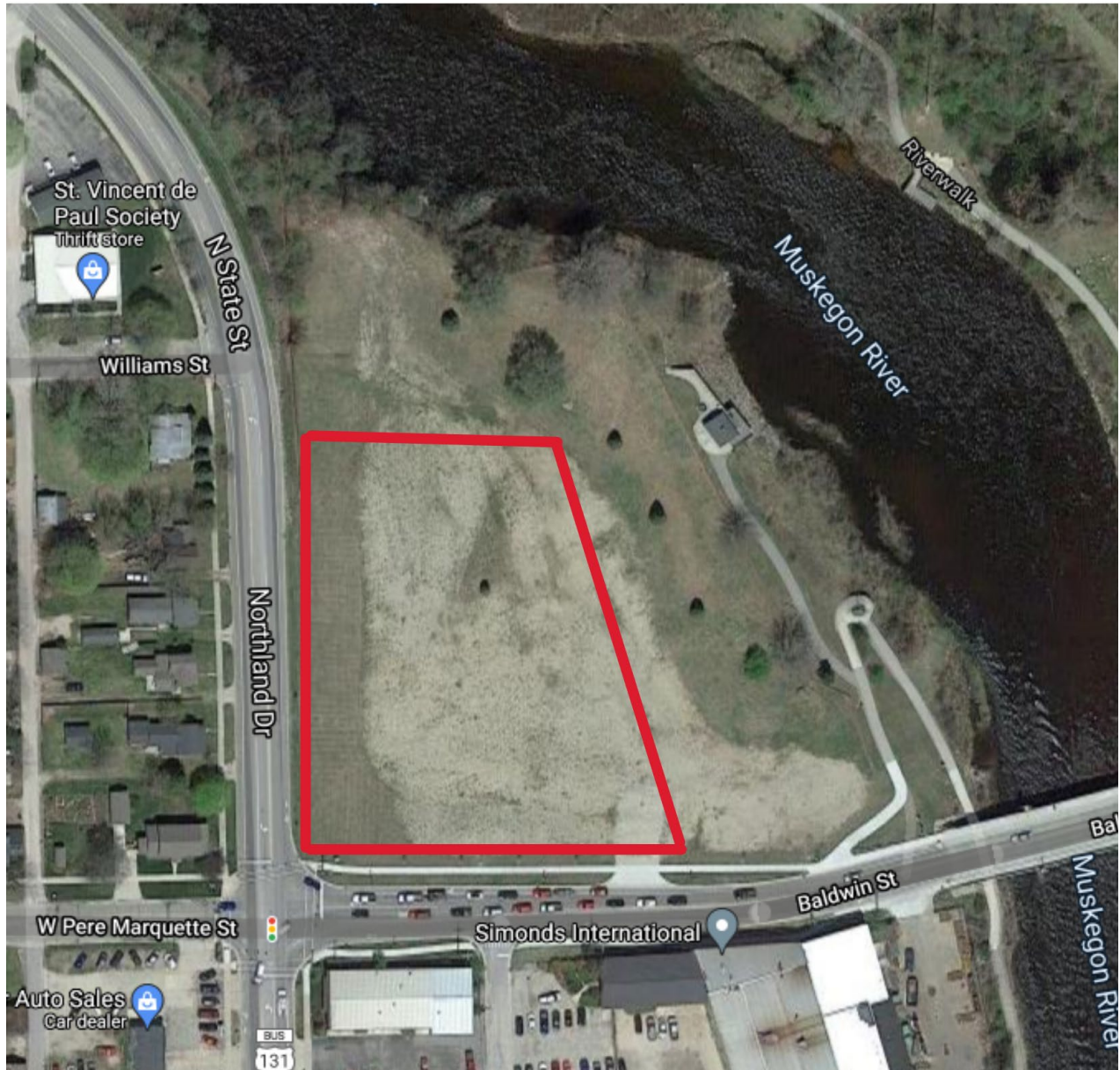
“This focus area, located between State Street and the west side of the Muskegon River recognizes that the area is better suited to emphasizing the river and concentrating manufacturing in a more appropriate area. This change was initiated by the removal of an industrial building, followed by storm-damage to another adjacent manufacturer – as reconstruction of the Baldwin Street Bridge and other street and utility improvements to the area occurred. The City would like to promote the area for mixed use development including a variety of residential and commercial uses. Since mixed-se is a new direction for the City, it is going to look at a variety of options before committing to a final decision.”

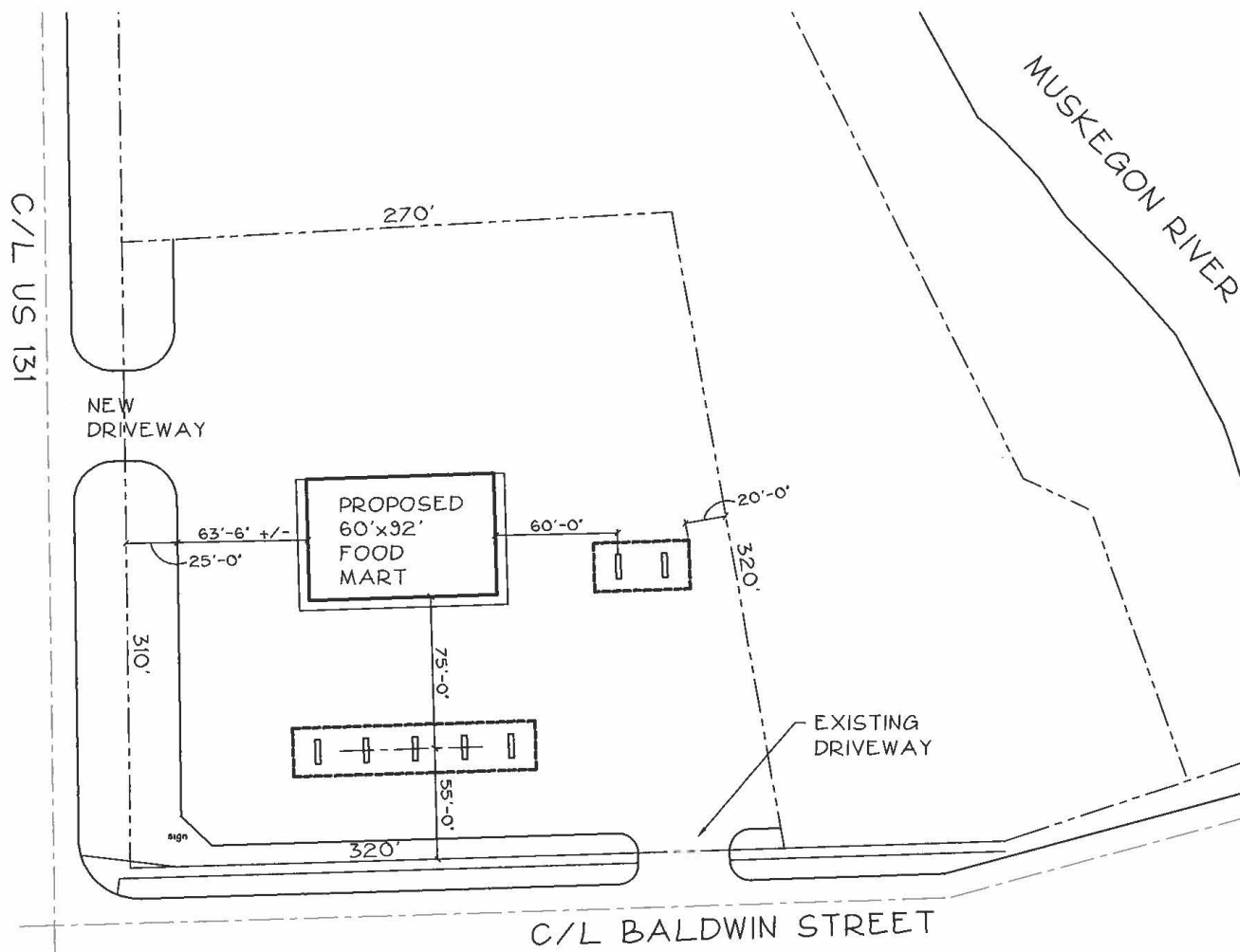
Action

The Planning Commission should make a recommendation to the City Commission regarding the proposed Purchase Agreement.

If this proposal is accepted by the City Commission, the project would likely come back to the Planning Commission two more times, once for a rezoning to C-3 and a second time for the Site Plan Review. A recommendation for the City Commission to accept the proposal should not be made if the Planning Commission feels that the rezoning to C-3 would not be approved, as a recommendation to accept in this instance carries an assumption that the rezoning would be likely to succeed.

Krist Oil Site Plan Proposal





BIG RAPIDS SITE PLAN



COMMERCIAL-INDUSTRIAL REAL ESTATE BUY & SELL AGREEMENT



1. **1. Parties.** City of Big Rapids
2. hereinafter called the Seller, the undersigned, hereinafter called the Buyer, hereby offers to buy the Property at:
3. 906 N State ST
4. (Property Address)
5. located in Big Rapids, Mecosta County Michigan and
6. legally described as: ☐ (attached as Exhibit "A") ☒ (described as follows): TBD, a parcel on the corner of
7. N State Street and Baldwin Street in Big Rapids, approximately 300x300 feet in
8. size
9. and Tax Code(s): 541711120001
10. **2. Including** all buildings and permanent improvements and fixtures attached; all privileges, easements and appurtenances
11. pertaining thereto including any right, title and interest of Seller in and to adjacent streets, alleys, rights-of-way, leases, rents,
12. security deposits, licenses and permits with respect to the Property, warranties or guarantees relating to the Property being sold,
13. any personal Property specified herein and the trade name of N/A, all of the above referred to as
14. the "Property"; subject to exact determination by survey pursuant to Paragraph 11(b). The following items of personal Property
15. are **INCLUDED** in the sale:
16. N/A
17. All other personal Property and the following additional items are **EXCLUDED** from the sale: N/A
18. **3. Price.** The purchase price shall be Three Hundred and Fifty Thousand Dollars
19. (\$350,000).
20. **4. The Terms of Purchase** shall be indicated by an "X" below.
21. ☒ **CASH** The full purchase price upon execution and delivery of a warranty deed, not contingent upon Buyer's ability to
22. obtain financing.
23. ☐ **NEW** The full purchase price upon execution and delivery of a warranty deed contingent upon Buyer's ability to
24. **MORTGAGE** obtain a _____ %: _____ mortgage with note interest not exceeding _____ % per
25. annum, which Buyer agrees to apply for within _____ business days after acceptance by Seller and accept
26. promptly if tendered. In the event that the Buyer does not provide evidence of an application for financing within
27. the time provided above, the Seller may terminate this agreement by written notice of termination, which is
28. delivered to the Buyer prior to the time the Buyer provides evidence of an application for financing. Buyer to
29. provide Seller with a written conditional loan commitment by _____. In the event Buyer does not
30. provide the Seller with a written conditional loan commitment within the time provided above, the Seller may
31. terminate this agreement by a written notice of termination, which is delivered to the Buyer prior to the time the
32. Buyer provides the Seller with a written conditional loan commitment. Buyer hereby authorizes their lender to
33. disclose loan status information to REALTOR®/Brokers.
34. ☐ **LAND** \$ _____ upon execution and delivery of Land Contract/Purchase Money Mortgage wherein the
35. **CONTRACT** balance of the purchase price shall be payable in equal monthly installments of \$ _____ or more per
36. **or** month. The first installment shall be due and payable _____ days after date of closing. The monthly
37. ☐ installment will include interest at _____ % per annum. Interest shall commence on date of closing. The
38. **PURCHASE** entire balance shall be payable within _____ months. In addition, Buyer agrees to pay all taxes and
39. **MONEY** insurance ☐ separately when due or ☐ monthly in addition to the above monthly payment.
40. ☐ **OTHER FINANCING** as set forth on the attached Financing Addendum.
41. **5. Earnest Money.** The Buyer hereby deposits \$10000 in form of Check, upon acceptance with
42. Sun Title escrowee, receipt of which is hereby acknowledged as earnest money evidencing the
43. Buyer's good faith to be held by said escrowee in trust and to apply on the purchase price. The Buyer agrees to deposit an
44. additional amount of \$ N/A as earnest money on or before N/A. If this offer is not accepted, or
45. the title is not marketable, or if the terms of this Agreement are contingent upon the ability to obtain a new mortgage or other
46. contingencies specified herein which cannot be met, said deposit or deposits shall, upon furnishing written proof said
47. contingency cannot be met, be refunded to the Buyer. In the event the Buyer and Seller both claim the earnest money deposit,
48. _____ Buyer's Initials _____ Seller's Initials

**COMMERCIAL-INDUSTRIAL REAL ESTATE
BUY & SELL AGREEMENT**

49. the earnest money deposit shall remain in escrowee's trust account until a civil action has determined to whom the deposit must
50. be paid, or until the Buyer and Seller have agreed, in writing, to the disposition of the deposit or the escrowee commences a civil
51. action to interplead the earnest money deposit with the proper court pursuant to Rule 339.22313 (6). In the event the Buyer
52. refuses to complete the sale on the terms herein set forth, after the satisfaction and the waive of all contingencies, the earnest
53. money deposit may be retained by Seller for its benefit and for liquidated damages for nonperformance of this Agreement. In
54. the event the Seller wrongfully refuses to complete the sale on the terms herein set forth, the earnest money deposit shall be
55. immediately refunded to Buyer, and the Buyer may bring an action for specific performance or pursue such other remedy as the
56. Buyer may elect.

57. **6. Additio**

58. **Contingent on zoning/permit approvals of prospective development phases and**
59. **requirements and any/all other due diligence required to complete the**
60. **construction and operation of a new gas station. Contingent upon approval of**
61. **acceptable egress from state street.**

62. Included in this Agreement are the following exhibits and/or addenda: _____

63. _____
64. and the following marked with an "X".

65. ☒ Zoning/Governmental Approval Addendum

☐ Seller's Representations Form

66. ☐ Arbitration Agreement Addendum

☐ Lead-Based Paint Disclosure

67. ☐ Land Division Addendum

☐ Business Opportunity Purchase Agreement

68. **7. Closing.** The closing of sale shall take place at **Sun Title** on _____
69. _____ or before, if mutually agreed by the parties (the "Closing Date") or this Agreement shall terminate,
70. unless the Closing Date is changed in writing by Seller and Buyer, or otherwise extended pursuant to this Agreement.

71. **8. Possession.** The possession of the Property shall be delivered to Buyer in its present condition, ordinary wear and tear excepted,
72. subject to the rights of any tenants in possession, at **CLOSING**.
73. At the time of possession Seller agrees that the real estate and the improvements thereon, if any, shall be in the same condition
74. as they are now, with the exception of ordinary wear and tear.

75. **9. Real Estate Taxes.** Taxes shall be prorated as of the date of closing this sale, it is assumed that all taxes are based on the calendar
76. year in which they are billed, with the Buyer being responsible for the day of closing. For proration purposes, all tax bills shall
77. be added together, using the last tax bill(s) issued and prorated accordingly, unless there has been a change in the taxable value
78. on the Property, in which case the proration shall be on that basis. If the Seller has paid taxes in advance, the Seller shall be
79. credited by the Buyer at the time of closing for the taxes paid in advance and prorated from the date of closing to end of the
80. calendar year.

81. **10. Insurance and Risk of Loss.** Seller shall maintain replacement cost (if available) or actual cash value "all risk" insurance on
82. the Property through the Closing Date. Seller's insurance shall be canceled as of the Closing Date and Buyer shall provide its
83. own insurance thereafter. Risk of loss by damage or destruction to the Property prior to the closing shall be borne by Seller. In
84. the event there is any damage or destruction to the Property after the date hereof, which is not fully repaired prior to closing,
85. Buyer, at their option, may either terminate this Agreement or elect to close the transaction, in which event Seller's right to all
86. insurance proceeds not yet applied to repair of the damage or destruction shall be assigned in writing by Seller to Buyer at
87. closing.

88. **11. Conditions to Closing.** Buyer's obligations under this Agreement are conditioned upon satisfaction of each of the following
89. items which are for the Buyer's benefit and may be waived by Buyer at Buyer's sole discretion.

90. **a. Title Commitment:** A commitment for title insurance (the "Commitment") issued by a reputable title insurance company
91. selected or approved by Buyer (the "Title Company") showing marketable title in Seller's name shall be ordered by ☒ (Seller)
92. ☐ (Buyer) promptly upon acceptance of this Agreement and shall be delivered to Buyer within **30** days after

93. **Acceptance** . At Buyer's request, legible copies of all recorded instruments affecting the
94. Property or recited as exceptions in the Commitment shall also be delivered.

95. **b. Survey.** ☐ No boundary (stake) survey requested; or ☐ Contingent upon a boundary (stake) survey paid for by the ☐ Buyer
96. or ☐ Seller; or ☒ Contingent upon a boundary (stake) survey showing all improvements on the Property paid for by the ☒ Buyer
97. or ☐ Seller. A mortgage report, which shows the location of the major structures on the Property, is not a boundary (stake) survey
98. and if required by the lender, will be paid for by the Buyer. Both Buyer and Seller acknowledge the REALTORS/Brokers

Buyer's Initials

Seller's Initials

**COMMERCIAL-INDUSTRIAL REAL ESTATE
BUY & SELL AGREEMENT**

recommend a stake survey to determine the true and accurate boundaries of the Property. Buyer understands and agrees that the REALTORS/Brokers have made no representations as to the location of the improvements and easements on the Property or the boundaries of the Property nor assumed any responsibility for the representations made by the Seller of the location of the improvements and easements on the Property and the boundaries of the Property. When closing occurs, Seller and Buyer shall be deemed to have accepted the location of the improvements and easements on the Property and the boundaries of the Property.

c. Title and Survey Approval: If Buyer has an objection to items disclosed in the Commitment or the survey, Buyer shall make written objections to Seller within 30 days after receipt of both the Commitment and survey. Upon the expiration of such period, any item not objected to by Buyer or subsequently approved by Buyer in writing shall be deemed a permitted exception ("Permitted Exception"). If Buyer makes objections, Seller shall have thirty (30) days from the date the objections are made to cure the same, and the Closing Date shall be extended, if necessary. Seller agrees to utilize its best efforts and reasonable diligence to cure any objections, but only to the extent necessary to convey marketable title. If the objections are not satisfied within the time period, Buyer may either terminate this Agreement and receive a refund of the Earnest Money or waive the unsatisfied objections and close the transaction.

d. Inspections: (Check paragraph (1) and/or (2) or paragraph (3) below) Unless Buyer waives inspections under paragraph (3), Buyer shall have determined that the Property has no unacceptable, adverse environmental or physical condition as provided below.

☐ (1) **Environmental Assessment:** A Phase I environmental site assessment ("Phase I") on the Property shall be ordered promptly upon acceptance of this Agreement at ☐ Seller's, or ☐ Buyer's expense from a reputable, qualified engineer, acceptable to the Buyer. The Phase I shall be conducted in accordance with ASTM standards unless otherwise agreed and may also include at Buyer's option the following:

- (a) an investigation for the presence of asbestos, radon, lead or polychlorinated biphenyls (PCBs) on the Property; and/or
- (b) an investigation to determine if the Property is located in any regulated or protected area under the jurisdiction of the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the Michigan Department of Environmental Quality, the Michigan Department of Natural Resources, the U.S. Fish and Wildlife Service or any other federal, state or local agency.

If Buyer does not make a written objection to any problem(s) revealed in the report within _____ days of _____, the Property shall be deemed to be acceptable. If Buyer determines that the environmental condition is unsatisfactory, Seller shall have a reasonable period of time, not to exceed _____ days, to remediate the condition to Buyer's satisfaction and the Closing Date shall be extended, if necessary. If Seller fails or refuses to remediate, Buyer may either terminate this Agreement and receive a refund of the Earnest Money or waive its objections and close the transaction.

☒ (2) **Physical Inspections:** Promptly upon acceptance of this Agreement, all physical inspections shall be ordered at ☐ Seller's or ☒ Buyer's expense. Inspections shall be made by qualified inspectors or contractors, selected or approved by Buyer, with written reports delivered to Seller and Buyer. Inspections may include but are not limited to the following: heating, cooling, electrical, plumbing, roof, walls, ceilings, floors, foundation, basement, crawl space, water, storm and waste sewer, well/septic, geotechnical, other: any and all. If Buyer, in its reasonable discretion, believes that an inspection report reveals a major defect in or with the Property, Buyer shall report such defect in writing to Seller within 120 days of Acceptance. If Buyer does not make a written objection to any problem(s) revealed in the report(s) within such time period, the Property shall be deemed acceptable to Buyer. Seller shall have a reasonable period of time, not to exceed 60 days, to repair any such major defect to Buyer's reasonable satisfaction and the Closing Date shall be extended, if necessary. If Seller fails or refuses to repair, Buyer may either terminate this Agreement and receive a refund of the Earnest Money or waive its objection and close the transaction.

☐ (3) **Waiver of Inspections:** Buyer has been made aware that independent inspections disclosing the condition of the Property are available, and Buyer has been afforded the opportunity to require such inspections as a condition of this Agreement, however, Buyer waives the right to obtain inspections and relies upon the condition of the Property based upon Buyer's own examination and releases Seller and listing and selling broker(s) from any and all liability relating to any problem, defect or deficiency affecting the Property, which release shall survive the closing.

Buyer and its agents shall have the right to enter upon the Property upon reasonable advance notice and make all inspections provided for herein. Buyer shall restore any damage to the Property resulting from the entry of Buyer or its agents and shall indemnify, defend and hold harmless Seller as to any injury to persons or damage to their Property resulting from the negligence of Buyer or its agents in conducting their activities on the Property.

e. Document Review. Within 30 days from the date hereof, Seller shall provide Buyer with copies of all lease documents, management contracts, service contracts, and all other contracts relating to the operation of the Property. In addition, Seller shall provide NA years' income and expense information for the Property. Buyer shall have NA days to review the documentation set forth in this paragraph and, upon such review, may elect not to purchase the Property by providing written notice to Seller on or before the expiration of that review period, in which event the earnest money deposit shall be returned to Buyer and neither party shall have any further rights or obligations hereunder.

Buyer's Initials

Seller's Initials

**COMMERCIAL-INDUSTRIAL REAL ESTATE
BUY & SELL AGREEMENT**

157. **12. Property Condition.** Buyer has examined this Property and Buyer is satisfied with its present condition, except as may be
158. specified herein. Buyer understands and agrees that Buyer is purchasing the Property in an "AS IS" condition. Buyer
159. understands and agrees that the REALTORS®/Brokers do not warrant the condition of the Property nor assume any
160. responsibility for the representations made by the Seller pertaining to the condition of the Property or its use for any particular
161. purpose. It is further understood that no representations or promises have been made to Buyer by the Seller other than those
162. contained in this Agreement or as otherwise made or given by Seller to Buyer in a written representation statement. Buyer and
163. Seller both understand that the REALTORS®/Brokers are not environmental experts. Unless expressly contained in a written
164. instrument signed by the REALTOR®/Broker, the REALTOR®/Broker and REALTOR®/Broker's Salespersons have no
165. knowledge of and make no representations regarding the environmental conditions of the Property, the existence of underground
166. storage tanks at the Property now, or in the past, whether the Property is, has been or may be listed as a site of environmental
167. contamination, or whether any such sites are located in the proximity of the Property. Seller represents and warrants that to the
168. best of their knowledge, there has been no environmentally hazardous material placed, stored, or disposed of on the Property.
169. This representation and warranty shall survive the closing.
170. **13. Prorations and Special Assessments.** Interest on any debt assumed or taken subject to, any rents, all other income and ordinary
171. operating expenses of the Property, including but not limited to, public utility changes, shall be prorated as of the day prior to
172. the Closing Date. Any special assessments applicable to the Property for municipal improvements made to the benefit of the
173. Property prior to the date of acceptance of this Agreement shall be ☐ paid by Seller at or before closing, or ☐ assumed by the
174. Buyer. At closing ☐ Buyer will assume and agree to pay, or ☐ Seller will agree to pay, all special assessments for municipal
175. improvements which are levied after acceptance of this Agreement.
176. **14. Sales Expenses.** All sales expenses are to be paid in cash prior to or at the closing.
177. **a. Seller's Expenses:** Seller shall pay all costs of releasing existing loans and recording the releases, 100 % of any closing
178. fee, preparation of Deed and Vendor's Affidavit, and other expenses stipulated to be paid by Seller under other provisions of this
179. Agreement.
180. **b. Buyer's Expenses:** Buyer shall pay all expenses incident to any new or assumed loan, 100 % of any closing fee, and
181. expenses stipulated to be paid by Buyer under other provisions of this Agreement.
182. **15. Duties of Buyer and Seller at Closing.**
183. **a. At the closing, Seller shall deliver to Buyer, at Seller's sole cost and expense, the following:**
184. (1) A duly executed and acknowledged Warranty Deed conveying marketable title in fee simple to all of the Property, free and
185. clear of any and all liens, encumbrances, conditions, easements, assessments, reservations and restrictions, except Permitted
186. Exception(s);
187. (2) An Owner's Policy of Title Insurance (the "Title Policy") issued by the Title Company in the amount of the purchase price,
188. dated as of closing, insuring Buyer's fee simple title to the Property to be marketable subject only to the Permitted Exception(s),
189. and deleting the standard printed exceptions contained in the usual form of the Title Policy;
190. (3) An executed Vendor's Affidavit, if required, in form acceptable to the Title Company;
191. (4) A Bill of Sale, duly executed by Seller, containing warranties of title, conveying title, free and clear of all liens, to any
192. personal Property specified in Paragraph 2;
193. (5) An assignment, duly executed by Seller, of leases, prepaid rents, security deposits, and trade name, and to the extent
194. assignable, licenses and permits, warranties or guarantees, and to the extent agreed to be assumed by Buyer, all service,
195. maintenance, management or other contracts relating to the ownership or operation of the Property. Such assignment shall
196. include an indemnity from Seller in favor of Buyer with respect to all claims and obligations arising under such leases and
197. contracts prior to the Closing Date. If Buyer does not agree to assume any such contract, then Seller shall deliver evidence of
198. terminations of such contract at closing and shall indemnify Buyer as to all claims and obligations thereunder;
199. (6) A current rent roll duly certified by Seller and any security or tenant deposits, if applicable;
200. (7) A commercially acceptable estoppel certificate executed by all tenants setting forth the fact that there are no agreements not
201. reflected in the lease documents, that there are no defaults or rights of setoff under the leases, and that there has been no advance
202. payment of rent.
203. (8) Evidence of its capacity and authority for the closing of this transaction, including photo identification.
204. (9) Certification establishing that no federal income tax is required to be withheld under the Foreign Investment and Real
205. Property Tax Act, or consent to withhold tax from the proceeds of sale as required, unless it is established that the transaction is
206. exempt;
207. (10) All other executed documents necessary to close this transaction.

☐  Buyer's Initials

☐ ☐ Seller's Initials

**COMMERCIAL-INDUSTRIAL REAL ESTATE
BUY & SELL AGREEMENT**

208. **b. At the closing, Buyer shall perform, at Buyer's sole cost and expense, the following:**
209. (1) Pay the cash portion of the purchase price in the form of a cashier's check or other immediately available
210. funds;
211. (2) Execute any note(s) and mortgage(s) and cause the funds to be made available to the closing agent for disbursement;
212. (3) Provide evidence of its capacity and authority for the closing of this transaction, including photo identification.
213. (4) Provide to Buyer's lender any title policy as required by the holder(s) of the mortgage(s);
214. (5) An assumption agreement by Buyer (which may be included in Seller's assignment pursuant to Paragraph 15. a. (5) above)
215. with respect to leases assigned to Buyer and contracts, if any, which Buyer has agreed to assume. Such assumption agreement
216. shall include an indemnity from Buyer in favor of Seller as to claims and obligations arising under such leases and contracts
217. assumed by Buyer from and after the Closing Date;
218. (6) Execute all other documents necessary to close this transaction.
219. **16. Condemnation.** Seller shall promptly notify Buyer in writing of the commencement of any condemnation proceedings against
220. any portion of the Property. If such condemnation proceedings are commenced, Buyer, at its option, may (1) terminate this
221. Agreement by written notice to Seller within 1 days after Buyer is advised of the commencement of
222. condemnation proceedings, or (2) proceed with the closing, provided however, that Seller's interest in any award shall be at
223. Buyer's election, (a) become the Property of Seller and reduce the purchase price by the same amount or (b) shall become the
224. Property of Buyer and the purchase price shall not be reduced.
225. **17. Miscellaneous.**
226. (a) Any notice required or permitted to be delivered shall be deemed received when personally delivered or when confirmed as
227. received by facsimile, express courier or United States mail (postage prepaid, certified and return receipt requested) addressed
228. to Seller or Buyer or their designee/agent at the address set forth below the signature of each party.
229. (b) This Agreement shall be construed in accordance with the laws of the State of Michigan.
230. (c) Time is of the essence. Time periods specified in this Agreement and any addenda are calendar days and shall expire at
231. midnight of the date stated unless the parties agree otherwise in writing.
232. (d) This Agreement is binding upon and for the benefit of the parties' respective heirs, administrators, executors, legal
233. representatives, successors, and assigns. No assignment of this Agreement shall release a party from liability for its obligations
234. hereunder.
235. (e) In the event any provision of this Buy and Sell Agreement is found to be unlawful, the remaining provisions shall remain
236. in full force and effect.
237. (f) This Agreement constitutes the entire agreement of the parties and cannot be changed except by their written consent.
238. (g) Broker(s) may refer Buyer or Seller to other professionals, service providers or product vendors, including lenders, loan
239. brokers, title insurers, escrow companies, inspectors, surveyors, engineers, consultants, environmental inspectors, and
240. contractors. Broker(s) has no responsibility for the performance of any service provider and/or inspector. Buyer and Seller are
241. free to select providers/inspectors other than those referred or recommended to them by Broker(s).
242. (h) Any party who is the prevailing party against any other party in any legal or equitable proceeding relating to this Agreement
243. shall be entitled to recover court costs and reasonable attorney fees from the non-prevailing party.
244. (i) The parties agree that the offer, any counteroffer, acceptance of any offer or counteroffer and any other written notice or
245. communication in connection with this transaction may be delivered or given by sending or transmitting it by electronic mail
246. or by fax. Any such communication shall be deemed delivered at the time it is sent or transmitted. The parties agree that the
247. electronic signatures and initials shall be deemed to be valid and binding upon the parties as if the original signatures or
248. initials were present in the documents in the handwriting of each party. Seller and Buyer agree that all communications can
249. be made or delivered to listing agent on behalf of the Seller at the fax number and/or the email address indicated on lines 288
250. and 289 and to the Selling Agent on behalf of the Buyer at the fax number and/or the email address indicated on lines 268
251. and 269. Buyer represents and warrants that an electronic mail address has been provided to the Selling Agent from which
252. Buyer may receive electronic mail. Either party shall provide the other with notice of any change of electronic mail addresses.
253. (j) This agreement may be signed in any number of counterparts with the same effect as if the signature of each counterpart
254. were upon the same instrument.
255. (k) Each person executing this Agreement on behalf of a party represents and warrants that he or she has been authorized by
256. all necessary action to execute and deliver this Agreement on behalf of such party.
- 257.
258. **18. Consult Your Advisors.** Buyer and Seller acknowledge they have been advised that, prior to signing this document, they should
259. seek the advice of an attorney for the legal or tax consequences of this document and the transaction to which it relates. In any
260. real estate transaction, it is recommended that you consult with a professional, such as a civil engineer, environmental engineer,
261. or other person, with experience in evaluating the condition of the Property, including the possible presence of asbestos,
262. hazardous and/or toxic materials and underground storage tanks.

Buyer's Initials

Seller's Initials

**COMMERCIAL-INDUSTRIAL REAL ESTATE
BUY & SELL AGREEMENT**

263. 19. **Buyer's Offer.** Unless previously withdrawn by the Buyer, the Seller must accept his offer in writing prior to
264. _____ at 12 _____ (☐ a.m., ☒ p.m., ☐ noon, ☐ midnight) or this offer shall terminate.

265. Date: 07/31/2021 Time: 9 pm ☐ A.M., ☒ P.M. [Signature] Buyer Signature

266. By: [Signature] 601608 VERIFIED
07/12/21 8:28 AM EDT
NNPG-GIWW-MISC-VEFO 616-307-3026 **KRIST OIL COMPANY INC** Printed
REALTOR® Signature Phone No.

267. For: **RE/MAX TOGETHER** _____ Buyer Signature
Selling Office Phone No.

268. Selling Agent Fax No.: 231-629-8757 Printed

269. Selling Agent Email Address: joemcnallyhomes@gmail.com

270. 20. **Seller's Acceptance:** As owners and Sellers of the Property described herein, the undersigned accepts the above agreement
271. except _____

272. _____
273. _____
274. _____
275. _____
276. _____

277. this _____ day of _____, _____, and agrees to sell in accordance therewith and to pay the Listing
278. Office the brokerage fee for services rendered in this transaction, as stated in the Listing Agreement corresponding to the
279. Property described herein. In the event of an exception, **unless previously withdrawn by the Seller, the Buyer must accept**
280. **this counter-offer in writing prior to** _____ at _____ (☐ a.m., ☐ p.m., ☐ noon, ☐ midnight) or this
Date Time

281. **counter-offer shall terminate.**

282. **Seller understands that consummation of the sale or transfer of the Property described in this agreement shall not**
283. **relieve the Seller of any liability that Seller may have under the mortgage(s) to which Property is subject, unless**
284. **otherwise agreed to by the lender or required by law or regulation.**

285. Date: _____ Time: _____ ☐ A.M., ☐ P.M. _____ Seller Signature

286. By: _____ Printed
REALTOR® Signature Phone No.

287. For: _____ Seller Signature
Listing Office Phone No.

288. Listing Agent Fax No.: _____ Printed

289. Listing Agent Email Address: _____

290. 21. **Buyer's Receipt of Acceptance.** Receipt is hereby acknowledged by Buyer of the Seller's acceptance of Buyer's agreement.
291. In the event acceptance was subject to certain changes from Buyer's agreement the Buyer agrees to accept said changes, all
292. other terms and conditions remain unchanged.

293. Date: _____ Time: _____ ☐ A.M., ☐ P.M. _____ Buyer

294. By: _____ Buyer
REALTOR® Signature

295. 22. **Seller's Receipt of Acceptance.** Receipt is hereby acknowledged by Seller of the Buyer's acceptance of Seller's counter-offer.

296. Date: _____ Time: _____ ☐ A.M., ☐ P.M. _____ Seller

297. By: _____ Seller
REALTOR® Signature

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Community Development Director
SUBJECT: Continued Discussion of Form-Based Code Amendments to C-2 and RR Districts with Kathleen Duffy of SmithGroup
DATE: July 21, 2021

Introduction

The need for a fresh look at the C-2 Mixed-Use Commercial and R-R Restricted Residential Zoning Districts came out of the Redevelopment Ready Communities process. RRC Best Practice 2.3 is about Concentrated Development. It requires that “the Zoning Ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired”.

The City of Big Rapids has worked with land use consulting firm SmithGroup for the past three years to assist the City with this and other planning and design projects. The Planning Commission discussed this topic on May 19, 2021 and decided on a way forward with reviewing the proposed amendments: meet with Ms. Kathleen Duffy, consultant with SmithGroup who has been working with City staff to prepare the draft amendments.

RRC Best Practice 2.3 – Concentrated Development

According to the RRC 2.0 Best Practices Handbook, this best practice says that “allowing for areas of context-sensitive concentrated development provides myriad benefits including enabling pedestrian mobility, providing a sense of place, generating fiscal stability for communities, and leveraging existing infrastructure”.

2.3 Concentrated Development

Allowing for areas of context-sensitive concentrated development provides myriad benefits including enabling pedestrian mobility, providing a sense of place, generating fiscal stability for communities, and leveraging existing infrastructure.

CRITERIA: The zoning ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired.	
ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> The ordinance allows mixed-use buildings by-right in designated areas of concentrated development. The ordinance requires ONE or more of the following elements in areas of concentrated development: <ul style="list-style-type: none"><input type="checkbox"/> Build-to lines<input type="checkbox"/> Open store fronts<input type="checkbox"/> Outdoor dining<input type="checkbox"/> Minimum ground floor transparency<input type="checkbox"/> Front-facing doorways<input type="checkbox"/> Parking located in the rear of the building	<input type="checkbox"/> The ordinance allows mixed-use buildings by-right in designated areas of concentrated development. The ordinance requires TWO or more of the following elements in areas of concentrated development: <ul style="list-style-type: none"><input type="checkbox"/> Build-to lines<input type="checkbox"/> Open store fronts<input type="checkbox"/> Outdoor dining<input type="checkbox"/> Minimum ground floor transparency<input type="checkbox"/> Front-facing doorways<input type="checkbox"/> Parking located in the rear of the building

Additionally, the October 2017 RRC Report of Findings Report for Big Rapids noted a specific recommendation for this Best Practice: “Consider adopting a form-based code to help achieve community goals”.

What is Form-Based Code and How is it Different from Current Zoning?

According to the Form-Based Code Institute (formbasedcodes.org) “a form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation.

“Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. They are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types.

“This approach contrasts with conventional zoning’s focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters (e.g. Floor Area Ratio, dwellings per acre, setbacks, parking ratios, traffic Level of Service), to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory. They are drafted to implement a community plan. They try to achieve a community vision based on time-tested forms of urbanism. Ultimately, a form-based code is a tool; the quality of development outcomes depends on the quality and objectives of a community plan that a code implements.”

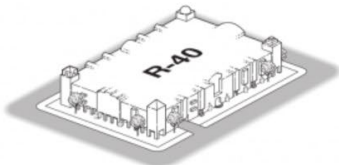
Conventional Zoning

Density use, FAR (floor area ratio), setbacks, parking requirements, maximum building heights specified



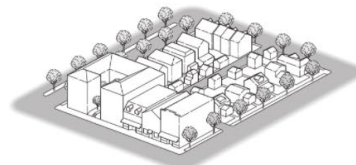
Zoning Design Guidelines

Conventional zoning requirements, plus frequency of openings and surface articulation specified



Form-Based Codes

Street and building types (or mix of types), build-to lines, number of floors, and percentage of built site frontage specified.



Presentation

Ms. Duffy will be at the meeting to present the proposed amendments, walk through details, answer questions, and make adjustments to the draft as needed. Planning Commissioners are encouraged to familiarize themselves with the attached draft downtown zoning districts to be able to participate in the discussion.

[Instead of the lists of uses permitted in each district, as in the current Zoning Ordinance, we will create a Use Table which will cover all districts, and include that new Use Table at the start of the new Districts sections.]

Sec. 3.8 R-R – Restricted Residence District

3.8:1 Purpose. The intent of the Restricted Residence district is to accommodate a flexible variety of uses and scales; preserve historic detached houses; integrate context-sensitive mixed residential, office, and service uses; and serve as a transition from the denser downtown to nearby established residential neighborhoods.

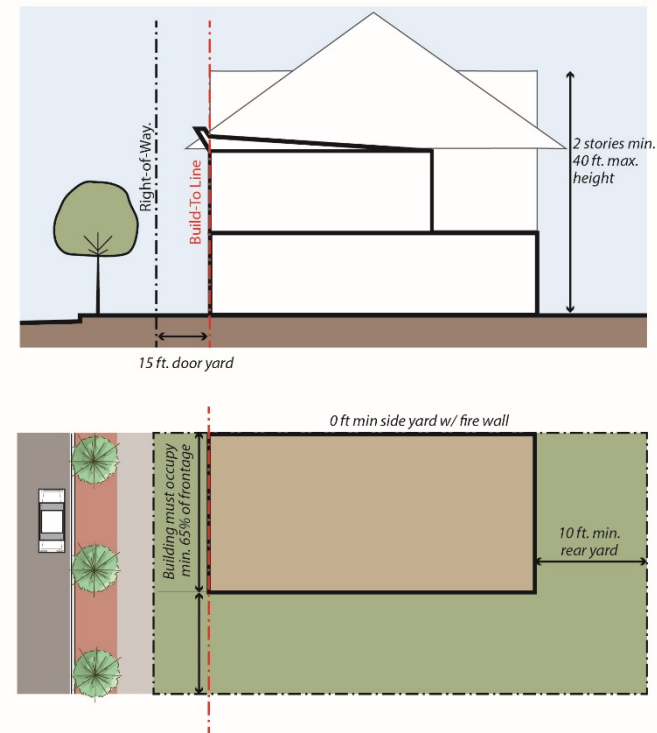


Illustrative example of the intent of this district.

B. Siting and Building Requirements

Height		
Minimum	2 stories	24 ft.
Maximum	3 stories	40 ft.
Ground Floor Elevation - Residential Units (min.)		3 ft.

Siting	
Build-To/Dooryard	15 ft.
Frontage Build-To (min.)	65%
Side Setbacks (min.)	0 ft.
Rear Setback (min.)	10 ft.
Adjacent single-family residential setback (rear)	25 ft.
Surface parking is not permitted directly between a building façade and a street frontage.	



Sec. 3.10 C-2 – Mixed-Use District

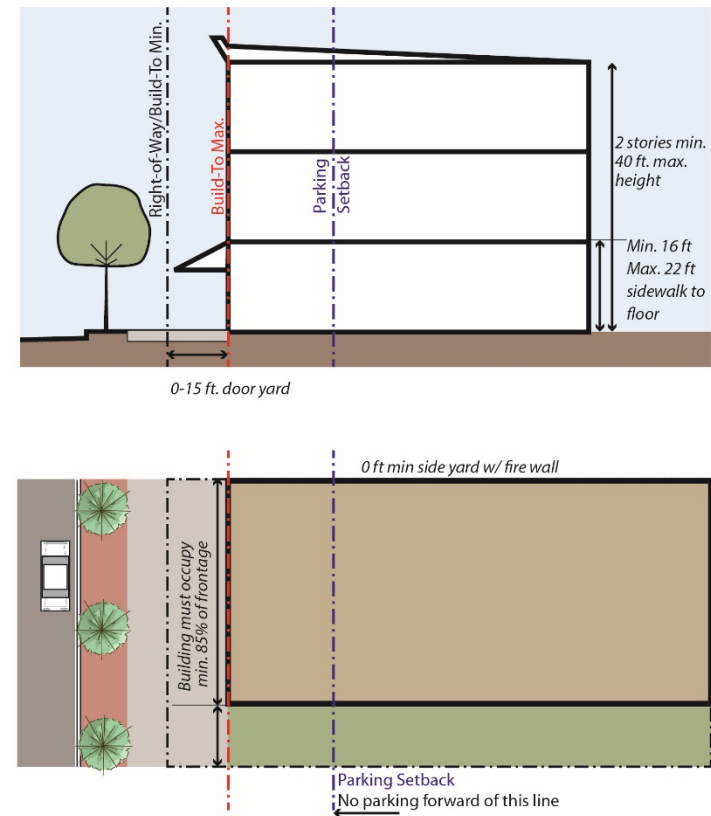
3.10:1 Purpose. The intent of the Mixed-Use District is to create a pedestrian-friendly, compact district with a mixture of uses. Typically, the mixture of uses are ground floor storefronts for retail and entertainment uses with offices and residential on upper stories. Attached residential units such as townhouses are applicable to serve as a transition to adjacent residential districts, especially along Warren Street.



Illustrative example of the intent of this district.

3.10:2 Siting and Building Requirements

Height		
Minimum	2 stories	24 ft.
Maximum	3 stories	40 ft.
Second Floor Finished Elevation		16 ft. to 22 ft.
Upper Stories Clear Height (min.)		9 ft.
Siting		
Build-To/Dooryard		0-15 ft.
Frontage Build-To (min.)		85%
Side Setbacks (min.)		0 ft.
Rear Setback (min.)		0 ft.
Parking Setback (min.)		15 ft.
Surface parking is not permitted directly between a building façade and a street frontage.		



3.10:3. **Storefront Frontage**

This additional designation in the Mixed-Use district requires ground floor storefront uses and architectural requirements in order to preserve the walkable, active downtown interface with the public realm. Storefront buildings shall also meet the design specifications for the Mixed-Use district, except as provided herein:

1. Build-to/dooryard shall be 0'
2. Maximum height of 60' or 5 stories.
3. Fenestration
 - (a) Ground floor fenestration shall comprise between 70% and 90% of the ground story façade.
 - (b) Ground floor windows may not be made opaque by window treatments (except operable sunscreen devices). A minimum of 80% of the window surface shall allow a view into the building interior for a depth of at least 12 feet.
 - (c) The bottom of the window must be no more than 3 feet above the adjacent exterior grade.
4. Horizontal Articulation
 - (a) Buildings shall be designed to reduce apparent mass by dividing facades into a series of smaller vertical components or bays. Bays shall extend continuously from base to top. Components shall be distinguished from one another through a combination of the following:
 - (1) Variations in overall massing. Changes in parapet projection height shall only occur with a corresponding change in plan
 - (2) Vertical bays defined by pronounced changes in plan to create recesses and projections, a minimum of three feet (3'-0") from build to line of the façade;
 - (3) Distinct changes in exterior finish material corresponding to a change in the building plan- a minimum of three feet (3'-0") from build to line of the façade- or a distinct organizing architectural feature with a projection a minimum of 8".

- (b) There shall be a minimum of one functional entrance every full 25 feet of frontage along Michigan Avenue.

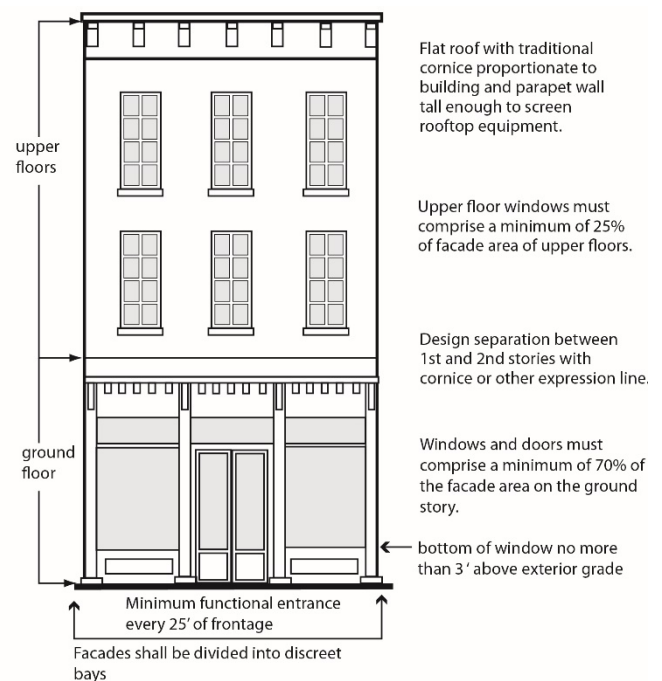
5. Ground floor Articulation

- (a) Storefront buildings shall be designed to create a distinct and separated ground floor area through the use of a horizontal expression line, such as a string course, change in material or textures, awnings or canopies, or sign band between the first and second stories.

6. Uses

Only Active Ground Floor Uses are permitted:

- (a) Retail sales and services
- (b) Restaurant/Bar/Lounge
- (c) Residential and Lodging Uses: Support functions such as lobbies, rental offices, and club rooms may be located on the ground floor.
- (d) Offices



The above drawing is intended to illustrate the application of the design standards in this ordinance, but not require a specific architectural style.

Regulating Plan

The Storefront District Regulations found in Section 3.10:3 will apply as noted in the Regulating Plan map below.

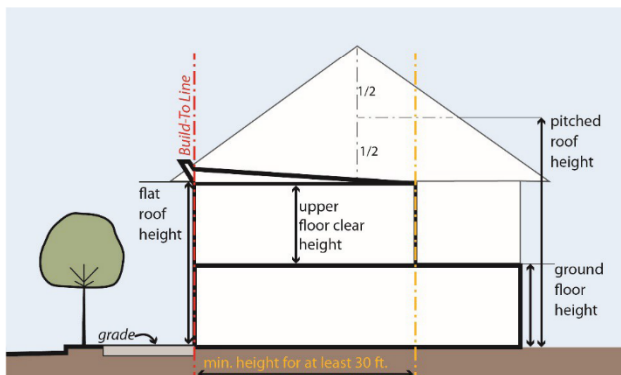


ARTICLE 02. DEFINITIONS/RULES OF MEASUREMENT

Additions to Article 2 in blue.

2.2:37 Height of Building - The vertical distance measured from the adjoining curb level, to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

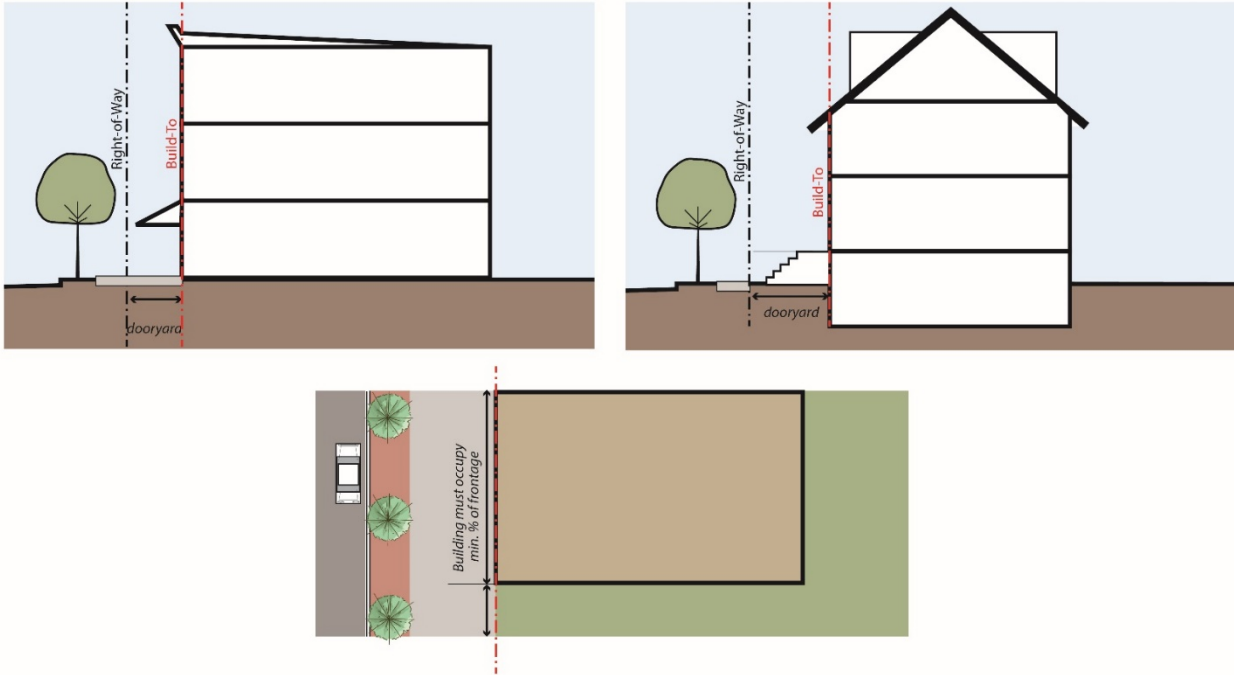
- (a) The minimum height shall be satisfied from the build-to line back to a depth of at least 30 feet for the specified build-to percentage of frontage.
- (b) Ground floor height shall be measured from the average fronting sidewalk grade to the second story finished floor elevation.
- (c) Sill height shall be measured from the average fronting sidewalk grade to the top of the ground floor sill.



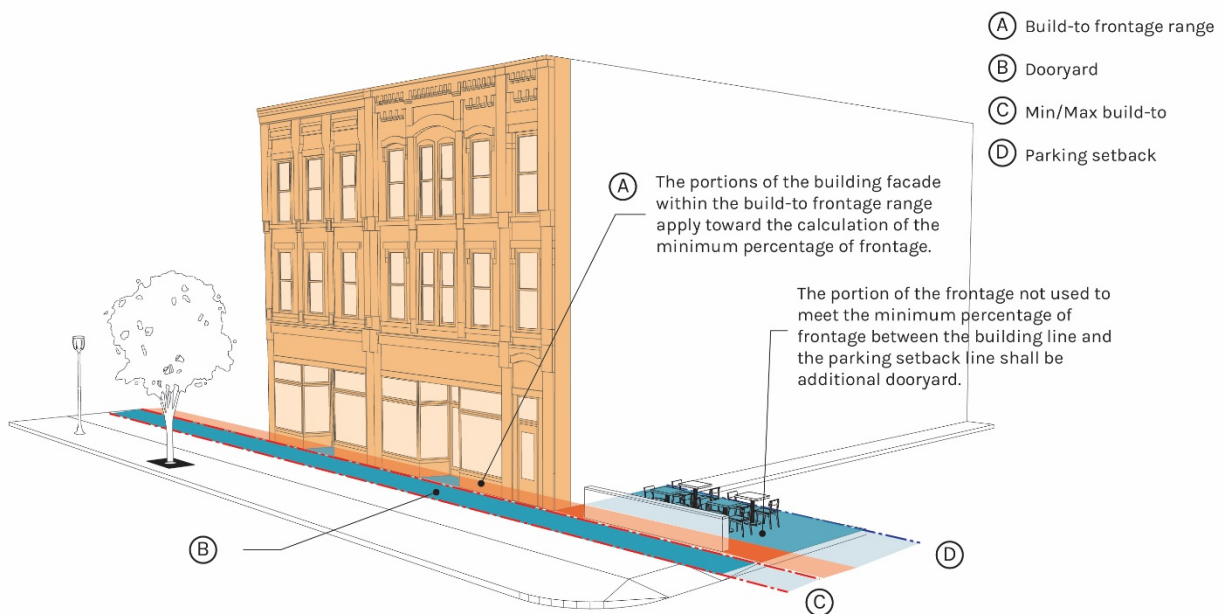
2.2:XX Facade - The building elevation facing the frontage at the build-to line.

2.2:XX Build-to - Build-to is a line parallel to the public street right-of-way to which buildings must be constructed to.

- (a) *Build-to measurement.* Build-to is measured from and perpendicular to the lot line abutting a street. Where a public access easement abuts the public street right-of-way on a lot, the build-to shall be measured from the easement rather than the lot line.
- (b) *Percentage of frontage.* Required build-to is calculated as a percentage using the length of the primary building wall divided by the total lot width, as measured at the lot line abutting the subject street right-of-way. Buildings shall be built at or within the build-to requirement for at least the minimum percentage (%) required along the primary and/or secondary frontage.



- (c) *Building depth.* The horizontal distance at the ground floor measured perpendicular from the exterior of the street facing building wall at the build-to line to the opposite exterior wall enclosing the permitted street level active uses.
- (d) *Build-to frontage range.* Architectural features, such as pilasters or recesses, utilized for building wall articulation that are within two feet of the primary building wall may be utilized in the length of applicable building wall meeting the build-to percentage of frontage.



2.2:XX Dooryard - The area between the property line and the front facade/build-to. It is intended as a transitional area between the public realm and private property for pedestrian-oriented amenities.

- (1) The dooryard shall accommodate entrances, outdoor seating, projections such as awnings, balconies, stoops and porches.
- (2) The portion of the frontage not used to meet the minimum percentage of frontage between the building line and the parking setback line shall be additional dooryard.

2.2:XX Fenestration - Fenestration is defined as openings in the building wall, including windows, doors and open areas.

- (1) When measuring fenestration, framing elements (such as muntins) with a dimension of two inches or less are considered part of the opening.
- (2) Ground floor fenestration shall be measured as a percentage of glass per total wall area between two and eight feet above the ground floor elevation.

2.2:XX Pedestrian access.

- (1) Entrance.

The entrance shall be a door parallel to a street frontage, recessed no more than 15 feet from the front building face; or a door at approximately a 45-degree angle to the intersecting streets of a corner lot. The distance between entrances shall be measured from the center of the door or set of doors.

- (2) *Stoops, Porches, and Porticos*

(a) Definitions.

1. A stoop is a small staircase ending in a platform and leading to the entrance of the building.
2. An enclosed porch is a covered stoop that has walls enclosing the platform on all sides.
3. A portico is a defined entry landing or platform that serves a similar architectural purpose as a porch or stoop as defining a clear entryway, but with a ramp or at-grade entrance instead of steps.

Depth shall be measured perpendicular from the building facade to the opposite edge of the platform. Steps shall not be included in the measurement.

2.2:XX Parking Setback - Where regulated in the Frontage Standards, vehicle parking shall be located behind the parking setback line behind the build-to line and extends vertically as a plane from the first-floor level.

2.2:XX Live/Work Units

A live/work unit is defined as a single unit consisting of both a non-residential and a residential component concurrently that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

2.2:XX Accessory Dwelling Units

Accessory dwelling units (ADU) are smaller secondary homes on the same lot as a primary dwelling. ADUs are independent, habitable, and provide basic requirements of shelter, cooking, water, and sanitary services. ADUs may be detached (granny/ garden cottage or connected to a detached garage) or attached to the primary dwelling (accessory suite/ mother-in-law suite over an attached garage, basement apartment, or converted living space).

Add these Definitions once finalized in building design section below:

- House
- Semi-Detached House
- Townhouse
- Flats/Small Apartments
- Apartment Complex
- Cottage Court

From Article 4: General Provisions:

4.1:4 Rear Dwellings Prohibited:

No building in the rear and on the same lot of a principal building shall be used for residential purposes.

4.1:9-1:11

Consider moving these sections from General Provisions to Definitions and renaming “Definitions and Rules of Measurement” or a separate “Rules of Measurement and Exceptions” section within General Provisions

4.1:12 Exception to Area Limits:

A single-family dwelling may be constructed on any officially platted and recorded lot which has less than the minimum area required by this Ordinance, provided all other requirements of this Ordinance are complied with.

4.1:14 Front yards

(1) Structures or Projections Permitted.

- (a) Terraces, steps, uncovered porches and other similar features shall not be higher than eighteen (18) inches above the lowest above-grade floor level and shall not be located closer than the five (5) feet from any lot line.
- (b) Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and similar features may project into a required front yard.
- (c) **NEW: In districts where there is a minimum setback or build-to of at least 15 feet, stoops may project into the front yard a maximum of 5 feet.**

4.1:15 Side yards

(1) When Side Yards Can be Reduced:

- (a) On lots with a width of less than sixty-six (66) feet and recorded as such prior to the date of the adoption of this Ordinance, the minimum width of each of the side yards shall be seven and one-half (7-1/2) feet, except side street yards shall be a minimum of fifteen (15) feet.
- (b) The least width of a required side yard may be measured to the centerline of any adjoining alley, but no building shall be erected within five (5) feet of the alley line.

(2) Structures or Projections Permitted:

- (a) Bays, including their cornices and eaves, balconies, fire escapes and fireplaces shall not project into a required side yard more than one-third (1/3) of its required width nor more than three (3) feet, provided that the length of any such projection shall not exceed one-third (1/3) of the length of the side yard in which such projection occurs, however, any fire escape so located may be at least ten (10) feet in length.
- (b) Terraces, steps, uncovered porches and other similar features shall not be higher than eighteen (18) inches above the lowest above-grade floor level and shall not be closer than five (5) feet from any lot line.
- (c) Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and other similar features, may project into a required side yard.

4.1:16 Rear Yards

(1) When Rear Yards Can Be Reduced

- (a) In all residential districts any platted and recorded lot less than one hundred twenty (120) feet deep may have three (3) inches deducted from the required rear yard depth for every foot the lot is less than one hundred twenty (120) feet deep, provided no rear yard shall be less than ten (10) feet.
- (b) The required rear yard depth may be measured to the centerline of any adjoining alley, but no building shall be erected within five (5) feet of the alley line.

(2) Structures or Projections Permitted

- (a) Terraces, steps, uncovered porches or other similar features shall not be higher than eighteen (18) inches above the lowest above-grade floor level and shall not be located less than ten (10) feet from the rear lot line or less than six (6) feet from an accessory building.
- (b) Bays, including their cornices and eaves, balconies and fireplaces, shall not project more than three (3) feet into a required rear yard.
- (c) Normal chimneys, flues, elevator shafts, connecting hallways, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and other similar features may project into a required rear yard.

4.1:25 Single Family Dwellings:

Single Family dwellings in the City of Big Rapids not located in a mobile home park shall comply with the following standards:

- (1) It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- (2) It has a minimum width across any section of twenty-four (24) feet and complies in all respects with the City Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction which are less stringent than those imposed by the City Building Code, then the less stringent federal or state standard or regulation shall apply.
- (3) It is firmly attached to a permanent foundation, constructed on the site in accordance with the City Building Code and coextensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.
- (4) It does not have exposed wheels, towing mechanism, under-carriage or chassis.
- (5) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local Health Department.
- (6) The dwelling contains storage area either in the basement under the dwelling, in an attic area, in closet areas or a separate structure being standard construction similar to or of better quality than the principal dwelling. Such storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than fifteen (15) percent of the minimum square footage requirement

of this Ordinance for the zone in which the dwelling is located. In no case, however, shall more than two hundred (200) sq. ft. of storage area be required by this provision.

- (7) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than two (2) exterior doors with one being in the front of the dwelling and the other being either the rear or side of the dwelling; contains permanently attached steps connected to said exterior areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the City Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in the within definition of "dwelling" as well as the character of residential development outside of mobile home parks within three hundred (300) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of said area; where said area is not so developed, by the character of residential development outside of mobile home parks throughout the City. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- (8) The dwelling contains no additions or rooms or other areas which are not constructed with similar materials and which are similar in appearance and which have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.
- (9) The dwelling complies with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled Mobile Home Construction and Safety Standards, effective June 15, 1976 as amended.
- (10) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by a state or federal law or otherwise specifically required in the Ordinance of the City pertaining to such parks.

4.1:26 Non-Single Family Dwelling Units:

All dwelling units in the City of Big Rapids not considered a single family dwelling or a mobile home, including but not limited to duplexes and multiple family dwellings, shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined in the first instance by the City Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the character of residential development outside of mobile home parks within three hundred (300) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of said area; where said area is not so developed, by the character of residential development outside of

mobile home parks throughout the City. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed

4.1:27 Exception to Yard and Lot Coverage Requirements:

In cases of legal nonconforming Class A residential lots which do not meet the existing minimum lot width or lot area requirements, minimum side yard Article 4 General Provisions 4-15 setbacks may be reduced and maximum lot coverage requirements may be increased by administrative action based on the following formula:

(1) Side Yard Setback Reduction

- (a) The minimum side yard setback may be reduced at the same ratio as the width of the existing lot and the minimum lot width requirement for the district that the lot is in. (Example: A lot is eighty (80) feet wide in a district that requires lots to be a minimum of one hundred (100) feet wide. The lot's width is eighty (80) percent of the minimum. The minimum side yard requirement is ten (10) feet. The side yard setback for that lot may therefore be reduced to eight (8) feet, or eighty (80) percent of ten (10) feet).
- (b) In no case may the minimum side yard setback be reduced to less than five (5) feet.

(2) Maximum Lot Coverage Increase

- a) The maximum lot coverage requirement may be increased at the same percentage as the percentage that an existing lot's total area is less than the minimum lot area requirement for that district. (Example: A lot is nine thousand (9,000) sq. ft. in area in a district that requires a minimum lot area of ten thousand (10,000) sq. ft. The lot is ninety (90) percent of the district requirement or is ten (10) percent smaller than required. The maximum lot coverage in the district is twenty (20) percent. The maximum lot coverage for that is increased by ten (10) percent of the normal requirement to twenty-two (22) percent ($110\% \times 20\% = 22\%$).
- b) In no case may a lot eight thousand (8,000) sq. ft. or less in size have its lot coverage increased to more than thirty-eight (38) percent of the lot area. In no case may a lot over eight thousand (8,000) sq. ft. in size have its lot coverage increased to more than thirty-three (33) percent of the lot area.

From Article 11: Use Standards:

11.1:18 Owner Occupied Condominiums may be permitted in the R-2 One and Two Family Residential Zone as a Special Land Use when the following conditions are met:

- (1) There must be a minimum gross land area of five thousand (5,000) sq. ft. per dwelling unit. Minimum lot size shall be one (1) acre.
- (2) Maximum height of buildings shall be forty (40) feet. Minimum yard setbacks shall be: front yard setback twenty-five (25) feet, rear yard setback thirty (30) feet, and side yard setback twenty (20) feet. Separation of multiple buildings within the site shall be twenty (20) feet.
- (3) Park area or recreational space must be provided at the rate of ten (10) percent of the gross area of development.
- (4) The area must be landscaped in a manner consistent with the requirements of Section 8.3.

- (5) Off street parking shall be provided in accordance with Article 5, except that the parking shall provide an additional .75 visitors parking space for each dwelling unit and shall be screened with an ornamental fence or compact hedge not less than three (3) feet and not more than six (6) feet high, which shall obscure vision all seasons from adjoining premises. The parking area shall be hard surfaced and adequately drained, properly marked, and lighted in such a manner that the lighting is not objectionable to adjoining property owners. The parking areas shall not be constructed within the required front yard setback, shall not be closer than ten (10) feet to any property line.
- (6) Ingress and egress to the area shall be located in such a manner so as to provide maximum safety to the public utilizing this facility and the public streets. The ingress and egress shall be hard surfaced and adequately drained.

11.1:13 Multiple-family dwellings may be permitted in the R-3 Residential District as a Special Land Use under the following conditions:

The erection of two (2) or more residential buildings upon a plot in single ownership is permitted, when such dwelling groups conform to all provisions of this Article, even though the location of the buildings to be erected and the front, side and rear yard spaces do not conform in all respects to the requirements stipulated in other parts of this Ordinance for a single building on a single lot; provided that the proposed dwelling group shall meet all the following conditions and requirements and receive site plan approval.

- (1) The lot area requirements of the Zoning District must be met.
- (2) Every dwelling in such dwelling group shall front either on a street or other permanent public open space, common yard, or outer court at least fifty (50) feet wide, and no building may be built in the front or rear yard space that would be required for a single building or a single lot.
- (3) The distance between buildings or between any building and the nearest lot line, shall not be less than the height of the building, nor less than twenty (20) feet in any case.
- (4) Every dwelling in such dwelling group shall be within five hundred (500) feet of a public street.

4.2. DESIGN STANDARDS (NEW SECTION IN 4: GENERAL PROVISIONS)

4.2:1 INTRODUCTION.

This section sets forth the architectural standards applicable to the various zoning districts in the City of Big Rapids. These standards supplement those stated for each Zoning District. These standards are intended to result in construction and development that reinforces the urban form and character of development as well as use and intensity of use established in the City of Big Rapids Master Plan.

4.2:2 APPLICABILITY

- (1) **New Construction.** This Section shall apply to all new construction and shall consist of those materials and design standards as set forth in this Section. Architecture shall be reviewed by the zoning administrator as a part of the site plan or building permit review under the requirements of this article.
- (2) **Existing Buildings.** The following shall apply to additions or remodeling of existing buildings or to accessory buildings on existing sites:
 - (a) Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to this Section. However, in considering the proposed alteration, the City may modify the material requirements of this Section to ensure consistency with the architecture of the remainder building.
 - (b) Where an addition is proposed to an existing building the Zoning Administrator may allow the use of existing or compatible wall materials for the addition; provided that the design of the alteration is consistent with the existing building wall design, and in accordance with the building design standards in this section.

4.2:3 MODIFICATIONS

The planning commission may grant modifications to the requirements of this section if it finds that a proposed building design is in keeping with the intent of this section and the recommendations of the master plan and meets all of the following conditions:

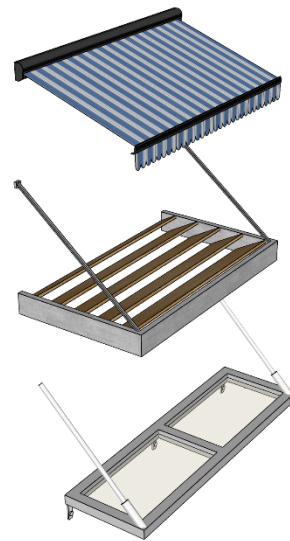
- (1) It is determined to not be grossly dissimilar in exterior design and appearance to nearby buildings and it does not adversely affect property values in the surrounding area.
- (2) It does not adversely affect the desirability of immediate and neighboring areas.
- (3) It does not impair the stability of the area or prevent the most appropriate use and development of real estate.
- (4) It does not adversely affect the public health, safety, comfort, and welfare of the citizens of the city
- (5) A structure may be determined to be compatible in design and appearance to other structures in the context in which it is to be located, even if it does not comply with the above criteria, if it has other design features that make it harmonious with other structures or improve the character of the area in which it is located.

4.2:4 GENERAL ARCHITECTURAL

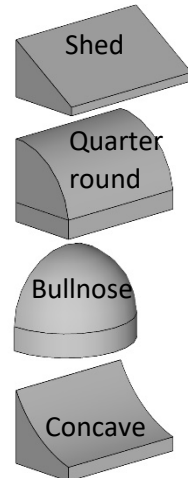
STANDARDS

(1) Awnings and overhangs

- (a) Awning and canopies may project over the sidewalk, provided the awning or canopy is at least eight (8) feet above the sidewalk and does not project closer than two (2) feet from the back of the street curb.
- (b) Awnings shall be of traditional, shed design and shall be made from fabric or metal materials and not from plastic, vinyl, or fiberglass.
- (c) Architectural horizontal canopies or sunshades are permitted and shall be made from metal or wood materials.
- (d) No internal illumination is permitted through the awning or overhang.
- (e) Quarter round, bullnose, concave configurations are permitted only on residential buildings.



Retractable fabric, wood louver, or glass/ metal sunshade canopies



Shed is the preferred awning profile. The other awning types are permitted on residential only

(2) Balconies and Fire Escapes

- (a) Balconies and fire escapes shall not be located within 5 feet of any common lot line and shall not encroach into the public right-of-way.
- (b) Balconies may be a single level or multiple balconies stacked vertically for multiple stories.
- (c) The balcony support structure shall be integrated with the building facade; separate columns or posts supporting any balcony from the ground are prohibited.
- (d) The balcony or fire escape design and material shall be compatible with the overall architectural style and color palette of the building.
- (e) Balconies, railings and porch structures shall be metal, wood, glass, cast concrete or stone.
- (f) Exterior stairs leading to upper story dwellings (fire escapes) may not be located in the front yard.
- (g) Balconies, porches, and fire escapes shall not contain permanent outdoor storage. Seasonal furniture intended for outdoor use and short-term storage of bicycles or similar are permitted when screened with railings integrated into the design of the building.
- (h) Fire escapes shall be designed in accordance with the applicable building codes and review by the Fire Marshal.

(3) Fenestration

- (a) Reflective, mirrored, or heavily tinted glass shall not be permitted.
- (b) In non-residential buildings, ground floor windows may not be obstructed by display cases, furniture, or stock (excepting operable sunscreen devices).
- (c) For multiple tenant buildings, the minimum ground floor transparency requirement must be met by each suite or tenant.

(4) Materials and Color

- (a) Durable building materials which provide an attractive, quality appearance shall be utilized.
- (b) For existing buildings, material replacement shall closely match or complement the character of the existing or original materials used on the structure.
- (d) Primary exterior building materials shall be of subtle, neutral, or earth tone colors.
- (e) The use of high intensity colors such as neon or fluorescent for the window and door trim, facade and roof of the building are prohibited except as approved by the Zoning Administrator.
- (f) Mechanical and service features such as gutters, ductwork, and service doors that cannot be screened must be of a color that blends in with the color of the building exterior.
- (g) The following exterior finish materials shall be required for walls visible from streets or an adjacent residential district:
 - 1. Primary Materials must be used to compose a minimum of 75% of wall area of the building base and 50% of wall area for the upper floors.
 - 2. Secondary Materials are allowed to compose a maximum of 25% of wall area in the building base and 50% of wall area for the upper floors.
 - 3. The exterior finish materials shall consist of no more than four (4) unique materials, excluding architectural detail, accent, or trim; and balconies and railings. A change in color, pattern, or profile shall constitute a unique material.

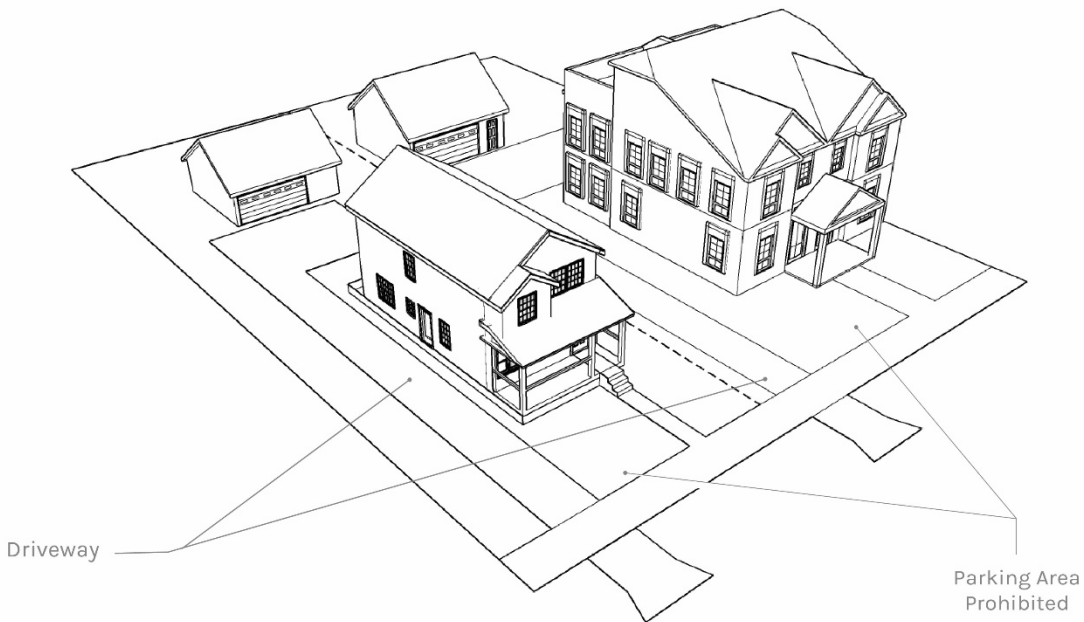
4.2:5 RESIDENTIAL BUILDING DESIGN STANDARDS

(1) **General Residential Standards.** The general standards in Table 4.2:5(a) apply to all residential buildings.

Table 4.2:5(a) RESIDENTIAL GENERAL BUILDING STANDARDS		
(a) Fenestration		The primary facade shall have no less than 25% of the total facade comprised of windows and doorways. First story windows shall be taller than second story windows
(b) Facade Articulation		Blank walls over 30' in length are not permitted
(c) Front Porch or Stoop		<p>(a) Front porches and stoops shall not extend into the public right-of-way.</p> <p>(b) Front porches may be covered by a roof or an open stoop.</p> <p>(c) Finished floor height of the porch deck shall be no more than 7 inches below the first interior finished floor level of the building.</p> <p>(d) Each residential unit with a separate entrance shall include a stoop of not more than 5' deep and 6' wide (not including steps or ramp) or a porch between 7' and 9' deep</p>
(d) Allowed building materials	1. Primary Facade	<p>a. Brick (natural, glazed)</p> <p>b. Stone (natural, synthetic)</p> <p>c. Fiber Cement Board Siding (eg Hardie Panel)</p> <p>d. Wood Siding (natural, composite)</p> <p>e. Vinyl Siding</p>
	2. Secondary Facade and up to 50% of Primary Facade	<p>f. Stucco (traditional cementitious, EIFS)</p> <p>g. Architectural Metal Panel (insulated, composite)</p> <p>h. Decorative cast concrete screens</p>
(e) Utility Services		Services and utility hookups shall not be visible from the primary street frontage.
(f) Garage/Parking		<p>a. Garages or carports may only occupy a maximum of 40% of the front facade.</p> <p>b. Temporary carports are not permitted. See also Sec. X.X Accessory Structures</p> <p>c. Driveways and parking areas shall be setback at least five (5) feet from the side or rear lot lines.</p> <p>d. Off-street parking and loading areas shall be surfaced with asphalt, bituminous or concrete pavement, brick or other permanent material as approved by the Director of Public Works. All parking areas shall be graded and drained to dispose of all surface water.</p>

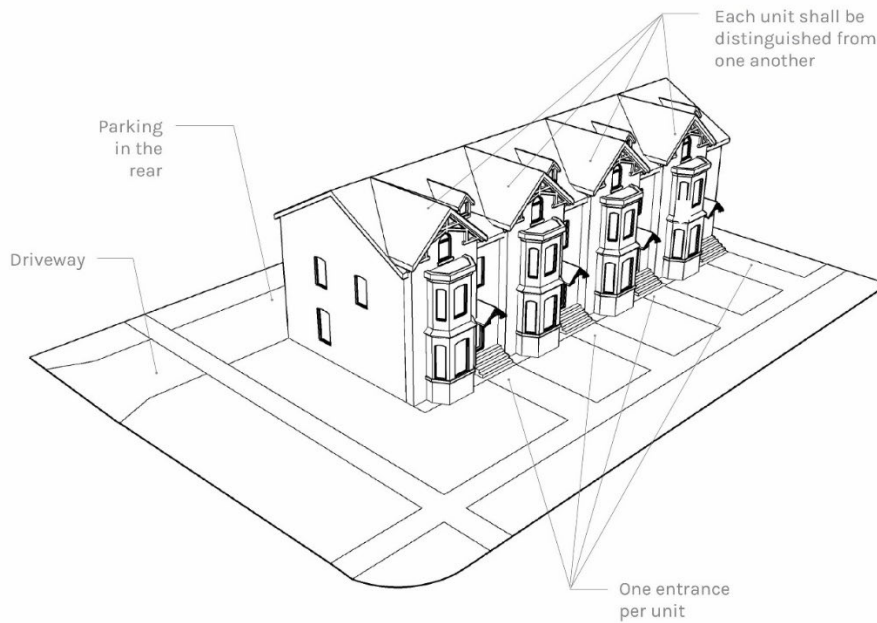
Add 4.1:25 Single Family Dwellings here?

(2) Building Type Standards. In addition to the General Standards in [Table 4.2:5\(a\)](#), the following building standards apply to specific residential building types according to permitted uses as defined in the District Articles.

(a) Houses	
	
1. Description	Houses are a building type that has the appearance of a single-family detached house that is appropriately scaled to fit within historically single-family neighborhoods. A house may consist of a detached structure incorporating one unit or semi-detached incorporating two or three units stacked or placed side by side with each unit having access directly to the street.
2. Building Entrance Orientation	<ul style="list-style-type: none"> a. All buildings shall provide at least one primary entrance facing the front lot line. A door may face a side lot line when the porch or stoop faces the front lot line. Any entrances to additional units may face a side lot line. b. Garages, carports, and overhead doors may not apply as the primary entrance. c. A walkway must extend from each dwelling primary entry to the sidewalk.
3. Parking Access and Location	<ul style="list-style-type: none"> a. Driveways may be located adjacent to the building. b. Parking may be provided on a driveway, garage, or carport in the rear or side yard. c. Garages shall not extend further into the front yard than the rest of the front facade.

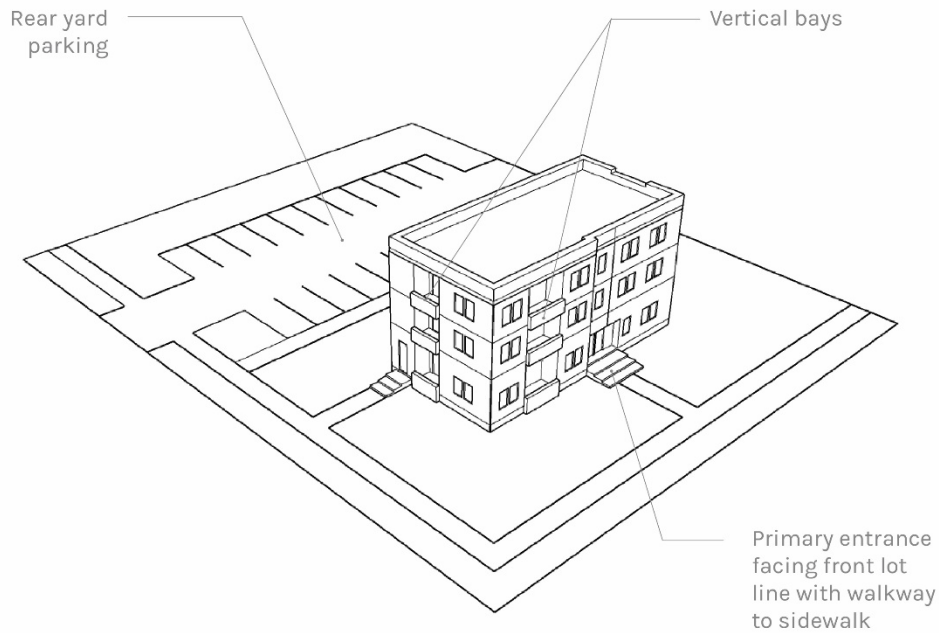
	<p>d. Parking areas shall not be located in any required front or side street yard, except in the case of a dwelling with a driveway leading to a garage or parking area the drive may be used for parking.</p> <p>e. Multiple driveway entrances off the street or alley are prohibited.</p> <p>f. The driveway should be less than 40% of the front yard area.</p>
4. Applicable Districts	R-1, R-2, R-3, R-P, R-R

(b) Townhouses



1. Description	The Townhouse building type consists of structures that contain three or more dwelling units placed side by side. Townhouses are typically narrow, 2-3 story residential buildings with each unit having direct access to the street.
2. Building Entrance Orientation	<ol style="list-style-type: none">Each dwelling shall provide a separate pedestrian entryway facing the front lot line with direct access to the sidewalk by way of a front porch or stoop with steps.Primary entry for each unit or separated occupancy must face onto and connect to the primary street. The corner unit may face the secondary street. Secondary entries permitted from the side or rear.
3. Parking Access and Location	<ol style="list-style-type: none">Garages or carports must be accessed from the rear yard via an alley. Where no alley exists, a driveway shall lead to rear access drive.Parking may be provided on a driveway, garage, or carport located in the rear yard.
4. Articulation	Adjoined dwelling units shall be distinguishable through a change in plane, change in material, or architectural expression.
5. Applicable Districts	R-2, R-3, R-R, C-2

(c) Flats/Small Apartments



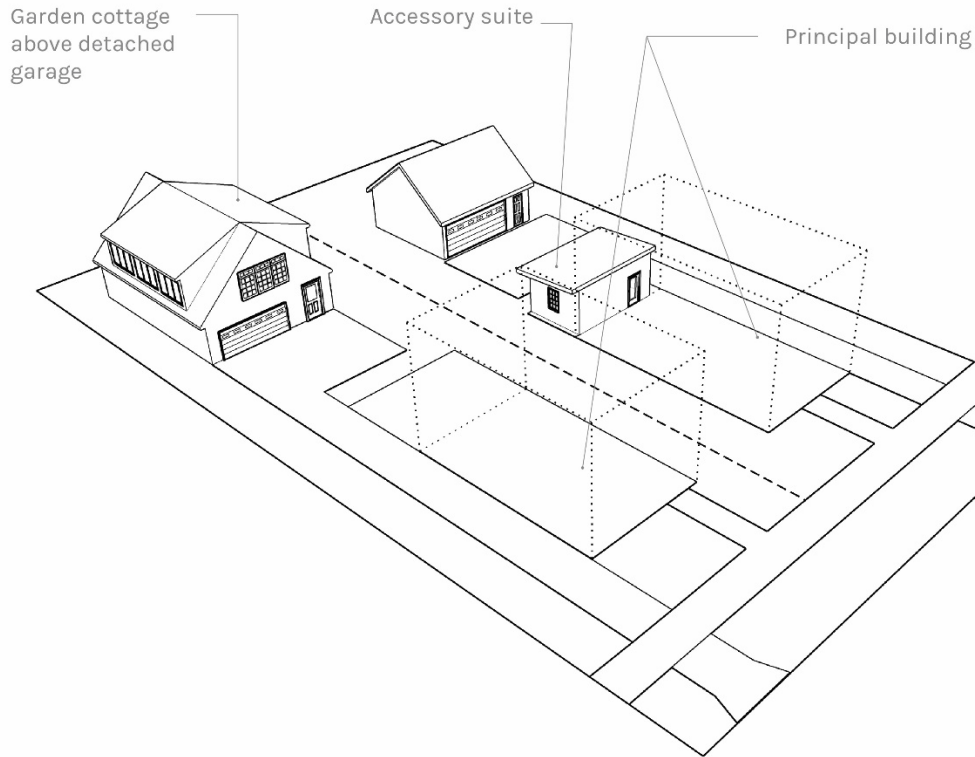
1. Description	This building type consists of multiple dwelling units placed side by side or stacked, typically with one shared entry. It is appropriately scaled to fit adjacent to single-family neighborhoods transitioning to nearby commercial districts.
2. Building Entrance Orientation	<ul style="list-style-type: none"> i. All buildings shall provide at least one pedestrian door facing the front lot line. ii. Secondary entries permitted from the side or rear.
3. Parking Access and Location	<ul style="list-style-type: none"> i. Building integrated parking permitted in rear of building. ii. Off-street parking shall be in rear yard. iii. Masonry screen wall required between parking and property line iv. Driveways must be located in the side or rear yard.
4. Articulation	Employ vertical bays- through change in material, transparency, or plane- to distinguish building entrance, dwelling units, or unit layouts.
5. Applicable Districts	R-3, R-R, C-2

(d) Apartment Complexes



1. Description	Apartment complexes are intended for larger scale, planned multi-family development consisting of apartment buildings. Apartment complexes should be designed with a campus-like character, providing shared open space, landscape buffering, and consistent site design features.
2. Building Entrance Orientation	<ol style="list-style-type: none">Sidewalks shall be provided along both sides of all drives within the developmentEntrances may face interior parking but should have pedestrian connections to the public right-of-way sidewalks.
3. Articulation	<ol style="list-style-type: none">Employ vertical bays- through change in material, transparency, or plane- to distinguish building entrance, dwelling units, or unit layouts.No building shall exceed 150 feet in length
4. Open Space	At least 200 square feet of usable open space shall be provided for each apartment dwelling unit. Examples of usable open space include balconies with direct access to the dwelling unit, courts and yards which are open to the sky, or a roof which is developed exclusively for recreational use.
5. Permitted Districts	R-3

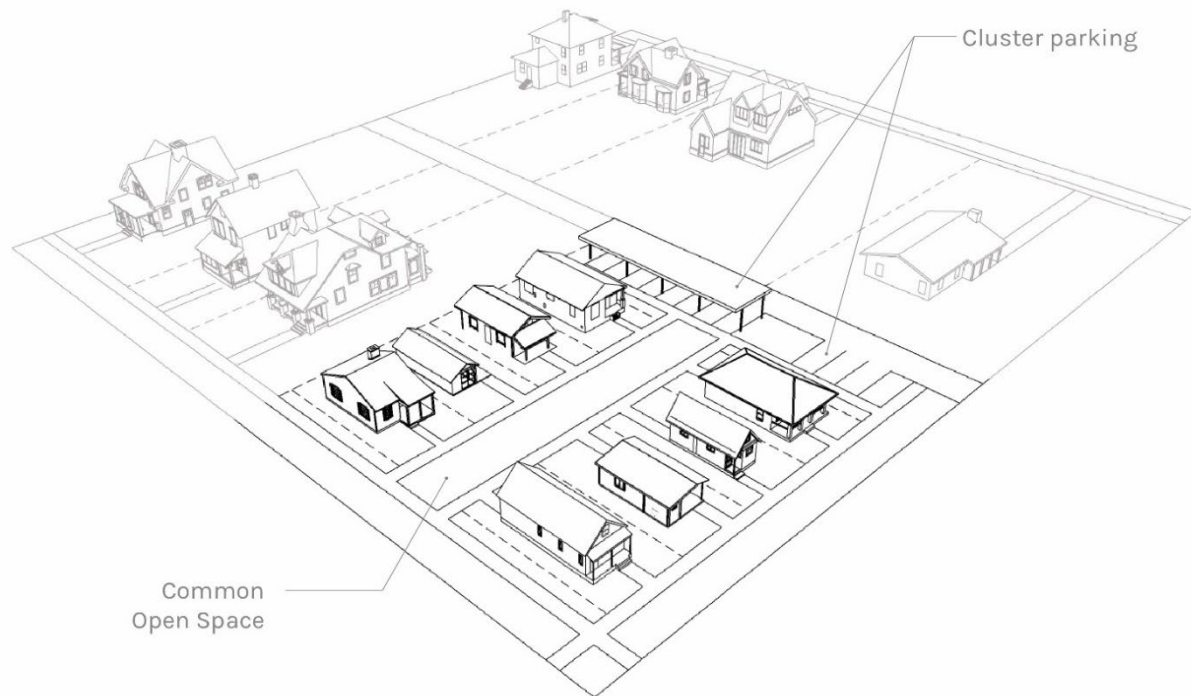
(e) Accessory Dwelling Units (ADUs)



1. Description	<p>A smaller secondary home on the same lot as a primary dwelling. ADUs are independent, habitable, and provide basic requirements of shelter, heating, cooking, water, and sanitary services. There are two types of ADUs: Garden Cottage and Accessory Suite.</p> <ul style="list-style-type: none"> a. Garden Cottages are detached structures, either as a smaller, secondary home on the same lot as a primary dwelling or a suite above a detached garage. b. Accessory Suites are attached or are part of the primary dwelling.
2. Purpose	<p>Accessory dwelling units are allowed in certain situations to</p> <ul style="list-style-type: none"> a. Create new housing units while respecting the look and scale of detached housing development; b. Support more efficient use of existing housing stock and infrastructure; c. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints; d. Provide housing that responds to changing family needs, smaller households, and increasing housing costs; and e. Provide accessible housing for seniors and persons with disabilities.
3. General Standards	<ul style="list-style-type: none"> a. Number. One ADU is permitted per residentially zoned lot. b. Creation. An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion

	<p>of a qualifying existing house to a garden cottage while simultaneously constructing a new primary dwelling on the site.</p> <p>c. Use. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.</p> <p>d. Height and Setbacks. ADUs shall meet the siting and massing standards of the district in which they are located.</p> <p>e. Yard Setbacks. No portion of an existing building that encroaches within a required yard setback may be converted to or used as a detached garden cottage unless the building complies with setback exemptions available elsewhere in the code.</p> <p>f. Alteration. If a garden cottage is proposed for an existing detached accessory structure that does not meet one or more of the above standards, the structure is exempt from the standard(s) it does not meet. Alterations that would move the structure out of conformance with standards it does meet are not allowed.</p>
4. Building Entrance Orientation	<p>a. Only one entrance may be located on the front facade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory suite was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.</p> <p>b. Entrance may face secondary street</p> <p>c. ADU may be accessed via external stairs per <i>Section 4.2:4(2) Balconies and Fire Escapes</i></p>
5. Building Design	<p>a. Size. An ADU may be no more than 600 square feet or the size of the primary dwelling, whichever is less.</p> <p>b. Parking. No additional parking is required for an ADU. Existing required parking for the primary dwelling must be maintained or replaced on-site.</p> <p>c. Exterior finish materials. Exterior finish materials must visually match in type, size and placement, the exterior finish materials of the primary dwelling.</p> <p>d. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling.</p> <p>e. Windows. If the street-facing facade of the ADU is visible from the street, its windows must match, in proportion and orientation, the windows of the primary dwelling.</p> <p>f. Eaves. The ADU must have eaves that project the same distance as the primary dwelling's eaves or greater from the building.</p>
6. Permitted Districts	R-1, R-2, R-3, R-P, R-R

(f) Cottage Courts



1. **Description.** Cottage courts are a grouping of small, single-family dwelling units clustered around a common area and developed with a coherent plan for the entire site.
2. **Purpose.** The purpose of Cottage Courts is to:
 - a. Provide a housing type that responds to changing household sizes, ages and financial security (e.g., retirees, small families, single-person households, young professional);
 - b. Provide opportunities for ownership of small, detached units within a neighborhood;
 - c. Encourage creation of more shared usable space for residents of the development through flexibility in density and lot standards;
 - d. Contribute to a strong sense of community through cluster arrangement;
 - e. Provide guidelines to ensure compatibility with surrounding uses; and
 - f. Allow for residential development in areas with environmental constraints like floodplains and woodlands.
3. **Definition.** A cottage shall be defined as:
 - a. A single-family dwelling of conventional modern construction and built to all Michigan building and sanitary codes;
 - b. Placed on a permanent foundation;
 - c. Has a total square footage of between 500 and 1,200;
 - d. Is sited on legally created parcel, subject to setbacks of this ordinance; and
 - e. Is connected to water or well and sewer or septic.

4. **Accessory dwelling units.** Accessory dwelling units (ADUs) shall not be permitted in cottage court developments.

5. **Lot Requirements.**

1. Lot Width. Minimum width per lot shall be 18 feet. Maximum width per lot 30 feet.
2. Lot Depth. Minimum length per lot 50 feet. Maximum length per lot 100 feet

7. **House Site Arrangement.**

- a. Cottage courts shall contain a minimum of four cottages, with a maximum of 12 cottages per grouping. A development may contain multiple groupings.
- b. Groups of cottages shall be arranged on at least two sides of a common open space, or a configuration as otherwise approved by the director.
- c. On a lot to be used for a cottage court, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.

8. **Height Limit and Roof Pitch.**

- a. The height limit permitted for structures in cottage court developments shall be 18 feet.
- b. The ridge of pitched roofs with a minimum slope of six to 12 (6:12) may extend up to 28 feet. The ridge of pitched roofs with a minimum slope of four to 12 (4:12) may extend up to 23 feet. All parts of the roof above 18 feet shall be pitched.

9. **Lot Coverage and Floor Area.**

- a. The maximum lot coverage permitted for buildings in cottage court developments shall not exceed 60 percent.
- b. The maximum main floor area is 700 square feet.
- c. The total floor area of each cottage shall not exceed either one and one-half times the area of the main level or 1,200 square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than 12 feet above finished grade, or below the main level, shall be limited to no more than 50 percent of the enclosed space of the main level, or 400 square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces (less than six feet in height).
- d. Attached garages shall be included in the calculation of total floor area.
- e. Areas that do not count as total floor area are:
 - i. Unheated storage space located under the main floor of the cottage.
 - ii. Attached roofed porches.
 - iii. Detached garages or carports.
 - iv. Spaces with the ceiling height of six feet or less measured to the exterior walls, such as a second floor area under the slope of a roof.
 - v. The total square foot area of a cottage dwelling unit may not be increased under any circumstance.

10. Setbacks and Yards.

- a. Yards. The front yard setback for cottage courts shall be 10 feet.
- b. Rear Yards. The minimum rear yard for a cottage court housing development shall be 10 feet.
- c. Side Yards. The minimum required side yard shall be 10 feet.
- d. Interior Separation for cottages. The minimum separation shall be 10 feet.

11. Required Open Space.

- a. Quantity of Open Space. A minimum of 400 square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:
 - i. A minimum of 200 square feet per unit shall be private usable open space (setbacks and common open space shall not be counted as private open space); and
 - ii. A minimum of 150 square feet per dwelling unit shall be provided as common open space. (Setbacks and private open space shall not be counted as common open space.)
- b. Setbacks, stormwater management facilities, parking areas, buffers, and driveways do not qualify as open space area.
- c. Each house shall abut its private open space. A fence or hedge not to exceed three feet may separate private open space from common open space.
- d. Private usable open space shall be provided in one contiguous area with a minimum area of 200 square feet. No horizontal dimension of the open space shall be less than 10 feet and shall be oriented toward the common open space, as much as possible.
- e. Required common open space shall be provided at ground level in one contiguous parcel. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two sides.
- f. The minimum horizontal dimension for common open space shall be 10 feet.

12. Building Entrance Orientation.

- a. Primary entry shall be oriented towards the common open space area.
- b. Sidewalk connections shall be provided from primary entrances to sidewalks.
- c. Covered front porches are required with a minimum area of 60 square feet with a minimum dimension of six feet on any side.
- d. Secondary entrances facing a street or sidewalk shall have a five-foot by five-foot porch.
- e. Five-foot-wide pedestrian pathways (sidewalks) must be included to provide for movement of residents and guests from parking areas to homes and other amenities.

13. Building Design.

- a. Separation of Identical Building Elevations. Units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors.

- b. Variety in Building Design. A variety of building elements and treatments of cottages and garage or carport must be incorporated. Structures must include articulation, change in materials or texture, windows, or other architectural feature as shown in the city's design standards. No blank walls are allowed.

14. Parking. Parking shall be:

- a. Located on the cottage court development property.
- b. Located in clusters of not more than five adjoining spaces.
- c. Screened from public streets and adjacent residential uses by landscaping or architectural screening.
- d. Parking is allowed between or adjacent to structures only when it is located toward the rear of the principal structure and is served by an alley or private driveway.
- e. Not located in the front yard.
- f. Off-street parking requirements are as follows:
 - i. Units under 700 square feet: one space per unit;
 - ii. Units between 700 and 1,200 square feet: one and one-half spaces per unit
 - iii. At least one parking stall per dwelling will be enclosed or covered.
- g. Access to parking shall be from a private drive that is accessible from a public road. The private drive must meet the city's engineering design and development standards.

15. Covered Parking. Covered parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single-family character along public streets.

- a. For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.
- b. Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which precludes the use of the parking spaces for vehicles is prohibited.
- c. The design of carports must include rooflines similar and compatible to those of the dwelling units within the development.

16. Screening Requirements.

- a. Boundaries between cottages and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (i.e., through setbacks or architectural techniques) to meet the intent of this section.
- b. Common waste and other storage receptacles shall not be placed in the front yard setback area.
- c. Common waste and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent property owners, and the public rights-of-way.

17. **Requests for Modifications to Standards.** The City Manager or Zoning Administrator may approve minor modifications to the general parameters and design standards set forth in this chapter, provided the following criteria are met:

- a. The site is constrained due to unusual shape, topography, easements, flood prone, or sensitive areas.
- b. The modification is consistent with the objectives of this chapter.
- c. The modification will not result in a development that is less compatible with neighboring land uses.

18. **Maintenance of open space and utilities.**

- a. Before Final approval is granted, the applicant shall submit covenants, deeds and homeowners association bylaws and other documents guaranteeing maintenance and common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed, approved, and recorded at the County.

19. **Permitted Districts.** R-2.

4.2:6 COMMERCIAL, MIXED-USE & INDUSTRIAL BUILDING STANDARDS

Existing Relevant Language:

4.1:28 Structure Completion - All structures or additions to structures shall be completed on the outside in conformance with the building code and with finish materials; such as wood, brick, or brick veneer, shingle, concrete or similar performance tested material within one (1) year after construction is started unless an extension for not more than one (1) additional year is granted by the Zoning Administrator.

4.1:16 Office buildings for occupancy by any office uses except public/institutional buildings shall be permitted in the R-3 and RR district. To ensure general compatibility with character and design in surrounding residential neighborhoods, such uses shall be subject to the following conditions:

- (1) There shall be no storage, display or sales (wholesale or retail) of merchandise.
- (2) All office buildings shall comply with the following general design standards:
 - a) Pedestrian circulation – The proposed design shall be designed and scaled to ensure safe and efficient pedestrian circulation over the entire site and shall provide appropriate connections to the neighborhood's pedestrian circulation system.
 - b) Exterior Finish Materials – The color and texture of the material shall be compatible with residential structures in the surrounding area.
 - c) Massing – The proposed design shall show consideration of the context in which the building is to be placed with respect to the nearby visual environment. The proposed design shall show consideration of surrounding buildings with regards to the proportion, height, scale, and placement of structures on the site.
 - d) Relation to the street – Walls facing a public street shall include windows and architectural features customarily found on the front façade of a building in the area, such as awnings, cornice work, edge detailing or decorative finish materials. Doorways shall be directly accessible from public sidewalks.
 - e) Windows – Glass shall be clear or lightly tinted only. Windows facing a public street and parking area shall be functional as windows, to ensure neighborhood scale and character.
 - f) Parking – Parking areas shall be located at the back or side of the proposed building. Parking areas will be designed to ensure safe and efficient pedestrian circulation over the entire site.

Table 4.2:6(1) COMMERCIAL AND MIXED-USE BUILDINGS GENERAL STANDARDS

Fenestration		Front facades shall have a minimum of 35% comprised of windows and doorways with no less than 40% of the ground floor windows and doorways.
Facade Articulation		<ul style="list-style-type: none"> i. Blank walls over 30' in length are not permitted. ii. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building in the area, such as awnings, cornice work, edge detailing or decorative finish materials iii. Ground floors shall be differentiated from the floors above by a horizontal expression line such as a string course, change in material or textures, awnings or canopies, or sign band.
Allowed building materials	Primary Facade	Glass and aluminum curtainwall Brick (natural, glazed) Stone (natural, synthetic) Concrete (precast, cast-in-place)
	Secondary Facade and up to 50% of Primary Facade	Architectural Metal Panel (insulated, composite) Decorative cast concrete screens Terra Cotta Tile (glazed)
Building Entrance Orientation		<ul style="list-style-type: none"> i. All buildings shall provide at least one pedestrian door facing the front lot line. ii. Secondary entries permitted from the side or rear.
Utility Service		Services and utility hookups shall not be visible from primary or secondary street frontage, preferably located in the rear yard.
Parking		Parking areas will be designed to ensure safe and efficient pedestrian circulation over the entire site.
Applicable Districts		R-R, C-1, C-2, C-3

Additional building design requirements are included for the Storefront Frontage in the C-2 Mixed-Use District in Section 3.10:3.

Table 4.2:6(2) INDUSTRIAL BUILDING STANDARDS

Fenestration		The primary façade shall have no less than 30% comprised of windows and doorways.
Façade Articulation		Blank walls over 30' in length are not permitted facing the front lot line.
Allowed building materials	Primary Façade	Brick (natural, glazed) Stone (natural, synthetic) Concrete (precast, cast-in-place) Architectural Metal Panel Concrete Masonry
	Secondary Façade and up to 50% of Primary Facade	Decorative cast concrete screens Glass block Terra Cotta Tile (glazed)
Utility Service		Services and utility hookups shall not be visible from the primary street frontage, shall be located in the rear yard to the extent possible.
Building Entrance Orientation		<ul style="list-style-type: none"> i. One primary entrance shall face the front or side lot line and designed to be visually prominent and easily recognizable as the entrance. ii. If the primary entrance faces the side lot line, it shall be located within the first 30' from the front lot line and provide a visually prominent pedestrian connection to the sidewalk. iii. Each entry shall connect directly to the pedestrian sidewalk. Where the building is separated from the street sidewalk, at least one clear and direct connection shall be made between the two. iv. No truck well, loading dock, overhead door or other type of service bay door shall face an abutting residential district. Pedestrian exits and emergency doors are permitted on such building facades facing residential uses.
Parking Access and Location		<p>Driveways must be located in the side or rear yard.</p> <p>Parking is preferred in the side or rear yard.</p> <p>Visitor parking may be located in the front yard. Visitor parking may not exceed 50% of the front yard.</p>
Permitted Districts		I

Planning Commission

Regular Meeting

Big Rapids City Hall
226 N Michigan Ave

August 18, 2021
6:30PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
 - a. July 21, 2021
5. Public Comment
6. Public Hearing
 - a. Determination of Surplus Property: City-Owned Property on
W. Madison Street, Parcel 54-05-010-006-000.
7. General Business
8. Unscheduled Business
9. Adjourn

CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
July 21, 2021
Unapproved

Chair Jane called the July 21, 2021, regular meeting of the Planning Commission, held remotely via Zoom, to order at 6:31 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Megan Eppley, Kasey Thompson, Chris Jane, Karen Simmon, Rory Ruddick, Sarah Montgomery, and Jacob Buse

EXCUSED None

ABSENT None

ALSO PRESENT Paula Priebe, Community Development Director
Emily Szymanski, Planning & Zoning Technician
Kasey Wright, Planning Intern
Kathleen Duffy, SmithGroup
Joe McNally, City Realtor

There were 3 audience members.

APPROVAL OF MINUTES

Motion was made by Karen Simmon seconded by Jacob Buse to approve the minutes of the June 16, 2021, 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

Zoning Analysis of Updated Proposal for 906 N State St.

Staff Report

Priebe summarized the Staff Report, stating that the City Relator, Joe McNally, received a proposal for the purchase of the City-owned property at 906 N State Street. Krist Oil submitted

the proposal, intending to develop the property for use as a gas station and convenience store. This is the third purchase proposal the City has received for this property and is Krist Oil's second attempt after the first proposal was not approved.

Joe McNally, realtor for both the City and Krist Oil, stated that the primary difference between the current proposal and the previous proposal from December 2020, is that this one is not for the full site, but rather for an area in the corner of the lot along N State St and Baldwin St. Mr. McNally continued by saying that

Discussion ensued over the following topics:

- Eppley stated that there are several other properties already zoned C-3 Commercial to redevelop so she is unsure why this has been brought up again. McNally stated that the north side of town has a need for a gas station. He continued by saying Krist Oil is ready to purchase the property and bring money into the city, it just depends on if the city wants to continue waiting for residential development.
- Thompson said that if accommodations were made for larger trucks, the entire dynamic of the space would change, giving the property an industrial feel. McNally stated that the lot is significantly below the road grade so larger trucks logistically could not access the lot.
- Ruddick stated that if the purchase agreement were to be accepted, real estate developers would not build around the gas station because there would not be enough space for both housing and parking.
- Buse confirmed that the community's vision for the parcel is to see more housing development to meet the needs of the community. Jane stated that after the housing charette and housing study, it was evident that the city needs more 'missing middle' housing.

Motion

Motion was made by Megan Eppley, seconded by Karen Simmon, to recommend that the City Commission not accept the updated proposal from Krist Oil Company to purchase 906 N State Street for use as a gas station and convenience store.

Motion passed with all in favor.

Continued Discussion of Form-Based Code Amendments to C-2 and R-R Districts with Kathleen Duffy of SmithGroup

Staff Report

Priebe stated that after the May 19, 2021, Planning Commission meeting, planning commissioners decided that the best way to work toward necessary zoning amendments in order to meet RRC Best Practice 2.3 – Concentrated Development, was to meet with Ms. Kathleen Duffy, consultant from SmithGroup. Priebe welcomed Ms. Duffy to the meeting.

Ms. Duffy said that with the City's vision for the C-2 Commercial and R-R Residential Districts, amending the current zoning ordinance to allow form-based code elements will help achieve community goals. Ms. Duffy then summarized what a form-based is and potential changes that form-based code allows for.

Discussion ensued over the following topics:

- Ruddick asked if the AMC property was sold, what would happen to the existing parking lot? Duffy stated that the parking lot is considered a 'missing tooth' in the downtown and would be a prime location for redevelopment to fill the downtown.
- Duffy stated that several Redevelopment Ready Communities are looking to sell their city-owned parking lots to developers because excess parking is a great opportunity to redevelop. Michigan Avenue is being treated differently than the rest of the C-2 Commercial District because of the traditional downtown environment.
- The strip mall at 210 N Michigan is prime example of how a space could completely change if the parking was located in the rear and the businesses fronted Michigan Avenue.
- Priebe discussed the way forward with two options: the Planning Commission works on the amendments as a whole during each meeting for the next several months, or two planning commissioners could join a committee with staff and work on the changes during weekly meetings.

Staff will work on the use table, draft language, and required definitions over the next few weeks. In the next few months, staff will ask commissioners for their feedback and finalize all of the details. A Public Hearing will then be held at a future meeting.

UNSCHEDULED BUSINESS

Parks and Recreation Survey

Szymanski introduced the Parks and Recreation 5-Year Plan and the community survey. Survey results will help drive the Action Program of the Plan and input is truly appreciated. To complete the survey please visit: <https://cityofbr.seamlessdocs.com/f/ParkRecSurvey>

Introduction of Kasey Wright, Planning Intern

Priebe introduced Kasey Wright, the Planning Intern working in the Community Development Department. Kasey will be working alongside staff until September, and we are happy to have him all the way from San Marcos, Texas. Welcome Kasey!

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

Respectfully submitted,

Emily Szymanski

Planning & Zoning Technician and Planning Commission Secretary

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Community Development Director
SUBJECT: **Determination of Surplus Property: City-Owned Property on W. Madison Street, Parcel 54-05-010-006-000**
DATE: August 18, 2021

Introduction

City Staff are bringing forward a City-owned property on W. Madison Street, to the west of Highlandview Cemetery and located in Big Rapids Township. The purpose of this Public Hearing is to make a recommendation to the City Commission on whether to designate this property as surplus and sell it to a new owner.

This City-owned parcel in Big Rapids Township does not have a street address but is recognized by Parcel ID Number (PIN) 54-05-010-006-000. This property is shaped as a flag-lot, with about 62 feet of street frontage, which runs back 330 feet, after which the lot opens up with dimensions of 600 feet by 995 feet, for a total of about 15 acres. See the attached materials for maps and current parcel information from the Township.

History

Between the years of 2012 and 2016, the City made a concerted effort to evaluate all unused City-owned properties to determine if they were surplus and should be sold or if they had a future public use that made them worth keeping. During this time, nineteen properties were evaluated, including this property in 2012 and 2013.

The property in question here, PIN 54-05-010-006-000, was purchased in 1974 for \$14,000. This property is located immediately adjacent to the Cemetery, and thus it was discussed as needed for expansion of the Cemetery at a later date. However, the money came from the City's General Fund, not from funds designated for cemetery purposes.

During the years of surplus property evaluation, this property was referred to the Planning Commission by the City Commission in Resolution 12-105 on October 1, 2012. The Planning Commission held a Public Hearing and discussed the property over the course of two meetings on November 14, 2012 and December 19, 2012. The Planning Commission made a motion to recommend that the property "be declared surplus with the intention to use it for Cemetery purposes" which passed in a vote of 3 to 2. At the March 4, 2013 meeting of the City Commission, all five Commissioners voted to deny Resolution 13-26, which would have declared this property as surplus property. The resolutions referenced above and the Staff Report packet to that March 2013 City Commission meeting are attached. These materials provide context for the situation and decisions made at that time.

Determination and Recommendation of Surplus Property – Process and Procedure

In the past, the City Commission has encouraged utilizing the process of review outlined in Chapter 36 of the City Code of Ordinances when considering surplus properties. This chapter lays out the process for vacating, discontinuing, or abolishing streets or public grounds. The full text of Chapter 36 is included in the attachments to this Report.

After a property is referred to them for consideration, the Planning Commission holds a Public Hearing on the topic. They make a recommendation to the City Commission, who makes the final decision on the property with four votes being required to approval the proposal to vacate, discontinue, or abolish a street or public ground. While surplus properties do not fall under the direct report of this Chapter, the process outlined above provides a good guide to making the decision and ensuring adequate time for public participation.

The Planning Commission held an initial discussion of this property being surplus at their regular meeting in April 2021. After a discussion, the Planning Commission decided to move forward with a Public Hearing. See the attached minutes from the April 2021 meeting for more details.

Staff reached out to the Big Rapids Township Board of Supervisors and the Cemetery Board of Trustees for their opinions on the future of this property. We received a response that those groups are not interested in this property for future cemetery expansion. They were not interested in City staff attending a meeting with them to discuss further.

Criteria for Review of Potential Surplus Property

Neither the City Code of Ordinances nor the Zoning Ordinance provide clear guidance for how to determine if a property should be deemed surplus.

Possible considerations for decision making include 1) whether the intended use of the property at time of purchase is still valid and 2) whether there is a true public use for the property. If the original intended use is no longer warranted, what is the current or future best use of the property? If there is a true public use for the property, it may be worth keeping. If not, perhaps it is better to sell the land for private development.

Staff Recommendation

Staff encourages the Planning Commission to recommend that the City Commission declare the property as surplus property and sell it for private use.

Action

The Planning Commission should make a recommendation to the City Commission on whether to declare this property as surplus. sample motions are included:

Motion to Declare Surplus Property:

I move to recommend to the City Commission that the City-owned property located west of Highlandview Cemetery (Parcel 54-05-010-006-000) be declared surplus property with the intention to sell it for private use.

Motion to Declare Not Surplus Property:

I move to recommend to the City Commission that the City-owned property located west of Highlandview Cemetery (Parcel 54-05-010-006-000) not be declared surplus property because it has a valid public use as *[insert valid public use here]*.

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
THOMSON JEAN B. & BERNICE	CITY OF BIG RAPIDS	0	07/31/1974	WD	ARMS LENGTH		RPS	100.0
Property Address MADISON AVENUE Owner's Name/Address CITY OF BIG RAPIDS 226 NORTH MICHIGAN AVE BIG RAPIDS MI 49307								
Class: EXEMPT PERSONAL PR Zoning: A-RES Building Permit(s) School: BIG RAPIDS P.R.E. 0% EXTRA ADDRESS: NOT AVAILABLE 2021 Est TCV 0 Land Value Estimates for Land Table 4010.4010 AVERAGE RES ACREAGE								
Improved		X		Vacant		* Factors * Description Frontage Depth Front Depth Rate %Adj. Reason Value A-FF 669.00 976.68 1.0000 0.0000 51 100* 0 RES ACRE 15.000 Acres 3,250 100 48,750 * denotes lines that do not contribute to the total acreage calculation. 669 Actual Front Feet, 15.00 Total Acres Total Est. Land Value = 48,750		
Tax Description SEC 10 T15N R10W W 1/2 NE 1/4 SW 1/4 EXC S 363 FT OF W 594 FT Comments/Influences								
Topography of Site Level X Rolling Low X High Landscaped Swamp Wooded Pond Waterfront Ravine Wetland Flood Plain								
Who	When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other
			2021	EXEMPT	EXEMPT	EXEMPT		Taxable Value
			2020	EXEMPT	EXEMPT	EXEMPT		EXEMPT
			2019	0	0	0		EXEMPT
			2018	0	0	0		0

Information herein deemed reliable but not guaranteed

The Equalizer. Copyright (c) 1999 - 2009.
 Licensed To: Internal Use Only.

WARRANTY DEED—STATUTORY.
(PHOTO-STAT)—(NO. 1100-P)

MECOSTA COUNTY

15016

STATE OF
MICHIGAN
Dept. of
TreasurerREAL ESTATE
TRANSFER TAX
Liber 357 Page 1106

Recorded _____
at _____ o'clock
Liber _____ of Deeds, Page _____
Register of Deeds.

This Indenture, Made this 31st day of July, A. D. 19 74 ,
a/k/a J. B. Thomson
BETWEEN James B. Thomson and Bernice C. Thomson, his wife, of Big Rapids, Michigan,
the parties of/first part,
and City of Big Rapids, a municipal corporation of Big Rapids, Michigan,
a/k/a J. B. Thomson . party of the second part,
WITNESSETH, That the said James B. Thomson and Bernice C. Thomson, his wife,
parties of the first part,
CONVEYS and WARRANTS to the said City of Big Rapids, a municipal corporation of Big
Rapids, Michigan,
part of the second part,
all that certain piece or parcel
situate and being in the Twp. of Big Rapids County of Mecosta
State of Michigan, and described as follows, to-wit:

All of the West 1/2 of the Northeast 1/4 of the Southwest 1/4, Section 10, Township
15 North, Range 10 West, except a parcel in the southwest corner along Madison
Road, 36 rods east and west by 22 rods north and south

I hereby certify that there are no Tax Liens or Titles held by the
State or any individual against the within description, and all Taxes
on same are paid for five years previous to the date of this in-
strument, as appears by the records in my office. This Certificate
does not apply on taxes, if any, now in process of collection.

10/7/74
Date

Meekins County Treasurer

for the sum of Fourteen Thousand and no/100 (\$14,000.00) Dollars

to lawful money of the United States of America,
is hereby paid by the said party of the second part, the receipt whereof is hereby confessed and
acknowledged.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals
the day and year first above written.

Signed, Sealed and Delivered in Presence of

Dorothy A. Green
Dorothy A. Green

Janeen K. Greathouse
Janeen K. Greathouse

James B. Thomson [L. S.]
James B. Thomson

Bernice C. Thomson [L. S.]
Bernice C. Thomson

_____ [L. S.]

STATE OF MICHIGAN,
County of MECOSTA,

On this 31st day of July, A. D. 1974,

before me, a Notary Public in and for said County, personally appeared
James B. Thomson and Bernice C. Thomson, his wife,
known to me to be the persons described in and who executed the foregoing instrument, and have
acknowledged that they executed the same as their free act and deed.

Dorothy A. Green
Dorothy A. Green

Notary Public, Mecosta County, Michigan.

My commission expires July 7 19 76

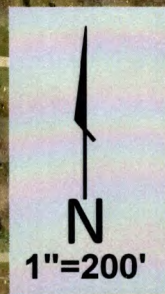
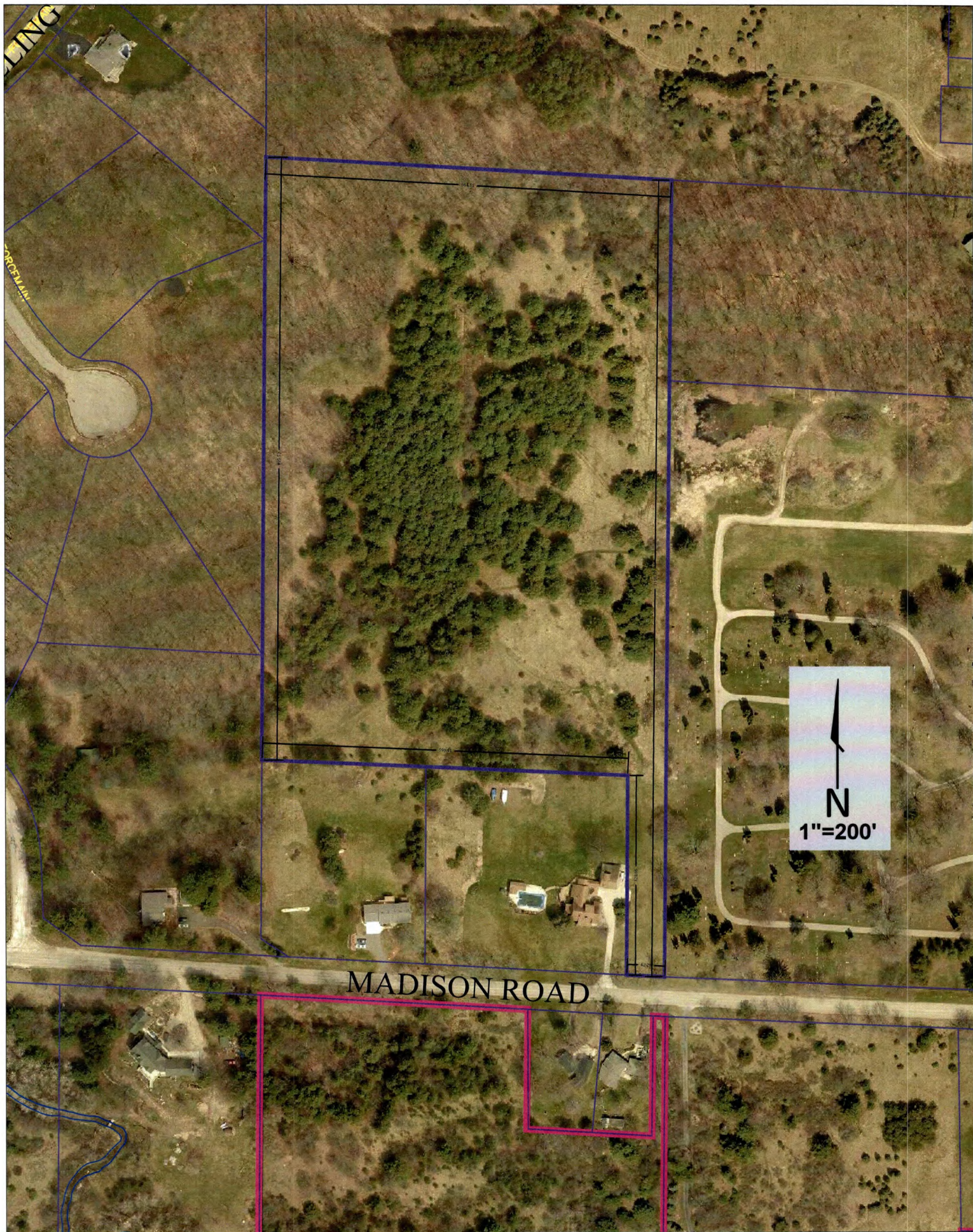
* PRINT, TYPEWRITE OR STAMP NAMES OF PERSONS EXECUTING THIS INSTRUMENT,
ALSO NAMES OF THE WITNESSES AND NOTARY PUBLIC IMMEDIATELY UNDERNEATH
SUCH SIGNATURES.

(APPROXIMATE WORD AND CHARACTER COUNT 200)

THIS INSTRUMENT PREPARED BY
BOWLEY, WALL, PERSHIE & JORDAN, P.C.
ATTORNEYS AT LAW
126 MAPLE
BIG RAPIDS, MICHIGAN 49307

BIG RAPIDS





MADISON ROAD

RESOLUTION NO. 12-105

Commissioner Hogenson moved, supported by Commissioner Anderson, the adoption of the following:

RESOLUTION REFERRING REAL PROPERTY ISSUES TO THE PLANNING COMMISSION

WHEREAS, in 1974 the City of Big Rapids [the "City"] purchased +/- 16 acres of real property for \$14,000, and

WHEREAS, the +/-16 acre parcel was conveyed to the City by way of a Warranty Deed, and

WHEREAS, Big Rapids Charter Township [the "Township"] has asked if the +/-16 acre parcel should be added to Highland View Cemetery.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission refers this matter to the City Planning Commission for a review and recommendation regarding what [if any] disposition should be made of the +/-16 acre parcel located west of the City limits on Madison Street and adjacent to Highland View Cemetery.

2. The Planning Commission is encouraged to follow the procedures set forth in Title III, Chapter 36, of the City's Code of Ordinances.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 1, 2012

RESOLUTION NO. 13-26

Commissioner Anderson moved, supported by Commissioner Hogenson, the adoption of the following:

RESOLUTION ACCEPTING PLANNING COMMISSION RECOMMENDATION PERTAINING TO REVIEW OF PARCEL 05-101-006-000 LOCATED WEST OF HIGHLAND VIEW CEMETERY AS SURPLUS PROPERTY

WHEREAS, the City Commission, per Resolution No. 12-105, dated October 1, 2012, referred the +/- 16 acre parcel located west of the City limits on Madison street and adjacent to Highland View Cemetery to the Planning Commission for determination if it is surplus property, and

WHEREAS, at its December 19, 2012 meeting, the Planning Commission held a Public Hearing, whereby, determining that the property located west of Highland View Cemetery (Parcel 05-010-006-000) be declared surplus property.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the Planning Commission's recommendation and declare Parcel 05-010-006-000, which is located west of Highland View Cemetery, as surplus property.

Yeas: None

Nays: Anderson, Hogenson, James, Rothstein, Warba

The Mayor declared the resolution **Denied**.

Date: March 4, 2013

**CHAPTER 36: VACATING, DISCONTINUING OR ABOLISHING
STREETS OR PUBLIC GROUNDS**

Section

- 36.01 Proposal to be presented to City Commission
- 36.02 Planning Commission to conduct public hearing
- 36.03 Planning Commission to report summary of comments, recommend approval or denial
- 36.04 City Commission to act on proposal
- 36.05 Clerk to record ordinance

§ 36.01 PROPOSAL TO BE PRESENTED TO CITY COMMISSION.

All requests or proposals to vacate, discontinue, or abolish any highway, street, lane, alley or public ground, or any part thereof, shall be presented to the City Commission, and by resolution approved by at least three members of the City Commission, shall be referred to the Planning Commission to conduct a public hearing on the proposal, and to receive recommendations from City staff, and to make a recommendation to the City Commission.
(Ord. 487-11-01, passed 11-19-01; Am. Ord. 655-1-13, passed 1-22-13)

§ 36.02 PLANNING COMMISSION TO CONDUCT PUBLIC HEARING.

Upon referral by the City Commission the Planning Commission shall conduct a public hearing on the proposal, and the City Clerk shall publish notice of the proposal and the public hearing on it once a week for three weeks prior to the public hearing. City departments shall make recommendations on the proposal in writing to the Planning Commission prior to the public hearing, and shall identify existing easements and public or private improvements located within the area proposed to be vacated.
(Ord. 487-11-01, passed 11-19-01; Am. Ord. 655-1-13, passed 1-22-13)

§ 36.03 PLANNING COMMISSION TO REPORT SUMMARY OF COMMENTS, RECOMMEND APPROVAL OR DENIAL.

The Planning Commission shall report to the City Commission a summary of the written and oral comments received at the public hearing on the proposal, and shall recommend approval or denial of the proposal, with a recommendation and description of the size and location of any easement to be reserved by the City in the area proposed to be vacated.
(Ord. 487-11-01, passed 11-19-01; Am. Ord. 655-1-13, passed 1-22-13)

§ 36.04 CITY COMMISSION TO ACT ON PROPOSAL.

Not sooner than 28 days and not later than 90 days after the public hearing on the proposal conducted by the Planning Commission, the City Commission shall receive the report and recommendation of the Planning Commission and shall act on the proposal, with at least four votes being required to approve the proposal in ordinance form to vacate, discontinue, or abolish any highway, street, lane, alley or public ground or any part thereof.
(Ord. 487-11-01, passed 11-19-01; Am. Ord. 655-1-13, passed 1-22-13)

§ 36.05 CLERK TO RECORD ORDINANCE.

The Clerk shall record with the Mecosta County Register of Deeds any ordinance by which the City Commission decides to vacate, discontinue, or abolish any highway, street, lane, alley or public ground or any part thereof.
(Ord. 487-11-01, passed 11-19-01)

POSITION PAPER

TO: City Commission
FROM: Mark Sweppenheiser, Neighborhood Services Director
RE: City owned parcel of land west of Highland View Cemetery
DATE: 02/13/13

In 1974, the City purchased 15+/- acres immediately west of Highland View Cemetery. This land for \$ 14,000 was purchased with general fund monies and not purchased with Cemetery funds. The 1992 Detachment did not include this parcel as part of the Cemetery that the Township owns. The City was contacted by the Township because they thought this parcel should have been included with the Cemetery. This parcel may be useful for Cemetery expansion.

The terms of the Detachment require the City to pay 50% of the annual maintenance and operations of the Cemetery. This year's payment is expected to be \$48,000.

The Planning Commission held a public hearing November 14, 2012 to make a recommendation concerning whether the vacant parcel was surplus. The recommendation was tabled to give staff added time to gather information. Additional information was gathered for the December 19, 2012 Planning Commission meeting. Additionally, Eric Williams was present to help present the history of the detachment and the purchase of the vacant land in 1974.

Ultimately, The Planning Commission voted 3-2 to recommend that the City owned property located west of the Highland View Cemetery be declared surplus property with the intention to use it for cemetery purposes.

Meeting minutes, position papers, and the accompanying information packet from Eric Williams have been included in your packet.

The current Township administration does not foresee an immediate need for the property to be utilized by the cemetery.

POSITION PAPER

TO: Planning Commission
FROM: Mark Sweppenheiser, Neighborhood Services Director
RE: City owned parcel of land west of Highland View Cemetery
DATE: 11/12/12

In 1974, the City purchased 15+/- acres immediately west of Highland View Cemetery. This purchase of land for \$ 14,000 was with general fund monies and not purchased with Cemetery funds. The 1992 Detachment did not include this parcel as part of the Cemetery that the Township owns. The City was contacted by the Township because they thought this parcel should have been included with the Cemetery. This parcel may be useful for Cemetery expansion.

The terms of the Detachment require the City to pay 50% of the annual maintenance and operations of the Cemetery. This year's payment is expected to be \$48,000.

This request comes at a time when management is changing in the Township. Staff would like to know how many available plots or acreage is currently available for burial sites. There is a recreation component as well as a place for the City to place snow or leaves that could be a potential option. Staff feels the parcel should remain in City control, the Township need is not ripe for decision making.

MEMORANDUM

TO: PLANNING COMMISSION
FROM: MARK GIFFORD
SUBJECT: SURPLUS PROPERTIES
DATE: 11/14/2012
CC:

Public Works has reviewed the 16 acre parcel West of Highland View Cemetery and the lot near Wolverine to determine potential City uses for the properties.

The land near the cemetery is directly adjacent (across Madison Ave.) to Clay Cliffs Nature Area and with the recent discussions of a recreation complex at the airport I could foresee the desire to have a trail system that linked Clay Cliffs, the property next to the cemetery, to Sheridan Ave, and then to the airport. Other potential uses could be for leaf and/or snow disposal. There are no utilities or easements on the property.

The City use of the land in the short term is unlikely but I speculate that the short term use for the cemetery is somewhat unlikely. There are too many unknowns at this time and prematurely disposing of the property is not in the best interest of the City.

The lot along Fourth Ave. does not have any City utilities or easements on it and I do not believe that the City will need the property for utility or recreation purposes in the future. From a Public Works perspective, the sale of that property would not be detrimental to the City.

Thank you for your consideration.

Mark Gifford
Director of Public Works

To: Steve Sobers, City Manager

From: Daniel Kirwin, City Manager *Dan*

Date: April 13th, 2012

Subject: Market Value of City owned parcel

The estimated market value of the City owned parcel aka
54-05-010-006-000 on Madison Road is estimated to be:

15.05 acres more or less

\$ 3,500 per acre

\$ 52,675 estimated total market value

Please see attached sold and listing information; apex drawing; and
digital aerial depicting outline of the subject parcel.



CITY OF BIG RAPIDS

226 North Michigan Avenue
Big Rapids, MI 49307

September 25, 2012

Mr. James K. White
Mika, Myers, Beckett & Jones, PLC
900 Monroe Avenue, NW
Grand Rapids, MI 49503

Re: land purchase next to Highland View Cemetery

Dear Jim:

Enclosed should be copies of some additional records pertaining to the purchase of about 16 acres of land next to Highland View Cemetery.

1. Warranty deed dated July 31, 1974, reflecting conveyance of land purchased for \$14,000.

2. Minutes regarding Resolution No. 5597-A, indicating "Commissioner Fairman moved, supported by Commissioner Smith that the City Manager be authorized to purchase 16 acres West and adjacent to the Highland View Cemetery in the amount of \$14,000.00."

3. STATEMENT OF ACCOUNTING POLICIES, June 30, 1975, (two pages), listing Capital Projects Funds, within which was a Public Improvement Fund, and Trust and Agency Funds, within which was the "Cemetery Fund," and definition of The Capital Project Funds.

4. STATEMENT OF REVENUES AND EXPENDITURES AND CHANGES IN FUND BALANCE - CAPITAL PROJECTS FUND, Year Ended June 30, 1975; Federal revenue sharing funds appropriated, \$14,000 in or from the Public Improvements Fund, and an Expenditure of \$14,000 from the Public Improvements Fund as "Land purchases for cemetery use"

The City of Big Rapids is an Equal Opportunity Provider

City Manager	231-592-4020	City Treasurer	231-592-4002	Neighborhood Services	231-592-4035
Assessing	231-592-4030	DART	231-796-8675	Public Safety	231-527-0005
City Clerk	231-592-4000	Income Tax	231-592-4012	Public Works	231-592-4015
Water Plant	231-796-6231	Engineering	231-592-4018	Wastewater Plant	231-796-8483

5. STATEMENT OF CHANGES IN FUND BALANCE - TRUST AND AGENCY FUNDS, Year Ended June 30, 1975; CEMETERY TRUST FUND shows no \$14,000 expenditure for the purchase of land in 1975.

6. Minutes of January 3, 1974, Cemetery Board of Trustees, reflecting a motion and vote to recommend to the City Commission that they do not purchase the 16 acres for Cemetery use at \$14,000.00.

7. Minutes of March 7, 1974, Cemetery Board of Trustees, where

Mr. Wensloff discussed the purchase of property for future Cemetery use, which is to be used by the City until the time arises the Cemetery needs it.

Lester Buist moved, supported by Robert Freeland that the Cemetery Board support the purchase of property as described by the City Manager with the stipulation that it will always be available to the Cemetery when the need arises.

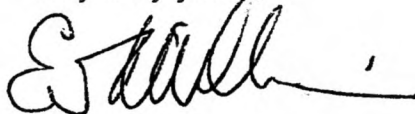
8. Minutes of May 6, 1976, Cemetery Board of Trustees, where

Charles Osburn moved, supported by Clarke Geedey that it be recommended to the City Commission that David Routley be allowed to use the 15 acres West of the Cemetery for farming.

These records indicate the 16 acre parcel was purchased with some intention to add the parcel to the Cemetery when needed. The parcel was purchased out of the general fund, as opposed to out of the cemetery fund, or the perpetual care fund.

If more information on the history of the 16 acre parcel comes to light, it will be shared with you.

Very truly yours,

A handwritten signature in black ink, appearing to read "E. Williams", with a long horizontal flourish extending to the right.

Eric D. Williams

WARRANTY DEED—STATUTORY.
(PHOTO-STAT)—(No. 1100-P)MECOSTA
COUNTY

16016

STATE OF

MICHIGAN

Dept. of

TAXATION

OCT-7-74



REAL ESTATE

TRANSFER

LINE OF LEGAL BLENDS

MICHIGAN

at _____ o'clock

Liber _____ of Deeds, Page _____

Register of Deeds:

This Indenture, Made this 31st day of July, A. D. 19 74 ,
 a/k/a J. B. Thomson
 BETWEEN James B. Thomson/and Bernice C. Thomson, his wife, of Big Rapids, Michigan,
 the parties of/ first part,
 and City of Big Rapids, a municipal corporation of Big Rapids, Michigan,
 a/k/a J. B. Thomson party of the second part,
 WITNESSETH, That the said James B. Thomson/and Bernice C. Thomson, his wife,
 part ies of the first part,
 CONVEYS and WARRANTS to the said City of Big Rapids, a municipal corporation of Big
 Rapids, Michigan,
 part of the second part,
 all that certain piece or parcel
 situate and being in the Twp. of Big Rapids County of Mecosta
 State of Michigan, and described as follows, to-wit:

All of the West 1/2 of the Northeast 1/4 of the Southwest 1/4, Section 10, Township
 15 North, Range 10 West, except a parcel in the southwest corner along Madison
 Road, 36 rods east and west by 22 rods north and south

I hereby certify that there are no Tax Liens or Titles held by the
 State or any individual against the within description, and all Taxes
 on same are paid for five years previous to the date of this in-
 strument, as appears by the records in my office. This certificate
 does not apply on taxes, if any, now in process of collection.

10/7/74
 Date

[Signature]
 Mecosta County Treasurer.

for the sum of Fourteen Thousand and no/100 (\$14,000.00) Dollars

to the said party of the second part, the receipt whereof is hereby confessed and
 acknowledged.

IN WITNESS WHEREOF, the said part ies of the first part ha VE hereunto set their hands and seals
 the day and year first above written.

Signed, Sealed and Delivered in Presence of

[Signature]
 Dorothy A. Green

[Signature]
 Janeen K. Greathouse

[Signature] [L. S.]
 James B. Thomson
[Signature] [L. S.]
 Bernice C. Thomson.
 _____ [L. S.]

STATE OF MICHIGAN,
 County of MECOSTA,

ss.

On this 31st day of July, A. D. 1974,

PETITION NO. 5589

December 12, 1973

Cadillac Cab Company
118 Graine Street
Cadillac, Michigan 49601

Gentlemen:

Our fares have not been changed in some time. We regret that it has become necessary to do so now.

Our operating expences have increased considerably.

We are asking that our rate structure be changed to local calls from \$.75 to \$.90, becoming effective on January 1, 1974.

We have enjoyed serving your community.

Sincerely yours,
Thomas W. Fisher

RESOLUTION NO. 5590

RESOLVED BY THE CITY COMMISSION OF THE CITY OF BIG RAPIDS, that Petition No. 5589 presented by Thomas W. Fisher, representing the Cadillac Cab Company, requesting permission to change their rates from \$.75 to \$.90 for one person any one place in the City Limits.

NOW, THEREFORE BE IT RESOLVED that taxi-cab rates for transporting passengers any where in the City shall be \$.90 per person, starting January 1, 1974.

Commissioner White moved, supported by Commissioner Fairman its adoption.

Yeas: Unanimous.

Nays: None.

RESOLUTION DECLARED ADOPTED.

Date: December 17, 1973.

The following departmental reports were presented.

REPORT NO. 5591

Minutes of the Hospital Board of Trustees meeting held November 28, 1973.

REPORT NO. 5592

Noise complaints report from December 1 through December 16, 1973.

REPORT NO. 5593

Dog Warden's report for the month of October 1973.

REPORT NO. 5594

Dog Warden's report for the month of November 1973.

REPORT NO. 5595

Hospital report for month of September 1973.

REPORT NO. 5596

Hospital report for month of October 1973.

REPORT NO. 5597

Minutes of the City Plan Board meeting held November 28, 1973.

Commissioner White moved, supported by Commissioner Fairman that the departmental reports be placed on file.

Yeas: Unanimous.

Nays: None.

RESOLUTION NO. 5597-A*

Commissioner Fairman moved, supported by Commissioner Smith that the City Manager be authorized to purchase 16 acres West and adjacent to the Highland View Cemetery in the amount of \$14,000.00.

Yeas: Unanimous.

Nays: None.

RESOLUTION NO. 5598 (filed in Agreement File)

Commissioner White moved, supported by Commissioner Fershee, the adoption of the following resolution.

RESOLVED that the City Manager be authorized to

*Action item
minutes*

SKETCH/AREA TABLE ADDENDUM

Parcel No 045 010 006 000

File No parcel near cemetery

Property Address Madison Road

City Big Rapids

County Mecosta

State MI

Zip 49307

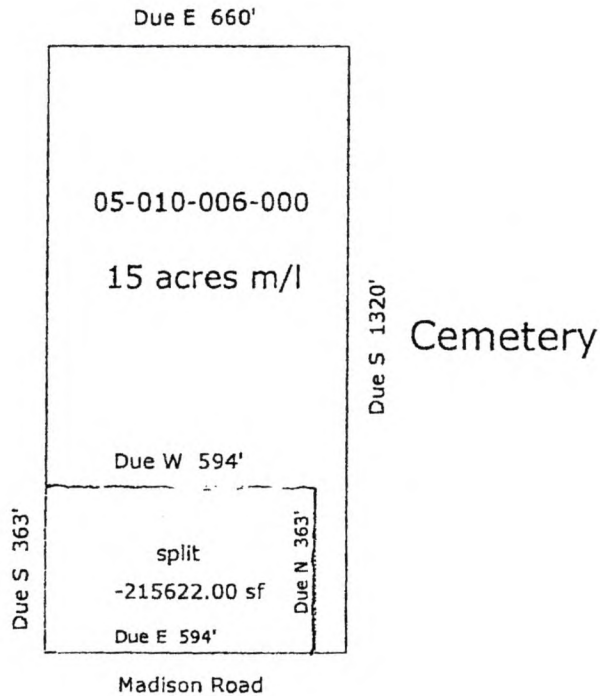
Owner City of Big Rapids

Client

Appraiser Name Daniel R. Kirwin

Inspection Date April 13th, 2012

IMPROVEMENTS SKETCH



Scale: 1" = 400'

05-010-006-000

Beginning at a point of the Tract described by Metes and Bounds as follows:

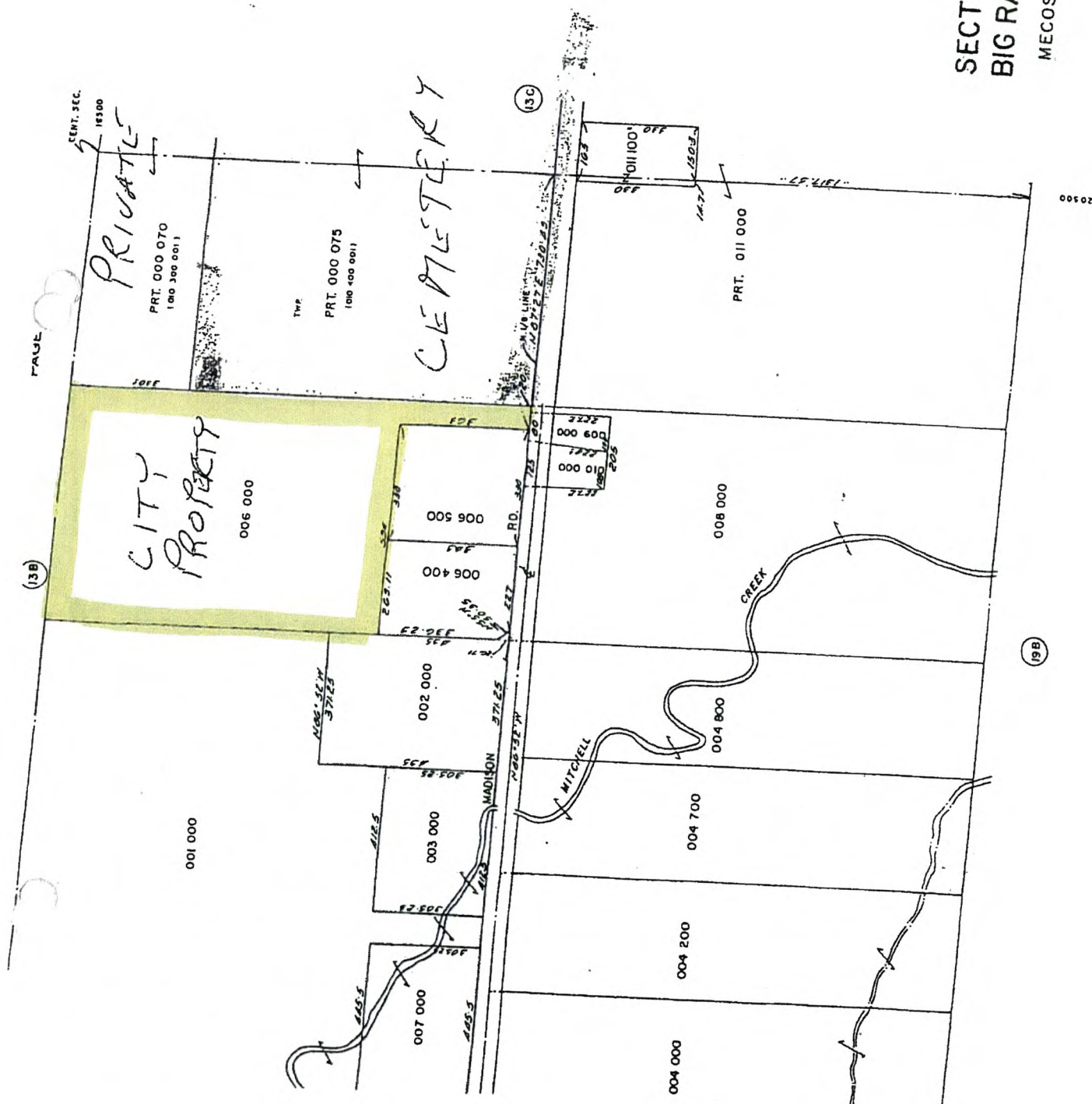
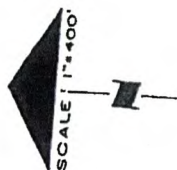
THENCE Due West, a distance of 660.00 Feet;
 THENCE Due North, a distance of 1320.00 Feet;
 THENCE Due East, a distance of 660.00 Feet;
 THENCE Due South, a distance of 1320.00 Feet to point of beginning;
 Said tract containing 20.00 acres (871200.00 sf) of land, more or less.
 Perimeter = 3960.00 Feet
 No significant error of closure.

split

Beginning at a point of the Tract described by Metes and Bounds as follows:

THENCE Due East, a distance of 594.00 Feet;
 THENCE Due North, a distance of 363.00 Feet;
 THENCE Due West, a distance of 594.00 Feet;
 THENCE Due South, a distance of 363.00 Feet to point of beginning;
 Said tract containing -4.95 acres (-215622.00 sf) of land, more or less.
 Perimeter = 1914.00 Feet
 No significant error of closure.

54 05 010



STATEMENT OF ACCOUNTING POLICIES

CITY OF BIG RAPIDS, MICHIGAN

Year ended June 30, 1975

The financial statements have been prepared generally in accordance with the accounting principles outlined in the American Institute of Certified Public Accountants' audit guide "Audits of State and Local Governmental Units" and the Manual for Uniform Reporting Format for Local Units of Government in Michigan, as prepared by the State Treasurer.

FUND CLASSIFICATIONS. The financial activities of the City for the year were recorded in the following funds and groups of accounts:

General Fund

Special Revenue Funds:

Major Street Fund

Local Street Fund

Dial-a-Ride Fund

Debt Service Funds:

1958 General Obligation (Hospital) Bonds

1965 General Obligation (Downtown Off-Street Parking) Bonds

Building Authority Revenue Bonds

Parking Authority

1960 Motor Vehicle Highway Bonds

1963 Motor Vehicle Highway Bonds

1964 Motor Vehicle Highway Bonds

Capital Project Funds:

Swimming Pool Fund

* Public Improvement Fund

General Fixed Assets Group of Accounts

General Long-term Debt Group of Accounts

Motor Pool Fund

Enterprise Funds:

Water Supply System

Sewage Disposal System

Special Assessment Funds:

Roads

Water and Sanitation

Downtown Off-Street Parking

Trust and Agency Funds:

Act 345 Retirement Fund

* Cemetery Fund

Price Trust Fund

Cookingham Trust Fund

Federal Revenue Sharing Fund

STATEMENT OF ACCOUNTING POLICIES - CONTINUED

Trust and Agency Funds - continued:

- County and School Tax Collection Fund
- Payroll Fund
- City Income Tax Refund Fund
- General Disbursing Fund
- Miscellaneous Trust and Agency Fund

The General Fund is used to account for all financial transactions not accounted for in another fund. Many of the more important activities of the City, including police and fire protection, parks and recreation, and refuse collection and disposal, are financed by the revenues of the General Fund, which include general property taxes, state tax distributions, licenses, fines, and reimbursements from other governmental units.

The Major and Local Street Funds are used to account for maintenance, construction, and other expenditures on streets within the City designated as state trunk lines, major, or local streets by the State Highway Commission. Expenditures are reimbursed under the provisions of Act 51 Public Acts 1951, as amended, and through contributions from other funds.

The Dial-a-Ride Fund is used to account for the activities of the City's transit system under an operating subsidy grant from the State of Michigan.

The Debt Service Funds are used to account for payment of interest and retirement of principal on long-term debt obligations of the City except that debt service on long-term debt recorded in the Enterprise and Special Assessment Funds is accounted for within those respective funds.

The Capital Project Funds are used to account for the financing and construction of special projects.

The General Fixed Asset Group of Accounts reflects all City owned property, buildings, and equipment except for that recorded in the Enterprise Funds.

The Long-term Debt Group of Accounts is used to account for the long-term debt obligations other than those recorded in Enterprise and Special Assessment Funds.

The Motor Pool Fund is an intragovernmental service fund used to account for equipment rental and supplies furnished to other departments of the City.

Enterprise Funds are used to account for the financing and operation of self-supporting activities which render services on a user charge basis to the general public. Such activities are initially financed by revenue or general obligation bonds, and the payments of interest and principal on the bonds are made from charges to the consumers.

definition of account uses

STATEMENT OF REVENUES AND EXPENDITURES AND
CHANGES IN FUND BALANCE - CAPITAL PROJECTS FUNDS

CITY OF BIG RAPIDS, MICHIGAN

Year ended June 30, 1975

	SWIMMING POOL	PUBLIC IMPROVEMENTS FUND
Revenues:		
Interest on investments	\$ 167.00	\$ 2,494.99
Rental of city property		2,970.00
Federal grant	97,032.04	
State grant	38,812.77	
Contributions and donations from private sources	5,494.00	8,500.00
Federal revenue sharing funds appropriated		14,000.00
TOTAL REVENUES	141,505.81	27,964.99
Expenditures:		
Repairs and maintenance		87.97
Land purchases for cemetery use		14,000.00
Special assessments on city property		764.98
Pool construction costs	193,332.97	
TOTAL EXPENDITURES	193,332.97	14,852.95
EXCESS OF REVENUES OVER EXPENDITURES (EXCESS OF EXPENDITURES)	(51,827.16)	13,112.04
Fund balance at July 1, 1974	37,162.68	41,014.52
FUND BALANCE (DEFICIT) AT JUNE 30, 1975	\$(14,664.48)	\$54,126.56

See note to financial statements and statement of accounting policies.

*Land purchased from Capital Projects Fund
Revenue from Federal Revenue Sharing*

STATEMENT OF CHANGES IN FUND BALANCE - TRUST AND AGENCY FUNDS

CITY OF BIG RAPIDS, MICHIGAN

Year ended June 30, 1975

		<u>CEMETERY TRUST FUND</u>	
		<u>EXPENDABLE</u>	<u>NON-EXPENDABLE</u>
<hr/>			
Additions:			
Interest and dividends	\$ 2,927.03		
Sale of cemetery lots			\$ 375.00
Federal revenue sharing distributions			
	TOTAL ADDITIONS	<u>2,927.03</u>	<u>375.00</u>
Deductions:			
Perpetual care of lots			
Central Michigan Mental Health Clinic			
Transfers to:			
General Fund	2,927.03		
Improvement Fund			
Local Street Fund			
Water Supply System Fund			
	TOTAL DEDUCTIONS	<u>2,927.03</u>	
	NET ADDITIONS (DEDUCTIONS)	-0-	375.00
Fund balance at June 30, 1974, as previously reported	10,635.19		66,755.81
Adjustment to record amount receivable from Federal Revenue Sharing at June 30, 1974	-0-		-0-
Adjustment to record expendable Cemetery Trust Fund income in General Fund at June 30, 1974	<u>(10,635.19)</u>		<u>-0-</u>
Fund balance at July 1, 1974, as restated	<u>-0-</u>		<u>66,755.81</u>
	FUND BALANCE AT JUNE 30, 1975	\$ <u>-0-</u>	\$ <u>67,130.81</u>

See note to financial statements and statement of accounting policies.

Cemetery Trust Fund for same year shows no transfer or transaction for land purchases

January 3, 1974

Regular meeting of the Cemetery Board of Trustees was called to order by the Chairman Charles Osburn at 10:00 o'clock A.M.

Present: Robert Freeland, Clarke Geedy, Lucille Hurdle, Charles Osburn, Superintendent Glenn Potter.

Absent: Lester Buist.

The minutes of the last regular meeting were read and approved as read.

Clarke Geedy was appointed as the new Chairman of the Board..

Superintendent Potter reported that the only City he had contacted was Clare and they have no provisions for reusing Cemetery lots.

Mr. Osburn moved, supported by Mrs. Hurdle that the Cemetery Board recommend to the City Commission that they do not purchase the 16 acres for Cemetery use at \$14,000.00.

Yeas: Unanimous.

Nays: None.

There being no further business to come before the Board Mr. Freeland moved, supported by Mr. Osburn that the meeting be adjourned at 11:00 o'clock A.M.



W. E. Richardson, City Clerk

Existing Cemetery

66' Road ROW to prop

15 1/2 Acres
to be purchased

by city



M. J. 1501

Future

5661

MARCH 7, 1974

Regular meeting of the Cemetery Board of Trustees was called to order by the Chairman Clarke Geedey at 10:00 o'clock A.M.

Present: Lester Buist, Robert Freeland, Charles Osburn, Clarke Geedey.

Absent: Lucille Hurdle and Glenn Potter both of whom had been excused.

Also present: City Manager Gerald E. Wensloff.

Mr. Wensloff discussed the purchase of property for future Cemetery use, which is to be used by the City until the time arises the Cemetery needs it.

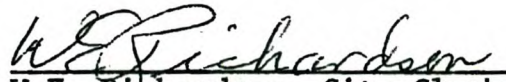
Lester Buist moved, supported by Robert Freeland that the Cemetery Board support the purchase of property as described by the City Manager with the stipulation that it will always be available to the Cemetery when the need arises.

Yeas: Unanimous.

Nays: None.

There being no further business to come before the Board--

Mr. Freeland moved, supported by Mr. Buist that the meeting be adjourned at 11:30 o'clock A.M.


W.E. Richardson, City Clerk

May 2, 1974

Regular meeting of the Cemetery Board of Trustees was called to order by the Chairman Clarke Geedey at 10:00 o'clock A.M.

Present: Robert Freeland, Clarke Geedey, Lucille Hurdle, Charles Osburn.

Absent: Lester Buist - Superintendent Glenn Potter.

Also present: Mayor William A. Grigsby, Commissioner John S. Taylor, City Manager Gerald E. Wensloff.

The minutes of the last regular meeting were read and approved as read.

A discussion was held on a new sign to be placed at the entrance of the Cemetery.

Mr. Osburn moved, supported by Mrs. Hurdle that the City Manager be authorized to investigate the cost of the type of sign discussed and to report back at the next meeting.

Yeas: Unanimous.

Nays: None.

March 4, 1976

Regular meeting of the Cemetery Board of Trustees was called to order by the Chairman Clarke Geedey at 10:00 o'clock A.M.

Present: Lester Buist, Lucille Hurdle, Clarke Geedey, Glenn Potter, John Pound, City Manager Gerald E. Wensloff.

Absent: Robert DeVries, Charles Osburn.

The minutes of the last regular meeting were approved.

The proposed budget for the fiscal year 1976-1977 was discussed with the main change being in Capital Improvement of \$5,000.00 to develop the five (5) acres that are unplatted.

Mrs. Hurdle moved, supported by Mr. Buist that the Proposed Budget be approved and be presented to Administrative Assistant Joseph Brakora.

Yeas: Unanimous.

Nays: None.

Mr. Wensloff discussed the possible use of the fifteen (15) acres for use of garden plots but because of the deer, rabbits and other animals he was afraid people wouldn't reap much from their gardens.

There being no further business to come before the Board the meeting is adjourned at 10:55 o'clock A.M.


W.E. Richardson-City Clerk

May 6, 1976

Regular meeting of the Cemetery Board of Trustees was called to order by the Chairman at 10:00 o'clock A.M.

Present: Clarke Geedey, Lucille Hurdle, Charles Osburn, Glenn Potter, John Pound.

Absent: Robert DeVries, Lester Buist.

The minutes of the last regular meeting were approved.

Charles Osburn moved, supported by Lucille Hurdle that Article 7 Section 7.2 of the Rules and Regulations adopted by the Cemetery Board of Trustees be enforced and no artificial flowers be permitted.
Yeas: Unanimous.
Nays: None.

Charles Osburn moved, supported by Lucille Hurdle that a sign be made and placed at the Cemetery entrance as follows:

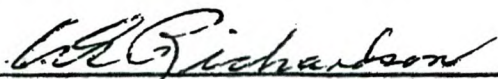
Cemetery hours 7:00 A.M. until dark.
No artificial flowers permitted.

Yeas: Unanimous.
Nays: None.

Charles Osburn moved, supported by Clarke Geedey that it be recommended to the City Commission that David Routley be allowed to use the 15 acres West of the Cemetery for farming.
Yeas: Unanimous.
Nays: None.

Glenn Potter reported that the flags had been received but he had to accept polyethylene flags instead of the usual cloth flags.

The meeting adjourned at 10:45 o'clock A.M.



W.E. Richardson, City Clerk

**CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
NOVEMBER 14, 2012
(Approved)**

Chairperson Vogel called the special meeting of the November 14, 2012, Planning Commission to order at 6:33 PM.

PLEDGE OF ALLEGIANCE

PRESENT: Sue Bean, Renato Cerdena, Richard Griffin, Heather Miller, Jane Johansen, John Schmidt, Tim Vogel

ABSENT: None

ALSO PRESENT: Mark Sweppenheiser, NSD Director
Cindy Plautz, Planning Commission Secretary

There were 8 people in the audience.

Motion was made by Richard Griffin, seconded by Jane Johansen, to approve the minutes of the October 17, 2012, Planning Commission Meeting as presented. Motion passed unanimously with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA: None

PUBLIC HEARINGS

Determination and Recommendation of Surplus Property of a City Owned Parcel (#54 05 010 006 000) of Land Located West of Highland View Cemetery .

Chairperson Vogel reviewed the Public Hearing Procedure for the audience.

Staff Report

Sweppenheiser reviewed his staff report saying that the City purchased the property in 1974 for \$14,000 from the General Fund – not Cemetery funds. The 1992 detachment did not include this property as a part of the Cemetery that was ceded to the Township but required the City to pay 50% of the Cemetery's annual maintenance and operational costs. This year's payment is expected to be \$48,000. Currently, Big Rapids Township is interested in the City owned property purchased in 1974 to expand the Cemetery. Sweppenheiser feels more information is needed to make a good decision on whether or not to declare the property as surplus.

Public Works reviewed the parcel to determine potential City uses. It was determined that it could be used for recreational trails, or as a snow/leaf disposal area. They also

determined that there are too many unknowns at this time and to prematurely dispose of the property is not in the City's best interest.

Chairperson Vogel opened the Public Hearing at 6:41 PM.

Applicant Statement

The applicant for this determination is the City as it was referred to the Planning Commission by the City Commission.

Those Who Spoke in Favor of Declaring the Property Surplus

Maxine McClelland, Big Rapids Township Supervisor, asked if the City had already determined that they weren't in favor of declaring the property surplus. Sweppenheiser explained that the City feels it needs more information to make a sound decision.

McClelland explained that the Cemetery property was detached to the Township in 1992 and the City didn't want it back. Initially, they relied on volunteers to maintain the property. The court mandated detachment agreement said that the City was responsible for 50% of the Cemetery upkeep per year. Initially, the cost was based on \$30,000 and was to be adjusted every 20 years. Recently, Mayor Warba has supported adjusting the amount every 5 years. She added that State law says if a cemetery is located within a municipality's limits, it is the municipality's responsibility to take care of it.

McClelland stated that the Cemetery is pretty full. She said that the land was originally purchased by the City from James Thompson for cemetery use when it was needed. She would like the City to relinquish the land to the Township to use as it was intended. At the time of the 1974 purchase the City owned the Cemetery, but in 1992 the Township took over ownership.

Sweppenheiser said that the City usually doesn't declare surplus property unless there is a need identified for the property. He also stated that if land is determined surplus it needs to be sold at market value and go through a bid process.

Sue Bean asked if there has been any research done to locate documentation that states that the land be used for cemetery purposes only. Maxine has not found it on a deed but recalls it was put in writing. She will ask the family of the original land owner (James Thompson) if they have run across any information about the sale in his estate.

Chairperson Vogel closed the Public Hearing at 6:55 PM and the Commission entered into fact finding.

Schmidt feels the request for surplus determination is premature. He would like more information about the current state of the Cemetery and future plans for the property. He suggests the request be delayed to give the Township more time to gather information. Bean agreed that more documentation is needed.

Vogel stated that he worked for the City at the time of the sale and it was his understanding that the land was to be used for the Cemetery, however, he does not recall it to be stated in writing. He added that the Cemetery has been kept in great shape over the years.

Motion was made by John Schmidt, seconded by Richard Griffin, to delay/table the recommendation to the City Commission until the next Planning Commission meeting the request for designation and recommendation of surplus property of the City owned property west of the Highland View Cemetery (Parcel #54 05 010 006 000) for the purpose of gathering more information.

Motion passed unanimously with Sue Bean, Renato Cerdena, Richard Griffin, Jane Johansen, Heather Miller, John Schmidt, and Tim Vogel in favor.

Public Hearing for Determination and Recommendation of Surplus Property of a City Owned Parcel of Land Located at 1002 N Fourth Avenue.

Chairman Vogel opened the Public Hearing at 7:00 PM.

Staff Report

Sweppenheiser reviewed his Staff Report for the Commission stating that Wolverine World Wide (WWW) is interested in the City owned property located at 1002 N Fourth Avenue to use as a parking lot for their business. In order to use the land, which is zoned R-2, it will need to be rezoned as Industrial.

WWW is planning to build a 20,000 square foot warehouse addition to the north of their building. This addition is thought to utilize current parking space, thus the need for additional parking. The City has not received a site plan as yet.

Sweppenheiser reported that currently, the City does not foresee a use for this property. Public Works Director Mark Gifford supplied a statement as to his perspective for the use of the property saying that the land doesn't have any utilities or easements on it and he doesn't believe that the City will need the property for utility or recreational purposes in the future. He feels the sale of the property would not be detrimental to the City.

Chairperson Vogel opened the Public Hearing at 7:02 PM.

Applicant Statement

Since the request for recommendation came from the City Commission, the City acts as the Applicant. Nothing else was stated at this point.

Those Who Spoke in Favor of the Surplus Property Determination

Peggy Brennan, 1038 N Fourth, stated that she is not for or against the request but she would like to make a statement. She has lived in the area for many years and as her property is directly north of the subject property, she has tried to purchase a part of the

December 19, 2012
Planning Comm Minutes

Sweppenheiser agreed that the women made good use of the rain water but they must comply with the Storm Water Ordinance

Schmidt added that it is good they are not planning to build out to the road.

Bean commented that this resale business is needed in the community and they are bursting at the seams. She agreed that the changes are needed.

Vogel asked if the roof line will be changed from that depicted on the site plan. Burch answered that it will be. Vogel would like to see the change incorporated on the site plan and the site plan sealed. Burch agreed.

Motion was made by Sue Bean, seconded by John Schmidt, to approve the site plan for a 2,416 sq. ft. building addition to the St Vincent de Paul House, 102 Williams Street, with the following conditions:

before the Zoning Permit is issued, the site plan is to include the proposed change to the roof line and the engineer's seal, and the roof line change will require a new storm water review.

Motion passed unanimously with Sue Bean, Jane Johansen, Heather Miller, John Schmidt and Tim Vogel in favor.

Determination and Recommendation of Surplus Property of a City Owned Parcel of Land (Parcel 05 010 006 000) Located West of Highland View Cemetery.

It was explained that the Public Hearing was tabled at the last Planning Commission meeting for the purpose of gaining additional information.

Motion was made by Sue Bean, seconded by Heather Miller to bring the Public Hearing off the table of the November 14, 2012 Planning Commission meeting. Motion passed with Sue Bean, Jane Johansen, Heather Miller, John Schmidt, and Tim Vogel in favor.

City Attorney Eric Williams gave a brief history of the property and referenced his September 25, 2012 letter to Mr. James K. White, Attorney for the Township (Attached).

When the City went through the detachment process in 1992, there were a few proposals. One was to transfer the property to Big Rapids Township – it was rejected. Another option did not include the transfer of the property and the City still owns the property.

Currently, Big Rapids Township contends that the property should be part of the Highland View Cemetery which was transferred to the Township at the time of the detachment. Documentation shows that the property is still owned by the City. While the City was still in ownership of the Cemetery, the City purchased the property to make it available if it was needed for Cemetery use, or it could be used for something else if needed.

The Planning Commission needs to decide if the property is surplus and the City Commission will determine what happens to it after that. The best purpose may be to transfer it to the Township for Cemetery use.

Schmidt asked if the property would need to go up for public bid if it is determined to be surplus. Williams answered that it can but doesn't have to go up for sale right away. It could also be transferred instead of sold. When the property was purchased, it didn't come out of Cemetery or Perpetual Care money. The City would need to determine how much they would need to recoup the cost.

There is an agreement that outlines an amount the City pays the Township each year for maintenance. The amount is supposed to be reset every 20 years but needs to be reset more often than that.

The City could also determine to sell all or part of the property.

A recommendation is needed from the Planning Commission for the City Commission to decide.

Schmidt asked if some of the unused lots could be resold and used. There are many that are not currently used. Williams commented that they do not have to be used within a certain time frame. He suggested that one way to know if they will be used or not is to contact the owners.

It would be helpful to know how many lots are still available.

Vogel stated that he spoke to Maxine McClelland and Bill Stanek of the Township. Stanek estimated that there are 40 to 50 burials per year and there are approximately 500 to 600 plots left. The new section to the north is not yet plotted. He thought there may be a need within 5 to 6 years.

Schmidt wondered why this is currently an issue. Williams thought perhaps it is because the maintenance agreement is due to reset this year. A comment was made that when the issue came up it was suggested that the situation was urgent.

Vogel stated that according to the memo from Mark Gifford the property could potentially be used as part of the City trail system or used as a compost area. Vogel didn't think it sounded like it was surplus property.

Schmidt said he didn't see an urgent need to expand the cemetery into a new area right now. It could be 10 years before it is needed.

Williams urged the Commission to make a recommendation to the City Commission as to whether or not the property is surplus. The City Commission will benefit from the Planning Commission's views of the best use of the property.

Vogel stated that he managed the Cemetery for years. He believed the property in question was for Cemetery use if needed. Other uses for the property are not determined right now.

Schmidt believes that the intention of our fore fathers was to use the property for the Cemetery and we should honor that. Other uses are not determined at this time but he has a hard time determining if it is surplus or not.

Bean stated that currently there doesn't appear to be a use for the property.

Motion was made by John Schmidt, seconded by Sue Bean to recommend the City owned property located west of Highland View Cemetery (Parcel 05-010-006-000) be declared surplus property with the intention to use it for Cemetery purposes as found in the September 25, 2012 letter from Eric Williams to James K. White. Motion passed with Sue Bean, Jane Johansen, and John Schmidt in favor. Heather Miller and Tim Vogel were opposed.

Determination and Recommendation of Surplus Property of a City Owned Parcel of Land Located at 201 and 223 N. Michigan Avenue (Parking Area Across the Street From City Hall).

Chairperson Vogel opened the Public Hearing at 7:26 PM.

Sweppenheiser reviewed the Staff Position Paper and stated that previously the Social Security Administration was looking at the area but it fell through. Currently a developer is looking to develop a 4 story structure with commercial use on the ground floor and senior apartments on the top 3 floors. Staff has visited a similar development of theirs in Clare, MI and found it to be very nice.

Assistant City Manager Mark Gifford reviewed the property with this purpose in mind and found no City utilities on this site except for a storm drain which can be modified to suit the project. Any parking taken away can be accommodated by large surrounding City lots and any park related uses can be accommodated elsewhere in the City. From a Public Works standpoint he recommends the property be declared surplus.

Sweppenheiser also recommends finding the property surplus.

Applicant Statement:

Phil Siebert, 608 E. Blue Grass Road, Mr. Pleasant, MI, stated that they looked at Mid-Michigan Community Action property on M-20 but their property needs lots of repair and they would like to locate elsewhere. He shared a picture of the Clare development that is similar to what he would propose for this site. He has several others around the State but likes the *Clare Castle* best. The Clare property has Meals on Wheels located on

Planning Commission

Regular Meeting

Big Rapids City Hall
226 N Michigan Ave

September 15, 2021
6:30PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
 - a. August 18, 2021
5. Public Comment
6. Public Hearing
7. General Business
 - a. Annual Organizational Meeting
 - b. Recommendation to the City Commission for City-Owned Property at 124 W. Bellevue St
 - c. Continued Discussion of Form-Based Code Amendments to the C-2 and RR Zoning Districts
8. Unscheduled Business
9. Adjourn

CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
August 18, 2021
Unapproved

Chair Jane called the August 18, 2021, regular meeting of the Planning Commission, held remotely via Zoom, to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Karen Simmon, Kasey Thompson, Megan Eppley, Chris Jane, Rory Ruddick, Sarah Montgomery, and Jacob Buse

EXCUSED None

ABSENT None

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

There were 3 audience members.

APPROVAL OF MINUTES

Motion was made by Karen Simmon seconded by Jacob Buse to approve the minutes of the July 21, 2021, 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

Determination of Surplus Property: City-Owned Property on W. Madison Street, Parcel 54-05-010-006-000.

The Public Hearing was opened at 6:38 PM

Staff Report

Priebe summarized the Staff Report introducing the city-owned property on W. Madison Street, to the west of Highlandview Cemetery and located in Big Rapids Township. Between 2012 and 2016, the city evaluated all unused city-owned properties to determine if they were surplus and

should be sold or if they had a future public use that made them worth keeping. During this time, this property was one of nineteen evaluated. The property was referred to the Planning Commission by the City Commission in October 2012. At that time, the Planning Commission made a recommendation to the City Commission to declare the property as surplus. However, in March 2013 the City Commission at the time decided not to declare the property surplus in case of future cemetery expansion. Since then, there have not been any plans for the property. The Planning Commission held an initial discussion for this property during the April 2021 meeting. After a discussion, the Planning Commission decided to move forward with a Public Hearing. Staff has reached out to the Big Rapids Township Board of Supervisors and the Cemetery Board of Trustees for their opinions regarding future plans for the property. Both groups have said that they are not interested in the property for future cemetery expansion.

Those Who Spoke in Favor of the Request: None heard

Those Who Spoke in Opposition of the Request:

Tom Anderson of 20720 Madison Avenue stated that he bought the property in 1984 and was one of the community members involved with the 1992 Detachment in which the cemetery and numerous other properties left the City of Big Rapids and joined Big Rapids Township. The agreement was that the City of Big Rapids and Big Rapids Township would share the cost of maintenance. Mr. Anderson stated that at the time of the Detachment in 1992, the plan was to use the lot for cemetery expansion, so he's disappointed to learn that this may not be the case. He suggested that the adjacent property owners should be the first ones to get an opportunity to purchase the property.

Andrew White of 20746 Madison Avenue stated that his main concern for the sale of the property is that a major development occurs in his backyard. He also asked that adjacent property owners get offered the property if it were to be for sale.

Doug Zentz of 20616 Madison Avenue stated that he has been mowing the property's lawn for over 17 years and mentioned a State Statue regarding tending public land and possibly being eligible to apply for ownership. Mr. Zentz stated that he also feels like he has been lied to because a cemetery employee told him in 2007 that the property in question was owned by the cemetery. He also asked that the City have a professional survey conducted before listing the property for sale because he believes the maps shown tonight are incorrect.

Telephonic or Written Correspondence Received by Staff: None received

Chair Jane closed the Public Hearing at 6:51 PM and the Commission entered into Fact Finding.

- Eppley confirmed that the Planning Commission is not determining the use of the property. Priebe stated that the Planning Commission's task is to make a recommendation to the City Commission as to whether the property is surplus. Surplus property is property that the city owns that does not have a public use. The City Commission will

make the final declaration with the advice from the City Attorney and the Planning Commission.

- Simmon asked if city staff asked if the Parks and Recreation Board has been included in determining future use for this property. Priebe stated that the Parks and Recreation Board was not consulted because since the property is in Big Rapids Township and thus the City does not have jurisdiction over the property.
- Jane asked about future cemetery expansion if the property sold. Priebe stated that she has reached out to both the Cemetery Board of Trustees and the Big Rapids Township Board of Supervisors and both expressed no interest in purchasing the property.
- Montgomery stated that the property should be designated as conservation property. If that were the case, the property would become tax free but also leave the opportunity for future trails.
- Thompson stated that the purpose of this first meeting is to determine whether the property should be declared as surplus and not about future development of the property. By definition, the property seems to be surplus. Future planning seems like the second step.
- Buse asked if the Planning Commission made a recommendation to declare the property surplus and the City Commission agrees, would future plans on how to handle the property come back to the Planning Commission? Priebe stated that the Planning Commission could make recommendations for next steps with their recommendation on surplus property. If declared surplus, the property is unlikely to return to the Planning Commission for further review.

Motion

Motion was made by Megan Eppley seconded by Jacob Buse to recommend to the City Commission that the City-owned property located west of Highlandview Cemetery (Parcel 54-05-010-006-000) be declared surplus property with the intention to sell it for private use with the following conditions:

- A. The property in question be professionally surveyed.**
- B. The property be offered to the adjacent property owners to purchase then offered to the Big Rapids Township and the Cemetery, before being publicly listed for sale.**

Motion passed with Jacob Buse, Megan Eppley, Sarah Montgomery, Rory Ruddick, Karen Thompson, Chris Jane, and Karen Simmon in favor.

GENERAL BUSINESS

None

UNSCHEDULED BUSINESS

Extension of a State of Emergency Due to COVID-19

The City Commission's previous declaration of a state of emergency was set to expire at the end of August 2021 but as been extended until December 31, 2021. The Planning Commission is

able to hold in-person meetings if the Commissioners wish, however virtual meetings via ZOOM are still an option.

Staff will reach out to the Planning Commission before the next meeting to see if the Commission would like an in-person meeting or if a virtual meeting would be the best option following updated COVID-19 policies.

There being no further business, Chair Jane adjourned the meeting at 7:20 PM with all in favor.

Respectfully submitted,

Emily Szymanski
Planning & Zoning Technician and Planning Commission Secretary

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Community Development Director
SUBJECT: Annual Organizational Meeting 2021
DATE: September 15, 2021

Introduction

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 the Commission must do four things:

1. Elect officers for the ensuing year.
2. Appoint a Recording Secretary.
3. Review the Planning Commission budget for the ensuing year.
4. Adopt a regular schedule of meetings for the next year.

Officers and Duties

There are four offices that need to be decided are Chairperson, Vice Chairperson, Secretary, and Recording Secretary.

- Chairperson – The Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein.
- Vice Chairperson – The Vice Chairperson, in the absence of the Chairperson shall act in the capacity of the Chairperson. The Vice Chairperson shall succeed to the office of the Chairperson in the event of a vacancy in that office, in which case the Planning Commission shall select a successor to the office of the Vice Chairperson at the earliest possible time.
- Secretary – The Secretary shall oversee the recording of minutes and keeping of records of Planning Commission business.
- Recording Secretary – The Recording Secretary is appointed by the City Manager to take minutes of Planning Commission meetings. This individual need not be a member of the Planning Commission. The position of Recording Secretary is typically held by a staff member.

Office-holders appointed at the 2020 Organizational Meeting: Chair = Chris Jane; Vice Chair = Megan Eppley, Secretary = Bill Yontz, Recording Secretary = Emily Szymanski.

Persons elected shall take office immediately following their election and shall hold their office for a term of twelve months. The Chairperson, Vice Chairperson, and Secretary shall not serve more than three consecutive terms.

Current Chair Chris Jane is currently completing his second consecutive term as Chairperson. Current Vice Chair Megan Eppley is completing her first term as Vice Chair. The Secretary Position is currently vacant.

Review the Budget

The Planning Commission (Plan/Zoning Board) has a budget each year which is part of the larger City Budget, see attached Budget Report. The Plan/Zoning Board budget typically includes three line items:

101-401-860.000 Travel Expenses = \$500.00
101-401-870.100 Training = \$1,500.00
101-401-958.000 Membership Fees = \$700.00

The Membership Fees budget goes to pay the Michigan Association of Planning (MAP) membership fees for the Planning Commissioners and Zoning Board of Appeals members.

The Training budget supports the goal of providing access to training for Planning Commissioners and Zoning Board of Appeals Members each year. In 2018, consultant Kathleen Duffy provided a specialized training on Form Based Codes. In 2019, the City of Big Rapids hosted a MAP Risk Management training and invited members from area Planning and Zoning boards to attend. For the 2020-2021 Fiscal Year, Planning Commissioners chose to attend a MAP workshop entitled “Planning and Zoning Essentials”, which was held remotely.

MAP runs a series of trainings across Michigan each year in March and their 2022 Schedule will be available in January 2022. Commissioners can attend these training if they wish. Alternatively, we can host a training in Big Rapids. Available workshops include: Planning and Zoning Essentials; Planning Commissioner Toolkit; Zoning Board of Appeals; Site Plan Review; Capital Improvements Programs; Risk Management; Community Engagement; The Master Planning Process; and Planning for Health.

Schedule of Meetings for 2022

At the annual Organizational Meeting, the Planning Commission “shall adopt a regular schedule of meetings for the next year.” Historically, the City of Big Rapids Planning Commission meets on the third Wednesday of each month at 6:30PM.

If that date/time is maintained, scheduled meetings for 2022 will be as follows:

January 19, 2022	July 20 2022
February 16, 2022	August 17, 2022
March 16, 2022	September 21, 2022
April 20, 2022	October 19, 2022
May 18, 2022	November 16, 2022
June 15, 2022	December 21, 2022

The Planning Commission may change the date and/or time of the meeting schedule by passing a motion to amend the Bylaws with the new date and/or time.

Action

The Planning Commission will be asked to nominate and pass a motion on Officers and the Schedule for 2022 at the meeting. Please consider who best can serve the board in this capacity.

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Community Development Director
SUBJECT: **Recommendation for City-Owned Property at 124 W. Bellevue St.**
DATE: September 15, 2021

Introduction

City Staff are bringing forward a City-owned property 124 W Bellevue St (PIN 54-17-10-433-006). The purpose of this discussion is to make a recommendation to the City Commission on how to move forward with redeveloping this property for residential use.

This property is a rectangular lot, with dimensions of 100 feet by 133.33 feet, for a total of about 0.306 acres. See the attached materials for maps and current parcel information from the Township.

124 W Bellevue Street

According to the best knowledge of staff, this property had the same owner since 1991 and has been vacant since at least 2015. Since the small house on the property has been vacant, the structure has steadily declined and the yard was not maintained.

Between 2013 and 2021, the Community Development Department opened 37 different Code Enforcement cases against this property. Most were for Grass and Weeds violations, with three Maintenance complaints and two Blight violations.

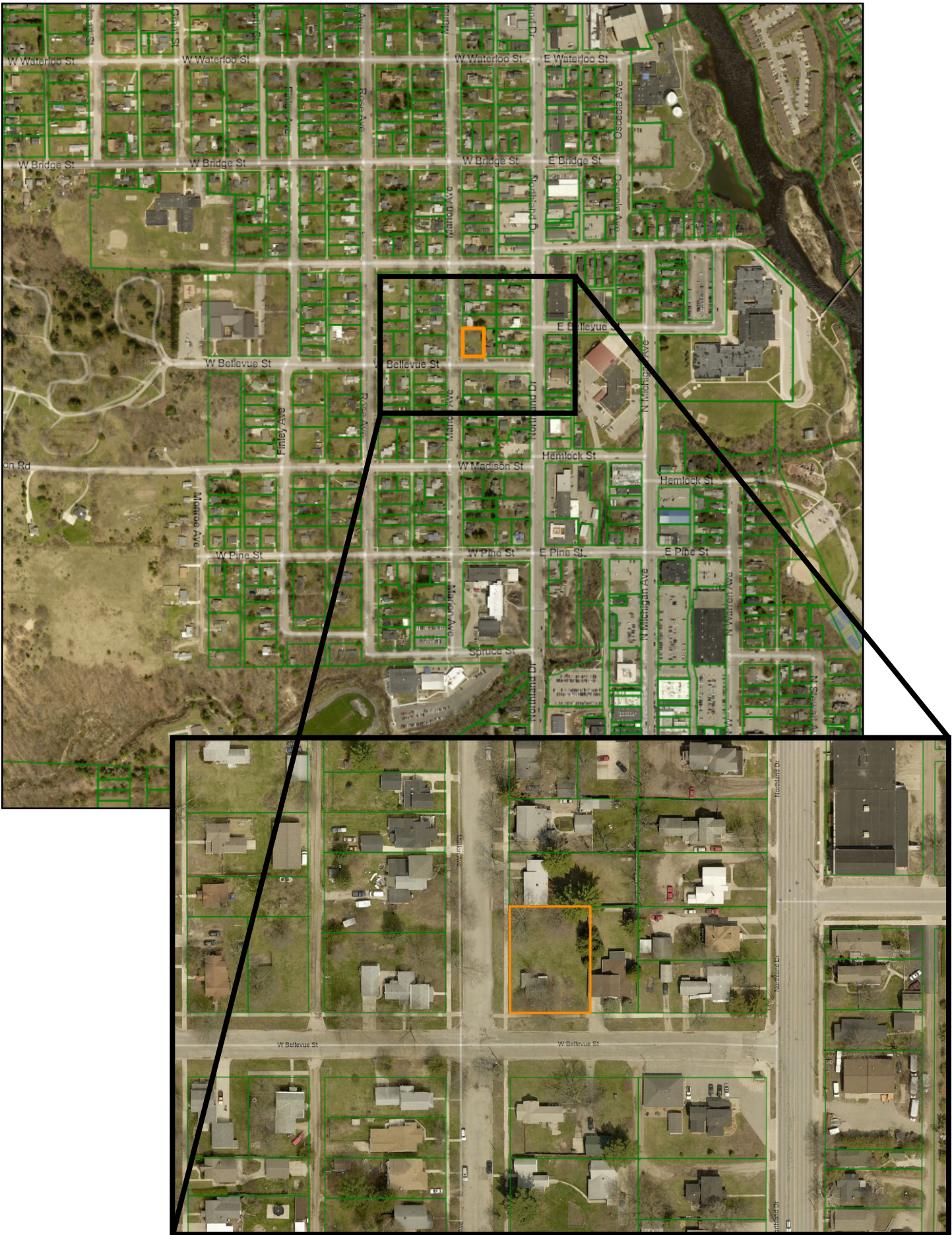
Due to the state of the property and the absenteeism of a responsible party, the City began to look into purchasing the property in early 2021. It took several months for the City Attorney to get in touch with the owner and to work through a sale process. The City closed on the sale in late August 2021 for a purchase price of \$9,300. A Memo from the City Attorney and the associated sale paperwork and new deed are attached to this Staff Report.

The City is soliciting Bids to demolish the existing structure and remove the trees that are growing into the building.

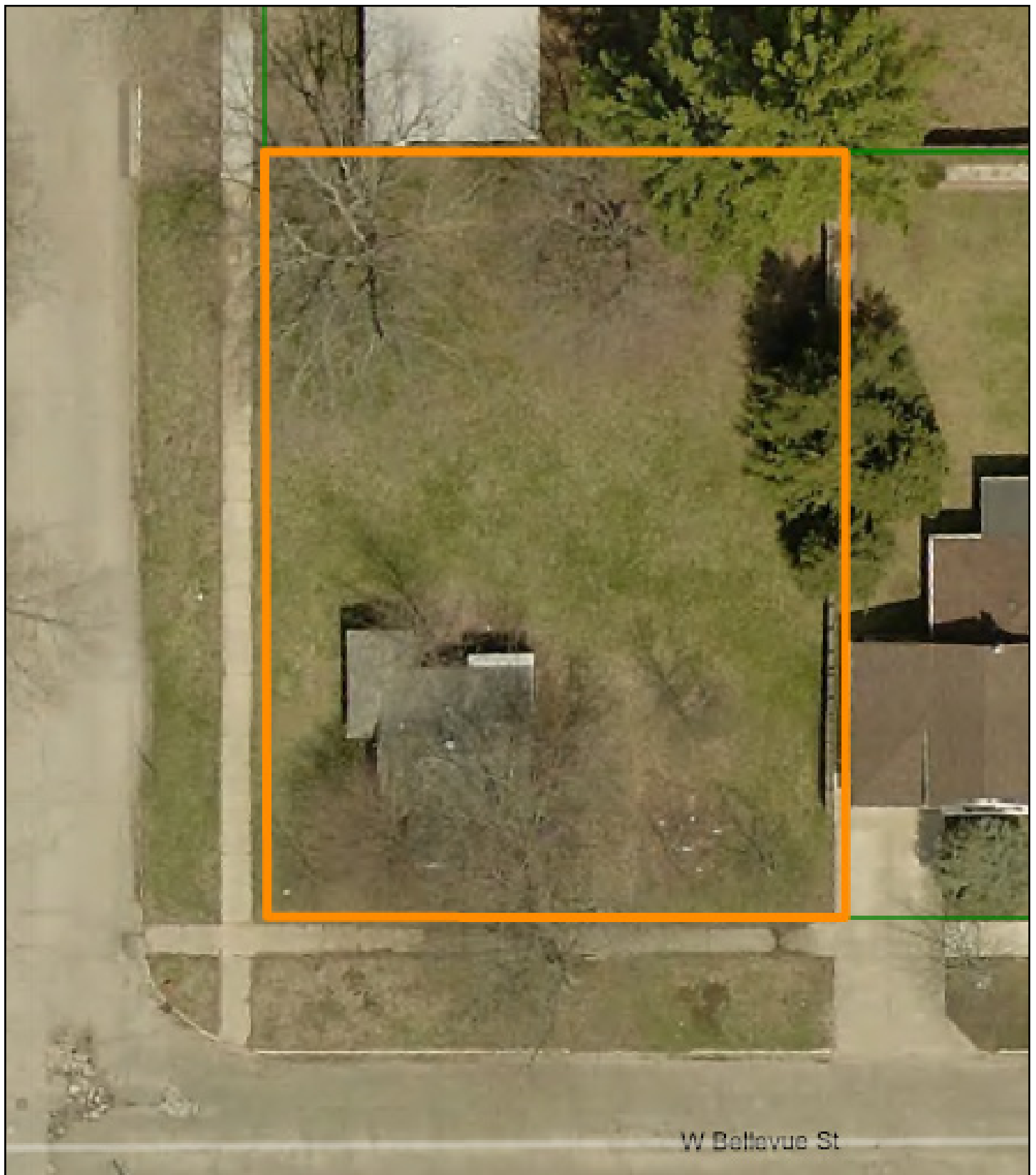
Action

The Planning Commission should make a recommendation to the City Commission on next steps for this property. Potential options include listing the property for sale with a requirement that a new residential home be developed within two years or giving the property to the Housing Commission for them to develop and sell.

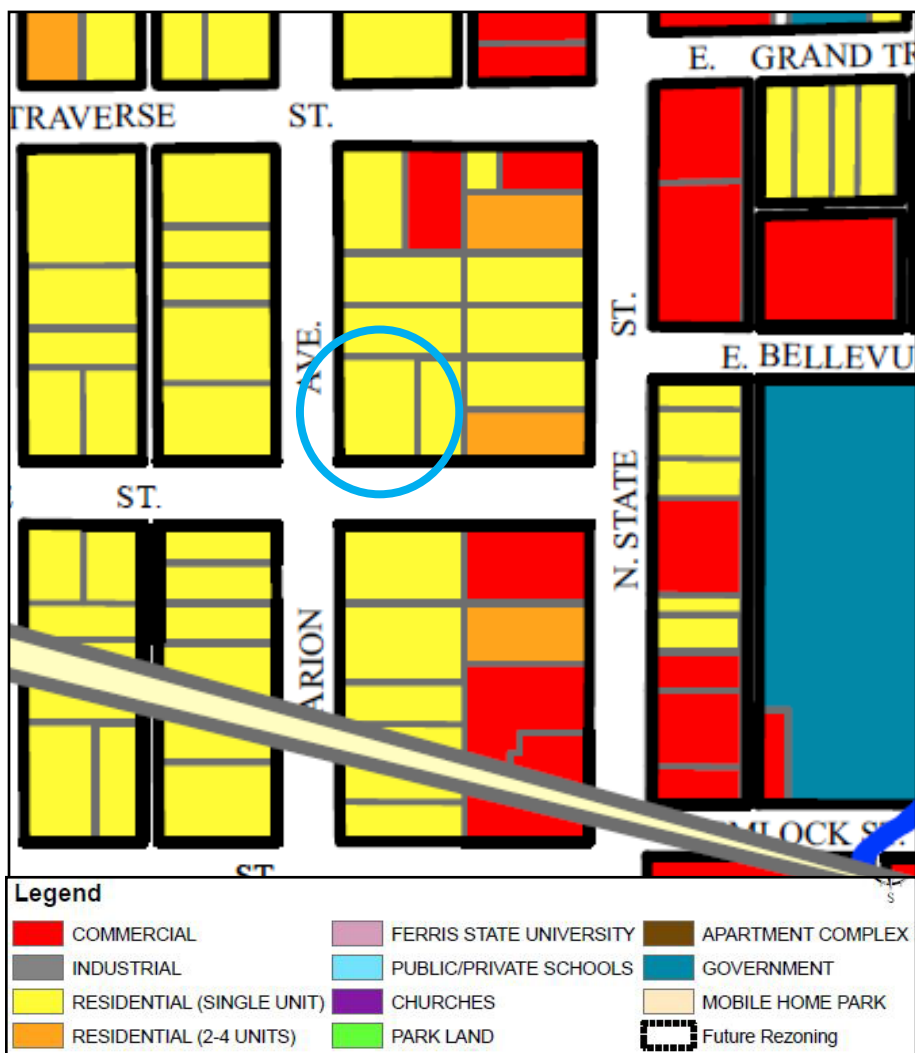
Location Map - 418 Woodward Ave.



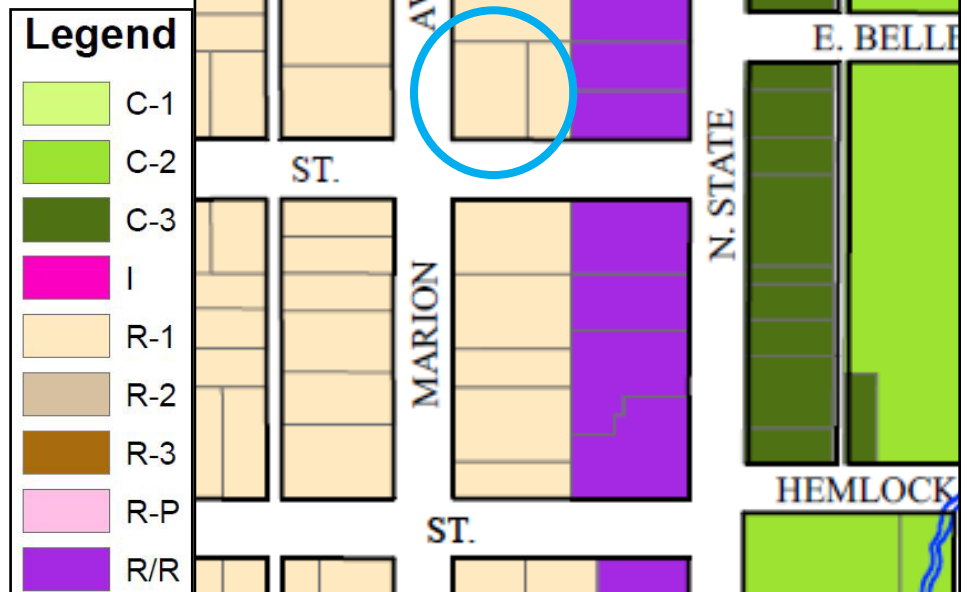
Aerial Imagery



Excerpt from Future Land Use Map



Excerpt from Zoning Map





2010



2021



CITY OF BIG RAPIDS

226 North Michigan Avenue
Big Rapids, MI 49307

MEMORANDUM

TO: Mark Gifford, City Manager
Aaron Kuhn, City Treasurer
Tammy Gillis, City Clerk
Paula Priebe, Community Development Director
Heather Bowman, Public Works Director

FROM: Eric D. Williams, City Attorney

RE: Acquisition of 124 W. Bellevue

DATE: August 30, 2021

CLOSING - 125 W. BELLEVUE

The City entered into a Purchase Agreement with John Bandenicks for the acquisition of 125 W. Bellevue Street, copy attached.

Closing on the purchase occurred on 08/26/2021 at City Hall; copy of Closing Summary attached. Keys were given to Mark Gifford.

Two deeds were recorded with the Mecosta County Register of Deeds on 08/26/2021, by which fee simple title was vested in the City of Big Rapids, copies attached with originals to Tammy Gillis. A Property Transfer Affidavit was signed at closing and will be delivered to Gail Dolbee.

The City is now the sole owner of the property at 124 W. Bellevue.

A title insurance policy should be issued to the City within 30 to 45 days.

Eric D. Williams

EDW/krc
Attachments

The City of Big Rapids is an Equal Opportunity Provider and Employer

City Manager	231-592-4020	City Treasurer	231-592-4010	Neighborhood Services	231-592-4035
Assessing	231-592-4030	DART	231-796-8675	Public Safety	231-527-0005
City Clerk	231-592-4020	Income Tax	231-592-4012	Public Works	231-592-4015
Water Plant	231-796-6231	Wastewater Plant	231-796-8483		

PURCHASE AGREEMENT

SELLER. Name: John J. Bandenicks

Address: 1230 Maplerow Ave., NW
Grand Rapids, MI 49534

BUYER. Name: City of Big Rapids

Address: 226 N. Michigan Avenue
Big Rapids, MI 49307

PROPERTY. Parcel ID #17-10-433-006 legally described as:

French's Addition, Block 10, the West 100 feet of Lots 5 & 6, City of Big Rapids, Mecosta County, Michigan.

Commonly known as: 124 W. Bellevue Street, Big Rapids, MI 49307

BY SIGNING THIS PURCHASE AGREEMENT: Seller and Buyer agree to sell and purchase the Property on the terms described below.

PRICE. The purchase price is \$9,300 and is to be paid in cash or certified funds due at closing.

DEPOSIT. No deposit is required.

CONTINGENCIES. The Buyer's obligation to close this transaction is not contingent upon the sale or exchange of any other property of the Buyer, or any financing sought by the Buyer.

FIXTURES & IMPROVEMENTS. All improvements and appurtenances now on the property are included in the purchase price.

ASSESSMENTS. If the property is subject to any assessments, Seller shall pay the entire balance of any assessments that are due and payable on or before the day of closing.

PROPERTY TAXES. Seller shall pay all taxes which become due prior to closing. Buyer shall be responsible for all taxes which become due after closing. There will be no proration of taxes.

TITLE INSURANCE. As evidence of title, Seller, at Buyer's expense, agrees to furnish Buyer as soon as possible a commitment for title insurance in an amount not less than the Purchase Price and bearing a date later than the acceptance of this Purchase Agreement, with the owner's policy pursuant to the commitment to be issued insuring marketable title to the Property in Buyer.

If Buyer objects to any condition of the title or title insurance commitment, by written notice to Seller, Buyer can either terminate this Agreement, or make a written proposal to Seller to correct unsatisfactory conditions that Buyer does not accept. If Buyer fails to make a written proposal within 10 days, then Buyer will be deemed to have accepted the conditions and will proceed to closing according to the terms and conditions of this Agreement. Seller may negotiate with Buyer or, by written notice to Buyer, accept Buyer's proposal or terminate this Agreement. Failure of Seller to respond or to arrive at a mutually agreeable resolution within ten days after Seller's receipt of Buyer's proposal shall result in termination of this Agreement.

PROPERTY SURVEY. No survey is provided or required to close this sale.

POSSESSION. Seller will maintain the property in its present condition until the completion of the closing. Possession to be delivered to Buyer at the completion of the closing of the sale.

CLOSING. The sale will be closed as soon as closing documents and title insurance are ready.

OIL, GAS AND MINERALS. Seller shall convey the oil, gas and mineral rights of the property that Seller owns.

BUYER'S DEFAULT. If Buyer defaults under this Agreement, Seller may, at Seller's option, pursue all legal and equitable remedies available to Seller under Michigan law.

SELLER'S DEFAULT. If Seller defaults under this Agreement, Buyer may, at Buyer's option, pursue all legal and equitable remedies available to Buyer under Michigan law including a claim for specific performance of this Agreement.

DEED. Seller shall convey marketable title to Buyer by a warranty deed, subject to and including easements, reservations and restrictions of record, if any, upon tender of the Purchase Price.

RECORDING. Buyer shall pay the cost to record the warranty deed.

SELLER'S TRANSFER TAXES. Buyer shall pay any real estate transfer taxes associated with this transaction.

CLOSING FEES. Buyer shall pay all closing fees, except those indicated otherwise in other paragraphs of this Purchase Agreement.

NO WARRANTY. NO REPRESENTATION. Other than the warranties of title associated with the warranty deed, Seller makes no warranty as to the condition of the Property or its suitability for any particular purpose. The Property is sold "As-Is". Seller has not made any representation of any sort or nature to the Buyer regarding the Property. Buyer has not relied upon any representations of the Seller regarding the Property.

BINDING AGREEMENT. This Purchase Agreement shall bind and inure to the benefit of the heirs, executors, administrators, successors, and assigns of the respective parties.

TIME OF THE ESSENCE. Time is of the essence of this Purchase Agreement, but Buyer may waive this provision for the purpose of curing title defects.

BROKERS. Seller and Buyer represent and warrant to each other that they have not used or employed the services of any real estate brokers, sales agents, or finders in connection with the purchase and sale of the Property.

SELLER'S DISCLOSURE. No statement is provided or required because this agreement is for the sale of land and a structure that will be demolished.

ENTIRE AGREEMENT. The parties agree that this Purchase Agreement contains the entire agreement between Seller and Buyer and that there are no agreements, representations, statements, or understandings which have been relied upon by the parties to this Purchase Agreement which are not stated in this Purchase Agreement.

ALL AGREEMENTS IN WRITING. The parties agree that this Purchase Agreement (and written and signed addenda, if any) cannot be modified, altered, or otherwise amended without a writing being duly signed or initialed, as the case may be, by both Seller and Buyer. The parties agree that electronic signatures shall be treated the same as an original signature and that this Purchase Agreement may be signed in counterparts.

APPROVAL. This Purchase Agreement is subject to final approval by the City Commission.

Approved by Seller:

Dated: June 17, 2021

John J. Banderieks
John J. Banderieks

Approved by Buyer:

Dated: July 8, 2021

Mark Gifford
City of Big Rapids
By: Mark Gifford, City Manager

Drafted by:

Eric D. Williams (P33359)
Big Rapids City Attorney
524 North State Street
Big Rapids, MI 49307
edw1@att.net
(231) 796-8945

RESOLUTION NO. 21-88

Commissioner Cochran moved, seconded by Commissioner Eppley, the adoption of the following:

**RESOLUTION APPROVING A PURCHASE AGREEMENT TO
ACQUIRE 124 W. BELLEVUE**

WHEREAS, the structure on the lot at 124 West Bellevue has deteriorated to the point that it should be demolished, and

WHEREAS, the City obtained a signed Purchase Agreement to acquire the real property commonly known as 124 West Bellevue at the price of \$9,300 subject to final approval by the City Commission, and

WHEREAS, the City Manager and City Attorney recommend that the City Commission approve the Purchase Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Commission approves the Purchase Agreement (copy attached) for the real property at 124 W. Bellevue and authorizes the City Manager to sign the documents necessary to close the transaction with the expenditures from account number 101-101-971. 000.

Yeas: Andrews, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the resolution adopted.

Dated: July 6, 2021

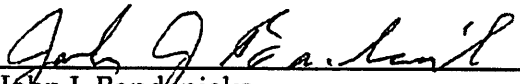
CLOSING SUMMARY
JOHN J. BANDENIEKS/CITY OF BIG RAPIDS
August 26th 2021

Purchase Price	\$ 9,300.00
Amount due from Buyer	<u>\$ 9,300.00</u>

Closing Costs paid by Buyer:

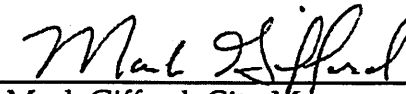
Mecosta County Register of Deeds		
- transfer tax	\$ 81.70	
Lakeland Title of Mecosta County	\$ 375.00	
- title insurance		
Mecosta County Register of Deeds		
- record Warranty Deed from R. Jones to J. Bandenieks and tax clearance	\$ 35.00	
- record Warranty Deed from J. Bandenieks to City of Big Rapids and tax clearance	<u>\$ 35.00</u>	
Total closing costs due from Buyer:	\$ 526.70	
Total due from Buyer:		<u><u>\$ 9,826.70</u></u>

Approved by Seller:



John J. Bandenieks

Approved by Buyer:



Mark Gifford, City Manager

Checks to be written

John J. Bandenieks	\$ 9,300.00
Lakeland Title of Mecosta County	\$ 375.00
Mecosta County Register of Deeds	<u>\$ 151.70</u>
Total	<u><u>\$ 9,826.70</u></u>

Verifying number

Closing Cost due from Seller	\$ -
Closing Cost due from Buyer	<u>\$ 9,826.70</u>
	<u><u>\$ 9,826.70</u></u>

Document # 202100008222 WARRANTY D
Mecosta County, Michigan
Karen Hahn, Register of Deeds
Recorded: 08/26/2021 02:59 PM
OR LIBER 913 PAGE 4091

I hereby certify that there are no Tax Liens or Titles held by the State or any individual against the within description, and all Taxes on same are paid for five years previous to the date of this instrument, as appears by the records in my office. This Certificate does not apply on taxes, if any, now in the process of collection.

8/26/21
Date

Karen Hahn
Mecosta County, Michigan
WARRANTY DEED

Richard N. Jones whose address is 11155 Lincoln Lake Road, Greenville, MI 48838,

conveys and warrants to John J. Bandenieks whose address is 1230 Maplerow Ave., NW, Grand Rapids, MI 49534,

the following described premises situated in the City of Big Rapids, County of Mecosta and State of Michigan:

French's Addition, Block 10, the West 100 feet of Lots 5 & 6,
City of Big Rapids, Mecosta County, Michigan.
Parcel ID #17-10-433-006.

Commonly known as: 124 W. Bellevue Street, Big Rapids, MI 49307.

Subject to easements, reservations and restrictions of record.

This deed is given in full satisfaction of a Land Contract dated November 18, 1991, between Grantor and Grantee.

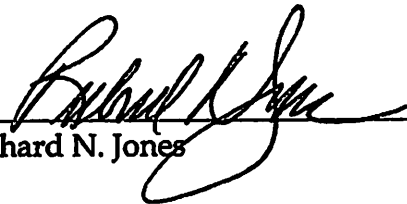
For the consideration of the sum of Twenty Nine Thousand Five Hundred and 00/100 Dollars (\$29,500.00).

GRANTOR grants to the GRANTEE the right to make all divisions under Section 108 of the Land Division Act. Also, this property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.



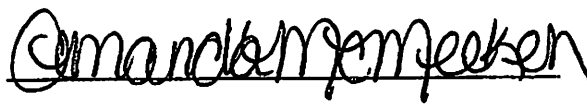
Dated this 9th day of AUGUST, 2021.

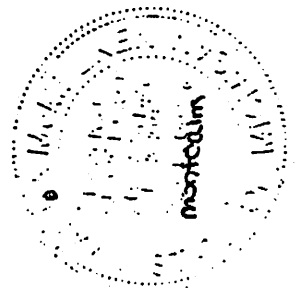
Signed:


Richard N. Jones

STATE OF MICHIGAN)
)ss
COUNTY OF Montcalm

On August 9th, 2021, before me, a Notary Public, in and for said County, personally appeared Richard N. Jones, to me known to be the same person described in and who executed the within instrument, who acknowledged before me the same to be his own free act and deed.


Notary Public
Montcalm County, Michigan
Acting in Montcalm County, Michigan
My commission expires: March 26, 2023



Drafted by:

Eric D. Williams (P33359)
Attorney at Law
524 North State Street
Big Rapids, MI 49307
edw1@att.net
(231) 796-8945

202108008222

ERIC D WILLIAMS
524 N STATE STREET
BIG RAPIDS, MI 49307

Warranty Deed
Page 2 of 2

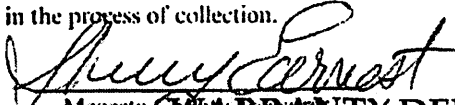
RECEIVED IN MECOSTA COUNTY
AUGUST 26, 2021 02:52:58 PM



Document # 202100008223 WARRANTY DEED
Mecosta County, Michigan
Karen Hahn, Register of Deeds
Recorded: 08/26/2021 02:59 PM
OR LIBER 913 PAGE 4093

I hereby certify that there are no Tax Liens or Titles held by the State or any individual against the within description, and all Taxes on same are paid for five years previous to the date of this instrument, as appears by the records in my office. This Certificate does not apply on taxes, if any, now in the process of collection.

8/26/21
Date


Mecosta County, Michigan
WARRANTY DEED

John J. Bandenieks whose address is 1230 Maplerow Ave., NW, Grand Rapids, MI 49534,

conveys and warrants to the City of Big Rapids whose address is 226 N. Michigan Avenue, Big Rapids, MI 49307,

the following described premises situated in the City of Big Rapids, County of Mecosta and State of Michigan:

French's Addition, Block 10, the West 100 feet of Lots 5 & 6,
City of Big Rapids, Mecosta County, Michigan.
Parcel ID #17-10-433-006.

Commonly known as: 124 W. Bellevue Street, Big Rapids, MI 49307.

Subject to easements, reservations and restrictions of record.

For the consideration of the sum of Nine Thousand Three Hundred and 00/100 Dollars (\$9,300.00).

GRANTOR grants to the GRANTEE the right to make all divisions under Section 108 of the Land Division Act. Also, this property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Dated this 26th day of August, 2021.

Signed:


John J. Bandenieks

Warranty Deed
Page 1 of 2

M STATE OF
MICHIGAN
Mecosta County
08/26/2021
202100008223



REAL ESTATE ★
TRANSFER TAX ★
\$10.45 CO ★
\$71.25 ST ★
TTX# 26669 ★

KH 8/26/21

STATE OF MICHIGAN)
)ss
COUNTY OF MECOSTA)

On August 26, 2021, before me, a Notary Public, in and for said County, personally appeared John J. Bandenicks, to me known to be the same person described in and who executed the within instrument, who acknowledged before me the same to be his own free act and deed.



Eric D. Williams
Notary Public
Mecosta County, Michigan
Acting in Mecosta County, Michigan
My commission expires: 5/25/2022

Drafted by:

Eric D. Williams (P33359)
Attorney at Law
524 North State Street
Big Rapids, MI 49307
edw1@att.net
(231) 796-8945

202100008223

ERIC D WILLIAMS
524 N STATE STREET
BIG RAPIDS, MI 49307

Planning Commission

Regular Meeting

Big Rapids City Hall
226 N Michigan Ave

November 17, 2021
6:30PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
 - a. September 15, 2021
5. Public Comment
6. Public Hearing
7. General Business
 - a. Continued Discussion of Proposed RRC and Form-Based Code
Amendments to the Zoning Ordinance
8. Unscheduled Business
9. Adjourn

Next Meeting: December 15, 2021

Joint Meeting with the City Commission
and the Housing Commission to discuss
upcoming Housing Projects in Big Rapids.

CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
September 15, 2021
Unapproved

Vice-Chair Eppley called the September 15, 2021, regular meeting of the Planning Commission, to order at 6:33 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Karen Simmon, Kasey Thompson, Megan Eppley, Sarah Montgomery, and Jacob Buse

EXCUSED None

ABSENT Chris Jane
Rory Ruddick

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

There was 1 audience member.

APPROVAL OF MINUTES

Motion was made by Jacob Buse seconded by Sarah Montgomery to approve the minutes of the August 18, 2021, 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

A. 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 (3rd term)

- Megan Eppley (2nd term)
- Sarah Montgomery as Secretary (1st term)

Emily Szymanski was appointed Recording Secretary.

The Planning Commission budget was reviewed, and the meeting schedule was adopted as stated with one change – there will not be a scheduled regular meeting of the Planning Commission for the month of December. If a meeting is necessary for December, a Special Meeting will be held. The meeting time will remain at 6:30 p.m. on the third Wednesday of each month.

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

B. Recommendation to the City Commission for City-Owned Property at 124 W Bellevue St

Staff Report

Priebe summarized the Staff Report, stating that the property has been vacant since at least 2015. Between 2013 and 2021, the home has had 37 different Code Enforcement cases due to its deteriorating condition. With the state of the property and the absenteeism of the responsible party, the City looked into purchasing the property in early 2021. It took several months to contact the owner and work through the sale process. The City closed on the sale in late August 2021 for a purchase price of \$9,300. The City Commission has asked for the Planning Commission's recommendation on next steps for this property.

Discussed ensued over the following topics:

- If the Housing Commission had ownership, what type of home would they build? The Housing Commission would most likely build a modular home. However, there is a waiting period and could mean the property could sit vacant for over a year.
- If the City were to keep ownership for now, could they sell the property? Yes, the City's Realtor, Joe McNally, could list the lot for sale and include a stipulation where the purchaser has to develop within two years of ownership.
- Buse asked if City Staff have reached out to the MOISD Career Center or Habitat for Humanity. Staff has not reached out to other organizations at this time but are willing to do so.

Planning Commissioners have agreed to wait for Staff to contact the organizations discussed before making a recommendation to the City Commission. Staff will reach out to the organizations and bring this item back to a future the Planning Commission meeting.

C. Continued Discussion of Form-Based Code Amendments to the C-2 and R-R Zoning Districts

Staff Report

Priebe discussed updates regarding Form-Based Code progress. She stated that the project is ongoing but wants to give the Planning Commission an overview of the new Use Table. The Use Table will cover all districts, but more concise and user-friendly. Staff will bring back the fully edited new Use Table by the a future Planning Commission meeting to discuss further.

The following items were discussed:

- Buse asked if the current Ordinances would still exist in a written format with the new added Use Table. Priebe stated that the new Form-Based Code with the Use Table will replace the existing District Permitted Uses Sections once adopted. The C-2 and the R-R will undergo the most changes. R-1, R-2, R-3, and R-P will remain very similar to how they are now but with a few changes. Form-Based Code works really well in walkable neighborhoods, so it does not make sense to use this format for every District.
- Thompson stated that the existing Zoning Ordinance is very dated, and the way people retain information has changed, so she appreciates the effort of Staff for staying relevant.

UNSCHEDULED BUSINESS

City Commission Update on Determination of Surplus Property: City-Owned Property on W. Madison Street, Parcel 54-05-010-006-000

Priebe gave an update regarding the Planning Commission's recommendation to the City Commission for the City-owned property on W. Madison Street. The City Commission approved the Planning Commission's recommendation to declare the property as surplus during the September 7, 2021, City Commission meeting. The survey for the property has been ordered. The listing agreement will be an item on the September 20, 2021, City Commission meeting. However, the City Attorney stated that the City is unable to offer the property to the adjacent homeowners or Big Rapids Township before listing to the general public. This is due to a state law that requires "public sale" of all municipal-owned property.

Parks & Recreation Community Workshop – September 22, 2021

Szymanski invited Planning Commissioners to the Parks & Recreation Community Workshop that will be held on Wednesday, September 22, 2021, between 4:00-7:00 p.m. This Workshop is a drop in event and will consist of five different stations: Parks & Recreation Survey results, designing a park for the Depot Trailhead property, winter park activities in Big Rapids, future developments, and a budgeting activity. Public welcome!

There being no further business, Vice-Chair Eppley adjourned the meeting at 7:32 PM with all in favor.

Respectfully submitted,

Emily Szymanski

Planning & Zoning Technician and Planning Commission Secretary

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Community Development Director
SUBJECT: Continued Discussion of Proposed RRC and Form-Based Code Amendments to the Zoning Ordinance
DATE: November 17, 2021

Introduction

The need for a fresh look at the C-2 Mixed-Use Commercial and R-R Restricted Residential Zoning Districts came out of the Redevelopment Ready Communities process. RRC Best Practice 2.3 is about Concentrated Development. It requires that “the Zoning Ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired”.

In 2018, the City of Big Rapids hired land use consulting firm SmithGroup to assist the City with this and other sections of the RRC process. The work they have been doing, with guidance from City staff, is included later in this report.

RRC Best Practice 2.3 – Concentrated Development

According to the RRC 2.0 Best Practices Handbook, this best practice says that “allowing for areas of context-sensitive concentrated development provides myriad benefits including enabling pedestrian mobility, providing a sense of place, generating fiscal stability for communities, and leveraging existing infrastructure”.

2.3 Concentrated Development

Allowing for areas of context-sensitive concentrated development provides myriad benefits including enabling pedestrian mobility, providing a sense of place, generating fiscal stability for communities, and leveraging existing infrastructure.

CRITERIA: The zoning ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired.	
ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<p><input type="checkbox"/> The ordinance allows mixed-use buildings by-right in designated areas of concentrated development.</p> <p>The ordinance requires ONE or more of the following elements in areas of concentrated development:</p> <ul style="list-style-type: none"><input type="checkbox"/> Build-to lines<input type="checkbox"/> Open store fronts<input type="checkbox"/> Outdoor dining<input type="checkbox"/> Minimum ground floor transparency<input type="checkbox"/> Front-facing doorways<input type="checkbox"/> Parking located in the rear of the building	<p><input type="checkbox"/> The ordinance allows mixed-use buildings by-right in designated areas of concentrated development.</p> <p>The ordinance requires TWO or more of the following elements in areas of concentrated development:</p> <ul style="list-style-type: none"><input type="checkbox"/> Build-to lines<input type="checkbox"/> Open store fronts<input type="checkbox"/> Outdoor dining<input type="checkbox"/> Minimum ground floor transparency<input type="checkbox"/> Front-facing doorways<input type="checkbox"/> Parking located in the rear of the building

There are two required elements of 2.3, as articulated in the graphic above:

- The first element is met in the C-2 Downtown district, which permits “dwelling units within commercial structures, except on the main floor and basement of those structures” as principal uses according to Section 3.10:2 (5) of the Zoning Ordinance. Yet, more could be done to allow mixed use in other districts.
- The second element is not met and the City still needs to make changes to be aligned in this area. Our current Ordinance does not include any of these as requirements.

Additionally, the October 2017 RRC Report of Findings Report for Big Rapids noted a specific recommendation for this Best Practice: “Consider adopting a form-based code to help achieve community goals”.

Next Steps

The Planning Commission has been discussing this topic over the past year, including in March and September 2021. Staff has been working between meetings to prepare the proposed amendment language for Planning Commission review.

In addition to these RRC-related, downtown-focused changes, the City of Big Rapids has been discussing the need to make changes to the residential districts to allow a wider array of housing types. This need was identified and codified in the Housing Study conducted in 2020.

It has been decided by staff that the best way to move forward is to bring the downtown Form-based Code changes, Use Table changes, definition changes, building design standards, and residential building type changes to the Commission for adoption all at one time. Because these elements are all interconnected, rather than spend the next year on a continuous series of one change after another, we will be reviewing them all at one time. Staff will present the next series of topics for discussion at the November meeting and have a series of questions for the Planning Commission to respond to in effort to refine the proposed amendments further before the Public Comment period preceding a future Public Hearing.

[Instead of the lists of uses permitted in each district, as in the current Zoning Ordinance, we will create a Use Table which will cover all districts, and include that new Use Table at the start of the new Districts sections.]

Sec. 3.8 R-R – Restricted Residence District

3.8:1 Purpose. The intent of the Restricted Residence district is to accommodate a flexible variety of uses and scales; preserve historic detached houses; integrate context-sensitive mixed residential, office, and service uses; and serve as a transition from the denser downtown to nearby established residential neighborhoods.

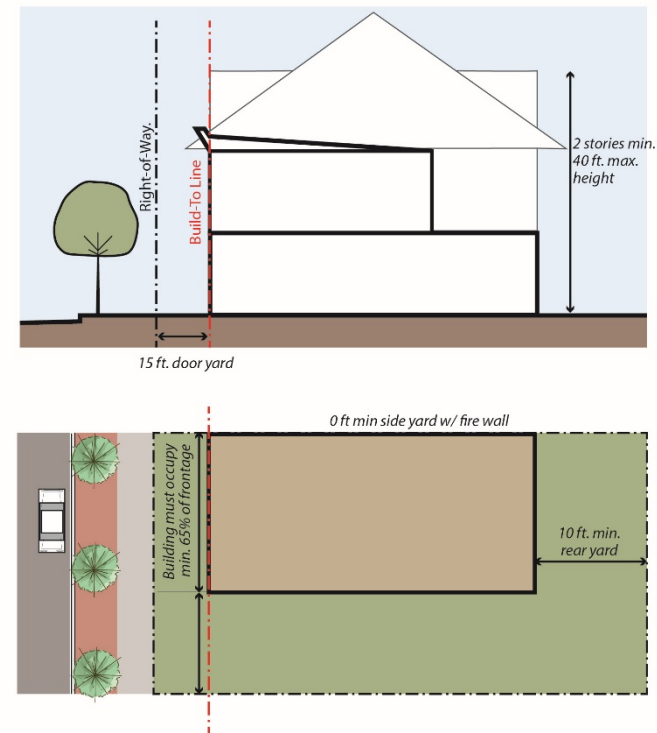


Illustrative example of the intent of this district.

B. Siting and Building Requirements

Height		
Minimum	2 stories	24 ft.
Maximum	3 stories	40 ft.
Ground Floor Elevation - Residential Units (min.)		3 ft.

Siting	
Build-To/Dooryard	15 ft.
Frontage Build-To (min.)	65%
Side Setbacks (min.)	0 ft.
Rear Setback (min.)	10 ft.
Adjacent single-family residential setback (rear)	25 ft.
Surface parking is not permitted directly between a building façade and a street frontage.	



Sec. 3.10 C-2 – Mixed-Use District

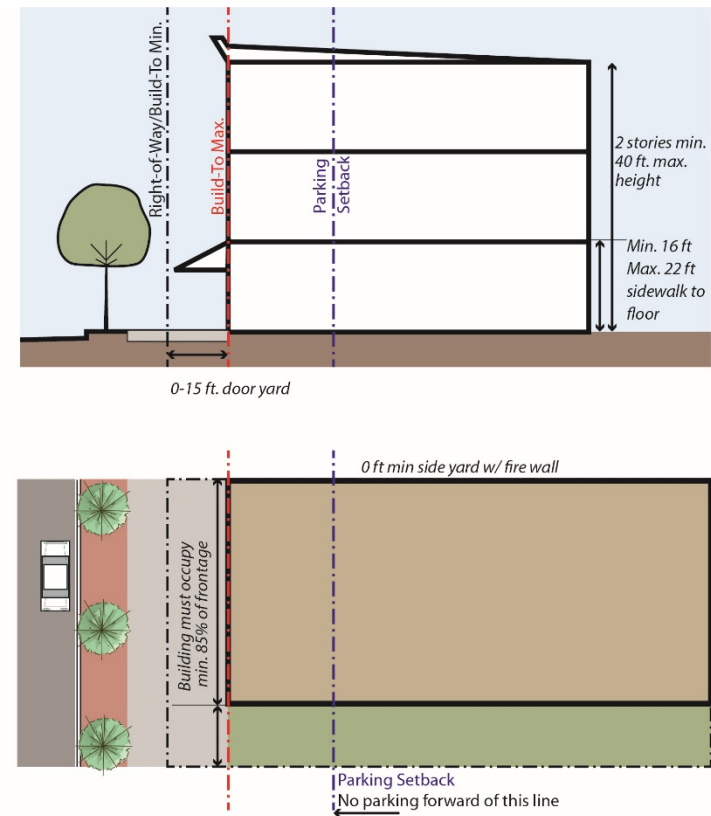
3.10:1 Purpose. The intent of the Mixed-Use District is to create a pedestrian-friendly, compact district with a mixture of uses. Typically, the mixture of uses are ground floor storefronts for retail and entertainment uses with offices and residential on upper stories. Attached residential units such as townhouses are applicable to serve as a transition to adjacent residential districts, especially along Warren Street.



Illustrative example of the intent of this district.

3.10:2 Siting and Building Requirements

Height		
Minimum	2 stories	24 ft.
Maximum	3 stories	40 ft.
Second Floor Finished Elevation		16 ft. to 22 ft.
Upper Stories Clear Height (min.)		9 ft.
Siting		
Build-To/Dooryard		0-15 ft.
Frontage Build-To (min.)		85%
Side Setbacks (min.)		0 ft.
Rear Setback (min.)		0 ft.
Parking Setback (min.)		15 ft.
Surface parking is not permitted directly between a building façade and a street frontage.		



3.10:3. **Storefront Frontage**

This additional designation in the Mixed-Use district requires ground floor storefront uses and architectural requirements in order to preserve the walkable, active downtown interface with the public realm. Storefront buildings shall also meet the design specifications for the Mixed-Use district, except as provided herein:

1. Build-to/dooryard shall be 0'
2. Maximum height of 60' or 5 stories.
3. Fenestration
 - (a) Ground floor fenestration shall comprise between 70% and 90% of the ground story façade.
 - (b) Ground floor windows may not be made opaque by window treatments (except operable sunscreen devices). A minimum of 80% of the window surface shall allow a view into the building interior for a depth of at least 12 feet.
 - (c) The bottom of the window must be no more than 3 feet above the adjacent exterior grade.
4. Horizontal Articulation
 - (a) Buildings shall be designed to reduce apparent mass by dividing facades into a series of smaller vertical components or bays. Bays shall extend continuously from base to top. Components shall be distinguished from one another through a combination of the following:
 - (1) Variations in overall massing. Changes in parapet projection height shall only occur with a corresponding change in plan
 - (2) Vertical bays defined by pronounced changes in plan to create recesses and projections, a minimum of three feet (3'-0") from build to line of the façade;
 - (3) Distinct changes in exterior finish material corresponding to a change in the building plan- a minimum of three feet (3'-0") from build to line of the façade- or a distinct organizing architectural feature with a projection a minimum of 8".

- (b) There shall be a minimum of one functional entrance every full 25 feet of frontage along Michigan Avenue.

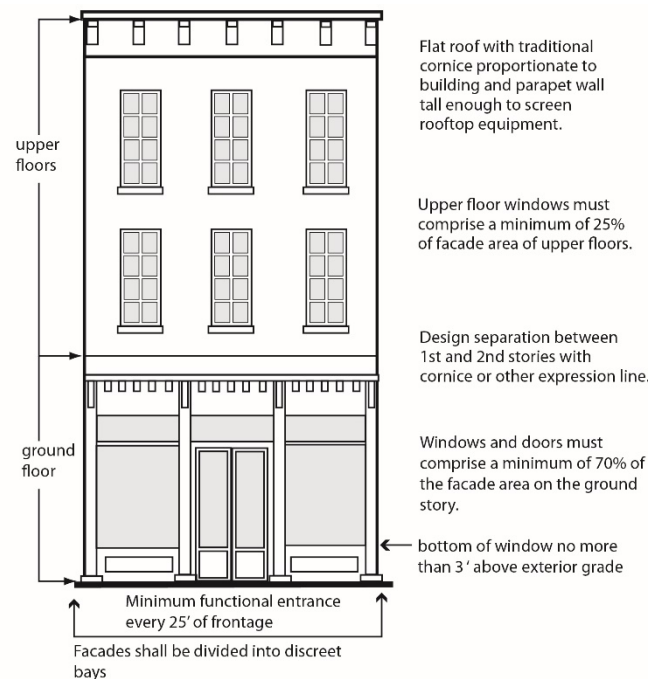
5. Ground floor Articulation

- (a) Storefront buildings shall be designed to create a distinct and separated ground floor area through the use of a horizontal expression line, such as a string course, change in material or textures, awnings or canopies, or sign band between the first and second stories.

6. Uses

Only Active Ground Floor Uses are permitted:

- (a) Retail sales and services
- (b) Restaurant/Bar/Lounge
- (c) Residential and Lodging Uses: Support functions such as lobbies, rental offices, and club rooms may be located on the ground floor.
- (d) Offices



The above drawing is intended to illustrate the application of the design standards in this ordinance, but not require a specific architectural style.

Regulating Plan

The Storefront District Regulations found in Section 3.10:3 will apply as noted in the Regulating Plan map below.

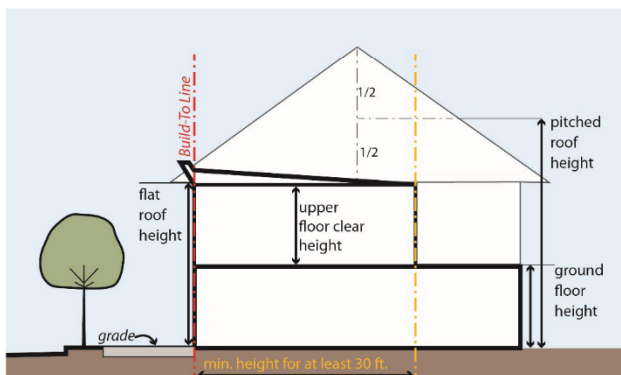


ARTICLE 02. DEFINITIONS/RULES OF MEASUREMENT

Additions to Article 2 in blue.

2.2:37 Height of Building - The vertical distance measured from the adjoining curb level, to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

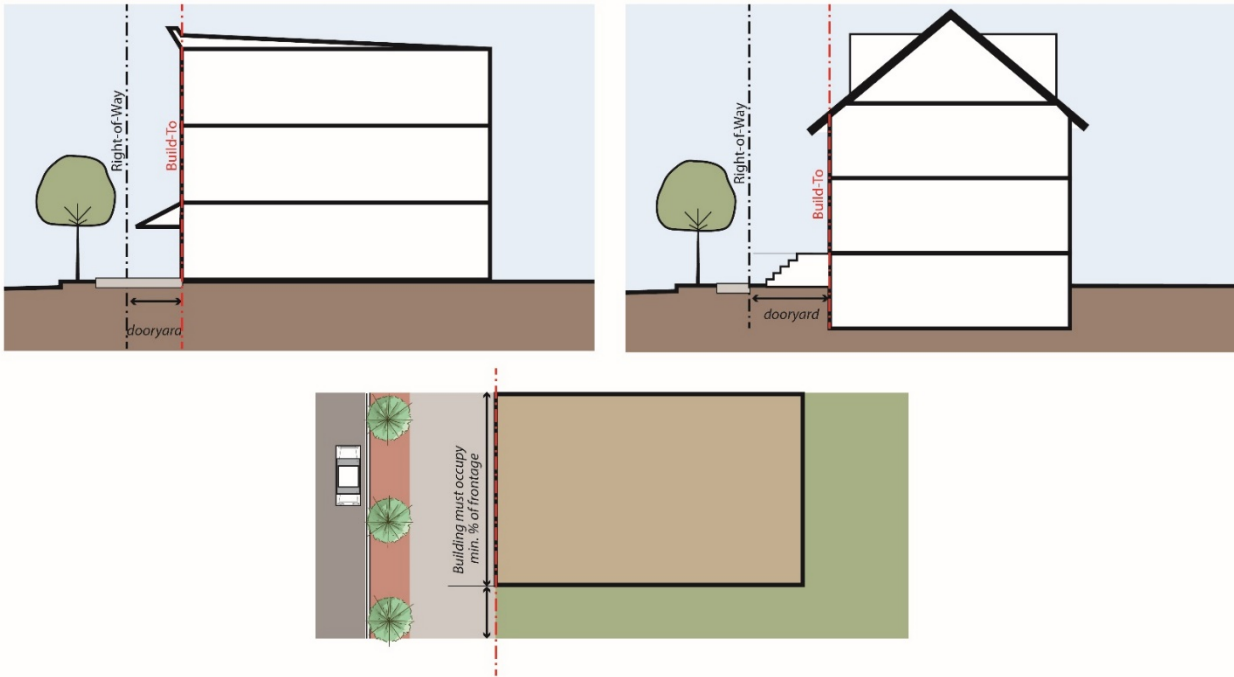
- (a) The minimum height shall be satisfied from the build-to line back to a depth of at least 30 feet for the specified build-to percentage of frontage.
- (b) Ground floor height shall be measured from the average fronting sidewalk grade to the second story finished floor elevation.
- (c) Sill height shall be measured from the average fronting sidewalk grade to the top of the ground floor sill.



2.2:XX Facade - The building elevation facing the frontage at the build-to line.

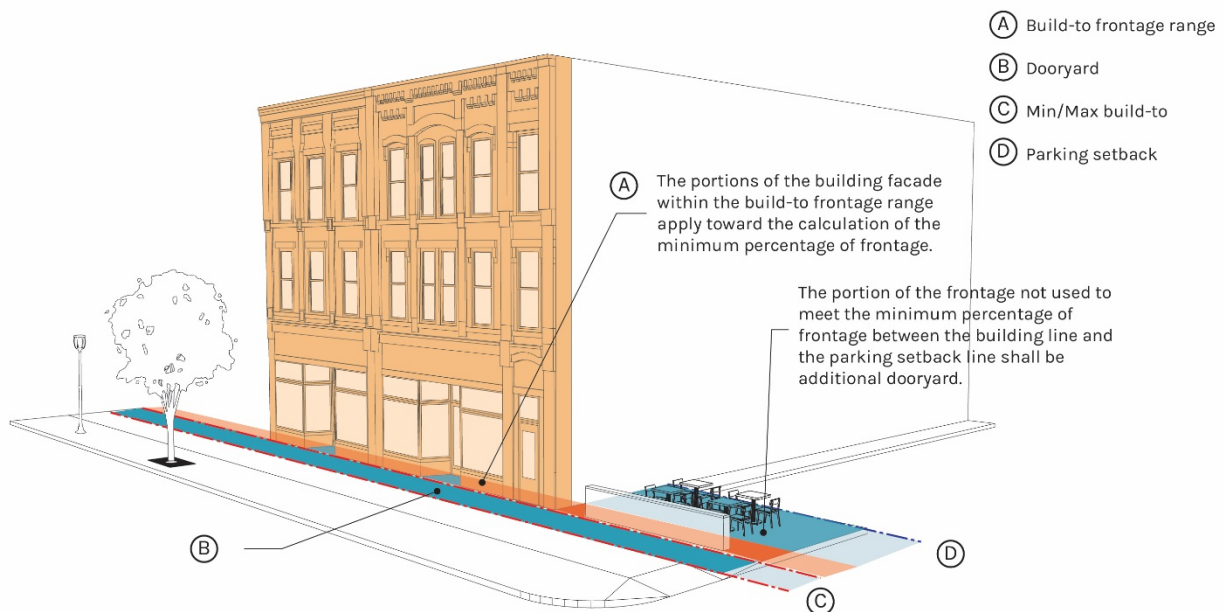
2.2:XX Build-to - Build-to is a line parallel to the public street right-of-way to which buildings must be constructed to.

- (a) *Build-to measurement.* Build-to is measured from and perpendicular to the lot line abutting a street. Where a public access easement abuts the public street right-of-way on a lot, the build-to shall be measured from the easement rather than the lot line.
- (b) *Percentage of frontage.* Required build-to is calculated as a percentage using the length of the primary building wall divided by the total lot width, as measured at the lot line abutting the subject street right-of-way. Buildings shall be built at or within the build-to requirement for at least the minimum percentage (%) required along the primary and/or secondary frontage.



(c) *Building depth.* The horizontal distance at the ground floor measured perpendicular from the exterior of the street facing building wall at the build-to line to the opposite exterior wall enclosing the permitted street level active uses.

(d) *Build-to frontage range.* Architectural features, such as pilasters or recesses, utilized for building wall articulation that are within two feet of the primary building wall may be utilized in the length of applicable building wall meeting the build-to percentage of frontage.



2.2:XX Dooryard - The area between the property line and the front facade/build-to. It is intended as a transitional area between the public realm and private property for pedestrian-oriented amenities.

- (1) The dooryard shall accommodate entrances, outdoor seating, projections such as awnings, balconies, stoops and porches.
- (2) The portion of the frontage not used to meet the minimum percentage of frontage between the building line and the parking setback line shall be additional dooryard.

2.2:XX Fenestration - Fenestration is defined as openings in the building wall, including windows, doors and open areas.

- (1) When measuring fenestration, framing elements (such as muntins) with a dimension of two inches or less are considered part of the opening.
- (2) Ground floor fenestration shall be measured as a percentage of glass per total wall area between two and eight feet above the ground floor elevation.

2.2:XX Pedestrian access.

- (1) Entrance.

The entrance shall be a door parallel to a street frontage, recessed no more than 15 feet from the front building face; or a door at approximately a 45-degree angle to the intersecting streets of a corner lot.

The distance between entrances shall be measured from the center of the door or set of doors.

(2) *Stoops, Porches, and Porticos*

(a) Definitions.

1. A stoop is a small staircase ending in a platform and leading to the entrance of the building.
2. An enclosed porch is a covered stoop that has walls enclosing the platform on all sides.
3. A portico is a defined entry landing or platform that serves a similar architectural purpose as a porch or stoop as defining a clear entryway, but with a ramp or at-grade entrance instead of steps.

Depth shall be measured perpendicular from the building facade to the opposite edge of the platform. Steps shall not be included in the measurement.

2.2:XX Parking Setback - Where regulated in the Frontage Standards, vehicle parking shall be located behind the parking setback line behind the build-to line and extends vertically as a plane from the first-floor level.

2.2:XX Live/Work Units

A live/work unit is defined as a single unit consisting of both a non-residential and a residential component concurrently that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

2.2:XX Accessory Dwelling Units

Accessory dwelling units (ADU) are smaller secondary homes on the same lot as a primary dwelling. ADUs are independent, habitable, and provide basic requirements of shelter, cooking, water, and sanitary services. ADUs may be detached (granny/ garden cottage or connected to a detached garage) or attached to the primary dwelling (accessory suite/ mother-in-law suite over an attached garage, basement apartment, or converted living space).

Add these Definitions once finalized in building design section below:

- House
- Semi-Detached House
- Townhouse
- Flats/Small Apartments
- Apartment Complex
- Cottage Court

From Article 4: General Provisions:

4.1:4 Rear Dwellings Prohibited:

No building in the rear and on the same lot of a principal building shall be used for residential purposes.

4.1:9-1:11

Consider moving these sections from General Provisions to Definitions and renaming “Definitions and Rules of Measurement” or a separate “Rules of Measurement and Exceptions” section within General Provisions

4.1:12 Exception to Area Limits:

A single-family dwelling may be constructed on any officially platted and recorded lot which has less than the minimum area required by this Ordinance, provided all other requirements of this Ordinance are complied with.

4.1:14 Front yards

- (1) Structures or Projections Permitted.
 - (a) Terraces, steps, uncovered porches and other similar features shall not be higher than eighteen (18) inches above the lowest above-grade floor level and shall not be located closer than the five (5) feet from any lot line.
 - (b) Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and similar features may project into a required front yard.
 - (c) NEW: In districts where there is a minimum setback or build-to of at least 15 feet, stoops may project into the front yard a maximum of 5 feet.

4.1:15 Side yards

- (1) When Side Yards Can be Reduced:
 - (a) On lots with a width of less than sixty-six (66) feet and recorded as such prior to the date of the adoption of this Ordinance, the minimum width of each of the side yards shall be seven and one-half (7-1/2) feet, except side street yards shall be a minimum of fifteen (15) feet.
 - (b) The least width of a required side yard may be measured to the centerline of any adjoining alley, but no building shall be erected within five (5) feet of the alley line.
- (2) Structures or Projections Permitted:
 - (a) Bays, including their cornices and eaves, balconies, fire escapes and fireplaces shall not project into a required side yard more than one-third (1/3) of its required width nor more than three (3) feet, provided that the length of any such projection shall not exceed one-third (1/3) of the length of the side yard in which such projection occurs, however, any fire escape so located may be at least ten (10) feet in length.
 - (b) Terraces, steps, uncovered porches and other similar features shall not be higher than eighteen (18) inches above the lowest above-grade floor level and shall not be closer than five (5) feet from any lot line.
 - (c) Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and other similar features, may project into a required side yard.

4.1:16 Rear Yards

(1) When Rear Yards Can Be Reduced

- (a) In all residential districts any platted and recorded lot less than one hundred twenty (120) feet deep may have three (3) inches deducted from the required rear yard depth for every foot the lot is less than one hundred twenty (120) feet deep, provided no rear yard shall be less than ten (10) feet.
- (b) The required rear yard depth may be measured to the centerline of any adjoining alley, but no building shall be erected within five (5) feet of the alley line.

(2) Structures or Projections Permitted

- (a) Terraces, steps, uncovered porches or other similar features shall not be higher than eighteen (18) inches above the lowest above-grade floor level and shall not be located less than ten (10) feet from the rear lot line or less than six (6) feet from an accessory building.
- (b) Bays, including their cornices and eaves, balconies and fireplaces, shall not project more than three (3) feet into a required rear yard.
- (c) Normal chimneys, flues, elevator shafts, connecting hallways, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and other similar features may project into a required rear yard.

4.1:25 Single Family Dwellings:

Single Family dwellings in the City of Big Rapids not located in a mobile home park shall comply with the following standards:

- (1) It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- (2) It has a minimum width across any section of twenty-four (24) feet and complies in all respects with the City Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction which are less stringent than those imposed by the City Building Code, then the less stringent federal or state standard or regulation shall apply.
- (3) It is firmly attached to a permanent foundation, constructed on the site in accordance with the City Building Code and coextensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.
- (4) It does not have exposed wheels, towing mechanism, under-carriage or chassis.
- (5) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local Health Department.
- (6) The dwelling contains storage area either in the basement under the dwelling, in an attic area, in closet areas or a separate structure being standard construction similar to or of better quality than the principal dwelling. Such storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than fifteen (15) percent of the minimum square footage requirement of this Ordinance for the zone in which the

dwelling is located. In no case, however, shall more than two hundred (200) sq. ft. of storage area be required by this provision.

- (7) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than two (2) exterior doors with one being in the front of the dwelling and the other being either the rear or side of the dwelling; contains permanently attached steps connected to said exterior areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the City Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in the within definition of "dwelling" as well as the character of residential development outside of mobile home parks within three hundred (300) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of said area; where said area is not so developed, by the character of residential development outside of mobile home parks throughout the City. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- (8) The dwelling contains no additions or rooms or other areas which are not constructed with similar materials and which are similar in appearance and which have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.
- (9) The dwelling complies with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled Mobile Home Construction and Safety Standards, effective June 15, 1976 as amended.
- (10) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by a state or federal law or otherwise specifically required in the Ordinance of the City pertaining to such parks.

4.1:26 Non-Single Family Dwelling Units:

All dwelling units in the City of Big Rapids not considered a single family dwelling or a mobile home, including but not limited to duplexes and multiple family dwellings, shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined in the first instance by the City Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the character of residential development outside of mobile home parks within three hundred (300) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of said area;

where said area is not so developed, by the character of residential development outside of mobile home parks throughout the City. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed

4.1:27 Exception to Yard and Lot Coverage Requirements:

In cases of legal nonconforming Class A residential lots which do not meet the existing minimum lot width or lot area requirements, minimum side yard Article 4 General Provisions 4-15 setbacks may be reduced and maximum lot coverage requirements may be increased by administrative action based on the following formula:

(1) Side Yard Setback Reduction

- (a) The minimum side yard setback may be reduced at the same ratio as the width of the existing lot and the minimum lot width requirement for the district that the lot is in. (Example: A lot is eighty (80) feet wide in a district that requires lots to be a minimum of one hundred (100) feet wide. The lot's width is eighty (80) percent of the minimum. The minimum side yard requirement is ten (10) feet. The side yard setback for that lot may therefore be reduced to eight (8) feet, or eighty (80) percent of ten (10) feet).
- (b) In no case may the minimum side yard setback be reduced to less than five (5) feet.

(2) Maximum Lot Coverage Increase

- a) The maximum lot coverage requirement may be increased at the same percentage as the percentage that an existing lot's total area is less than the minimum lot area requirement for that district. (Example: A lot is nine thousand (9,000) sq. ft. in area in a district that requires a minimum lot area of ten thousand (10,000) sq. ft. The lot is ninety (90) percent of the district requirement or is ten (10) percent smaller than required. The maximum lot coverage in the district is twenty (20) percent. The maximum lot coverage for that is increased by ten (10) percent of the normal requirement to twenty-two (22) percent ($110\% \times 20\% = 22\%$).
- b) In no case may a lot eight thousand (8,000) sq. ft. or less in size have its lot coverage increased to more than thirty-eight (38) percent of the lot area. In no case may a lot over eight thousand (8,000) sq. ft. in size have its lot coverage increased to more than thirty-three (33) percent of the lot area.

From Article 11: Use Standards:

11.1:18 Owner Occupied Condominiums may be permitted in the R-2 One and Two Family Residential Zone as a Special Land Use when the following conditions are met:

- (1) There must be a minimum gross land area of five thousand (5,000) sq. ft. per dwelling unit. Minimum lot size shall be one (1) acre.
- (2) Maximum height of buildings shall be forty (40) feet. Minimum yard setbacks shall be: front yard setback twenty-five (25) feet, rear yard setback thirty (30) feet, and side yard setback twenty (20) feet. Separation of multiple buildings within the site shall be twenty (20) feet.

- (3) Park area or recreational space must be provided at the rate of ten (10) percent of the gross area of development.
- (4) The area must be landscaped in a manner consistent with the requirements of Section 8.3.
- (5) Off street parking shall be provided in accordance with Article 5, except that the parking shall provide an additional .75 visitors parking space for each dwelling unit and shall be screened with an ornamental fence or compact hedge not less than three (3) feet and not more than six (6) feet high, which shall obscure vision all seasons from adjoining premises. The parking area shall be hard surfaced and adequately drained, properly marked, and lighted in such a manner that the lighting is not objectionable to adjoining property owners. The parking areas shall not be constructed within the required front yard setback, shall not be closer than ten (10) feet to any property line.
- (6) Ingress and egress to the area shall be located in such a manner so as to provide maximum safety to the public utilizing this facility and the public streets. The ingress and egress shall be hard surfaced and adequately drained.

11.1:13 Multiple-family dwellings may be permitted in the R-3 Residential District as a Special Land Use under the following conditions:

The erection of two (2) or more residential buildings upon a plot in single ownership is permitted, when such dwelling groups conform to all provisions of this Article, even though the location of the buildings to be erected and the front, side and rear yard spaces do not conform in all respects to the requirements stipulated in other parts of this Ordinance for a single building on a single lot; provided that the proposed dwelling group shall meet all the following conditions and requirements and receive site plan approval.

- (1) The lot area requirements of the Zoning District must be met.
- (2) Every dwelling in such dwelling group shall front either on a street or other permanent public open space, common yard, or outer court at least fifty (50) feet wide, and no building may be built in the front or rear yard space that would be required for a single building or a single lot.
- (3) The distance between buildings or between any building and the nearest lot line, shall not be less than the height of the building, nor less than twenty (20) feet in any case.
- (4) Every dwelling in such dwelling group shall be within five hundred (500) feet of a public street.

4.2. DESIGN STANDARDS (NEW SECTION IN 4: GENERAL PROVISIONS)

4.2:1 INTRODUCTION.

This section sets forth the architectural standards applicable to the various zoning districts in the City of Big Rapids. These standards supplement those stated for each Zoning District. These standards are intended to result in construction and development that reinforces the urban form and character of development as well as use and intensity of use established in the City of Big Rapids Master Plan.

4.2:2 APPLICABILITY

- (1) **New Construction.** This Section shall apply to all new construction and shall consist of those materials and design standards as set forth in this Section. Architecture shall be reviewed by the zoning administrator as a part of the site plan or building permit review under the requirements of this article.
- (2) **Existing Buildings.** The following shall apply to additions or remodeling of existing buildings or to accessory buildings on existing sites:
 - (a) Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to this Section. However, in considering the proposed alteration, the City may modify the material requirements of this Section to ensure consistency with the architecture of the remainder building.
 - (b) Where an addition is proposed to an existing building the Zoning Administrator may allow the use of existing or compatible wall materials for the addition; provided that the design of the alteration is consistent with the existing building wall design, and in accordance with the building design standards in this section.

4.2:3 MODIFICATIONS

The planning commission may grant modifications to the requirements of this section if it finds that a proposed building design is in keeping with the intent of this section and the recommendations of the master plan and meets all of the following conditions:

- (1) It is determined to not be grossly dissimilar in exterior design and appearance to nearby buildings and it does not adversely affect property values in the surrounding area.
- (2) It does not adversely affect the desirability of immediate and neighboring areas.
- (3) It does not impair the stability of the area or prevent the most appropriate use and development of real estate.
- (4) It does not adversely affect the public health, safety, comfort, and welfare of the citizens of the city
- (5) A structure may be determined to be compatible in design and appearance to other structures in the context in which it is to be located, even if it does not comply with

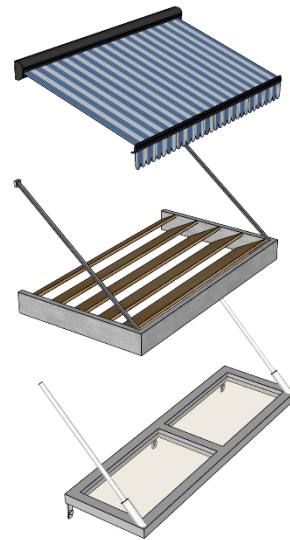
the above criteria, if it has other design features that make it harmonious with other structures or improve the character of the area in which it is located.

4.2:4 GENERAL ARCHITECTURAL

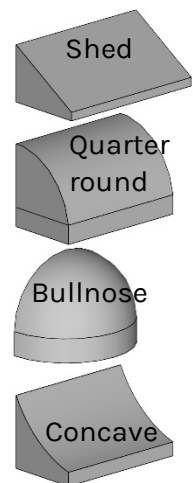
STANDARDS

(1) Awnings and overhangs

- (a) Awning and canopies may project over the sidewalk, provided the awning or canopy is at least eight (8) feet above the sidewalk and does not project closer than two (2) feet from the back of the street curb.
- (b) Awnings shall be of traditional, shed design and shall be made from fabric or metal materials and not from plastic, vinyl, or fiberglass.
- (c) Architectural horizontal canopies or sunshades are permitted and shall be made from metal or wood materials.
- (d) No internal illumination is permitted through the awning or overhang.
- (e) Quarter round, bullnose, concave configurations are permitted only on residential buildings.



Retractable fabric, wood louver, or glass/ metal sunshade canopies



Shed is the preferred awning profile. The other awning types are permitted on residential only.

(2) Balconies and Fire Escapes

- (a) Balconies and fire escapes shall not be located within 5 feet of any common lot line and shall not encroach into the public right-of-way.
- (b) Balconies may be a single level or multiple balconies stacked vertically for multiple stories.
- (c) The balcony support structure shall be integrated with the building facade; separate columns or posts supporting any balcony from the ground are prohibited.
- (d) The balcony or fire escape design and material shall be compatible with the overall architectural style and color palette of the building.
- (e) Balconies, railings and porch structures shall be metal, wood, glass, cast concrete or stone.
- (f) Exterior stairs leading to upper story dwellings (fire escapes) may not be located in the front yard.

- (g) Balconies, porches, and fire escapes shall not contain permanent outdoor storage. Seasonal furniture intended for outdoor use and short-term storage of bicycles or similar are permitted when screened with railings integrated into the design of the building.
- (h) Fire escapes shall be designed in accordance with the applicable building codes and review by the Fire Marshal.

(3) Fenestration

- (a) Reflective, mirrored, or heavily tinted glass shall not be permitted.
- (b) In non-residential buildings, ground floor windows may not be obstructed by display cases, furniture, or stock (excepting operable sunscreen devices).
- (c) For multiple tenant buildings, the minimum ground floor transparency requirement must be met by each suite or tenant.

(4) Materials and Color

- (a) Durable building materials which provide an attractive, quality appearance shall be utilized.
- (b) For existing buildings, material replacement shall closely match or complement the character of the existing or original materials used on the structure.
- (d) Primary exterior building materials shall be of subtle, neutral, or earth tone colors.
- (e) The use of high intensity colors such as neon or fluorescent for the window and door trim, facade and roof of the building are prohibited except as approved by the Zoning Administrator.
- (f) Mechanical and service features such as gutters, ductwork, and service doors that cannot be screened must be of a color that blends in with the color of the building exterior.
- (g) The following exterior finish materials shall be required for walls visible from streets or an adjacent residential district:
 - 1. Primary Materials must be used to compose a minimum of 75% of wall area of the building base and 50% of wall area for the upper floors.
 - 2. Secondary Materials are allowed to compose a maximum of 25% of wall area in the building base and 50% of wall area for the upper floors.
 - 3. The exterior finish materials shall consist of no more than four (4) unique materials, excluding architectural detail, accent, or trim; and balconies and railings. A change in color, pattern, or profile shall constitute a unique material.

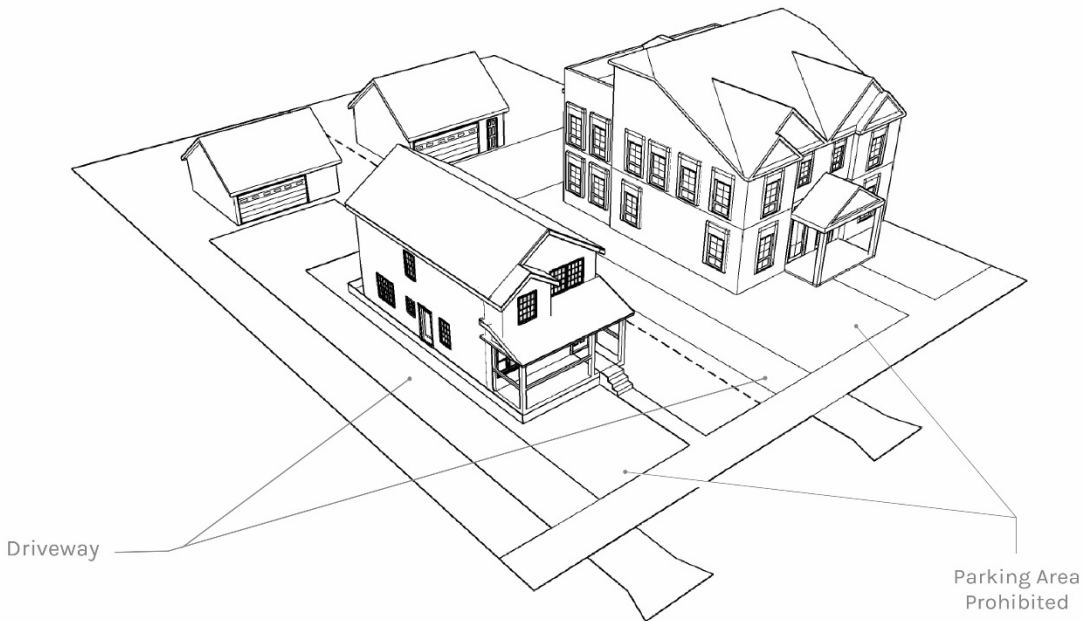
4.2:5 RESIDENTIAL BUILDING DESIGN STANDARDS

(1) **General Residential Standards.** The general standards in Table 4.2:5(a) apply to all residential buildings.

Table 4.2:5(a) RESIDENTIAL GENERAL BUILDING STANDARDS		
(a) Fenestration		The primary facade shall have no less than 25% of the total facade comprised of windows and doorways. First story windows shall be taller than second story windows
(b) Facade Articulation		Blank walls over 30' in length are not permitted
(c) Front Porch or Stoop		<p>(a) Front porches and stoops shall not extend into the public right-of-way.</p> <p>(b) Front porches may be covered by a roof or an open stoop.</p> <p>(c) Finished floor height of the porch deck shall be no more than 7 inches below the first interior finished floor level of the building.</p> <p>(d) Each residential unit with a separate entrance shall include a stoop of not more than 5' deep and 6' wide (not including steps or ramp) or a porch between 7' and 9' deep</p>
(d) Allowed building materials	1. Primary Facade	<p>a. Brick (natural, glazed)</p> <p>b. Stone (natural, synthetic)</p> <p>c. Fiber Cement Board Siding (eg Hardie Panel)</p> <p>d. Wood Siding (natural, composite)</p> <p>e. Vinyl Siding</p>
	2. Secondary Facade and up to 50% of Primary Facade	<p>f. Stucco (traditional cementitious, EIFS)</p> <p>g. Architectural Metal Panel (insulated, composite)</p> <p>h. Decorative cast concrete screens</p>
(e) Utility Services		Services and utility hookups shall not be visible from the primary street frontage.
(f) Garage/Parking		<p>a. Garages or carports may only occupy a maximum of 40% of the front facade.</p> <p>b. Temporary carports are not permitted. See also Sec. X.X Accessory Structures</p> <p>c. Driveways and parking areas shall be setback at least five (5) feet from the side or rear lot lines.</p> <p>d. Off-street parking and loading areas shall be surfaced with asphalt, bituminous or concrete pavement, brick or other permanent material as approved by the Director of Public Works. All parking areas shall be graded and drained to dispose of all surface water.</p>

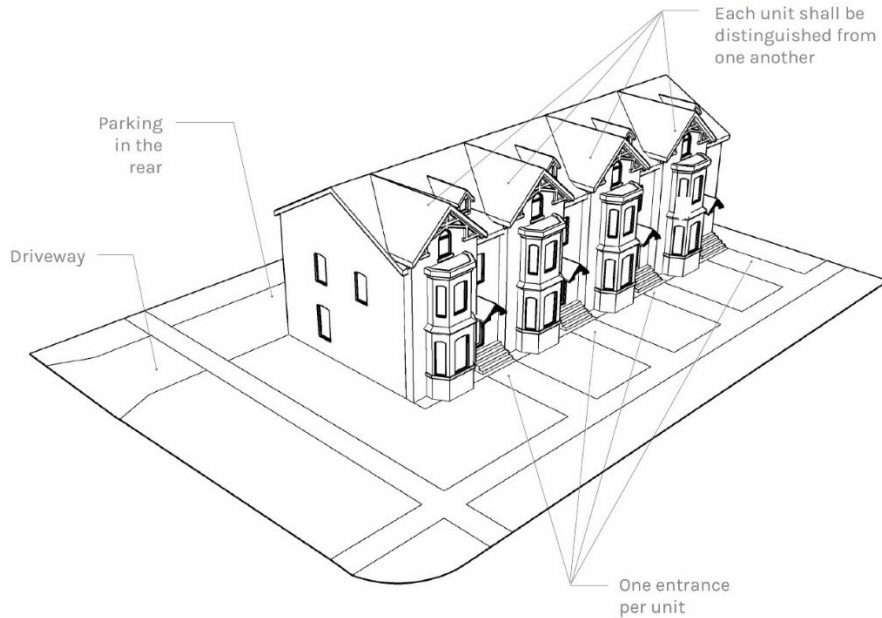
Add 4.1:25 Single Family Dwellings here?

(2) Building Type Standards. In addition to the General Standards in [Table 4.2:5\(a\)](#), the following building standards apply to specific residential building types according to permitted uses as defined in the District Articles.

(a) Houses	
	
1. Description	Houses are a building type that has the appearance of a single-family detached house that is appropriately scaled to fit within historically single-family neighborhoods. A house may consist of a detached structure incorporating one unit or semi-detached incorporating two or three units stacked or placed side by side with each unit having access directly to the street.
2. Building Entrance Orientation	<ul style="list-style-type: none"> a. All buildings shall provide at least one primary entrance facing the front lot line. A door may face a side lot line when the porch or stoop faces the front lot line. Any entrances to additional units may face a side lot line. b. Garages, carports, and overhead doors may not apply as the primary entrance. c. A walkway must extend from each dwelling primary entry to the sidewalk.
3. Parking Access and Location	<ul style="list-style-type: none"> a. Driveways may be located adjacent to the building. b. Parking may be provided on a driveway, garage, or carport in the rear or side yard. c. Garages shall not extend further into the front yard than the rest of the front facade. d. Parking areas shall not be located in any required front or side street yard, except in the case of a dwelling with a driveway

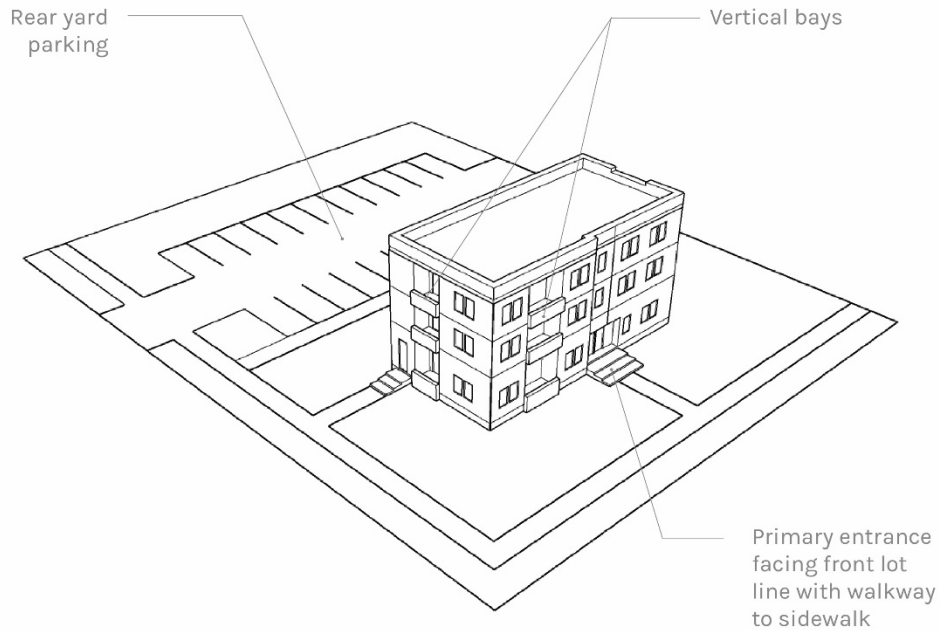
	<p>leading to a garage or parking area the drive may be used for parking.</p> <p>e. Multiple driveway entrances off the street or alley are prohibited.</p> <p>f. The driveway should be less than 40% of the front yard area.</p>
4. Applicable Districts	R-1, R-2, R-3, R-P, R-R

(b) Townhouses



1. Description	The Townhouse building type consists of structures that contain three or more dwelling units placed side by side. Townhouses are typically narrow, 2-3 story residential buildings with each unit having direct access to the street.
2. Building Entrance Orientation	<ul style="list-style-type: none"> i. Each dwelling shall provide a separate pedestrian entryway facing the front lot line with direct access to the sidewalk by way of a front porch or stoop with steps. ii. Primary entry for each unit or separated occupancy must face onto and connect to the primary street. The corner unit may face the secondary street. Secondary entries permitted from the side or rear.
3. Parking Access and Location	<ul style="list-style-type: none"> i. Garages or carports must be accessed from the rear yard via an alley. Where no alley exists, a driveway shall lead to rear access drive. ii. Parking may be provided on a driveway, garage, or carport located in the rear yard.
4. Articulation	Adjoined dwelling units shall be distinguishable through a change in plane, change in material, or architectural expression.
5. Applicable Districts	R-2, R-3, R-R, C-2

(c) Flats/Small Apartments



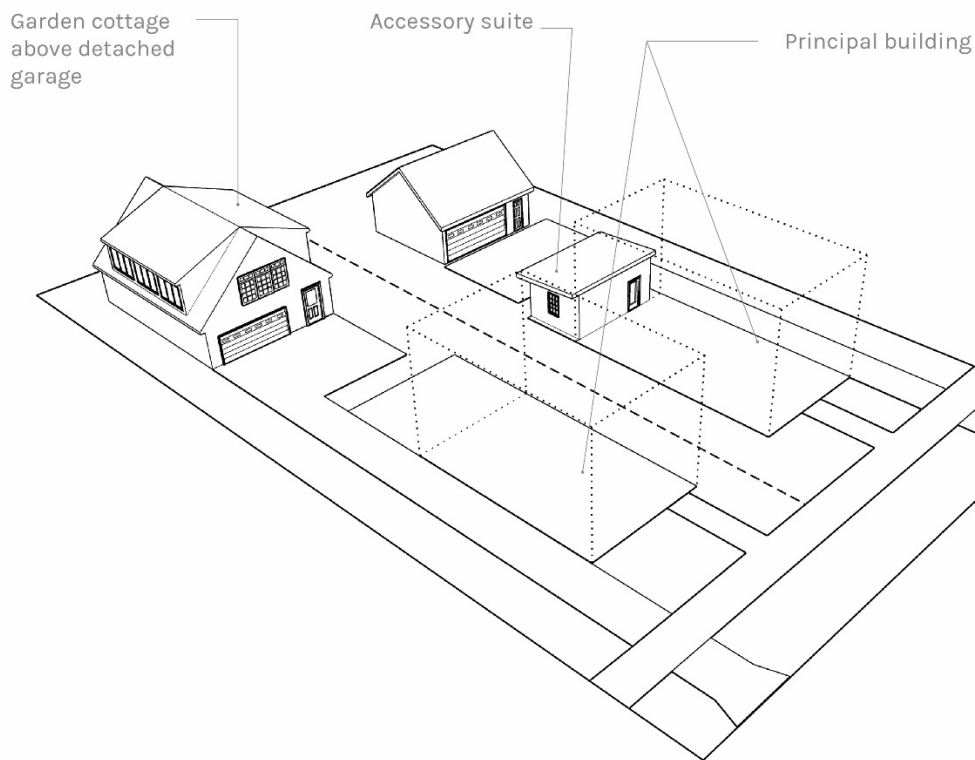
1. Description	This building type consists of multiple dwelling units placed side by side or stacked, typically with one shared entry. It is appropriately scaled to fit adjacent to single-family neighborhoods transitioning to nearby commercial districts.
2. Building Entrance Orientation	<ul style="list-style-type: none"> i. All buildings shall provide at least one pedestrian door facing the front lot line. ii. Secondary entries permitted from the side or rear.
3. Parking Access and Location	<ul style="list-style-type: none"> i. Building integrated parking permitted in rear of building. ii. Off-street parking shall be in rear yard. iii. Masonry screen wall required between parking and property line iv. Driveways must be located in the side or rear yard.
4. Articulation	Employ vertical bays- through change in material, transparency, or plane- to distinguish building entrance, dwelling units, or unit layouts.
5. Applicable Districts	R-3, R-R, C-2

(d) Apartment Complexes



1. Description	Apartment complexes are intended for larger scale, planned multi-family development consisting of apartment buildings. Apartment complexes should be designed with a campus-like character, providing shared open space, landscape buffering, and consistent site design features.
2. Building Entrance Orientation	<ol style="list-style-type: none">Sidewalks shall be provided along both sides of all drives within the developmentEntrances may face interior parking but should have pedestrian connections to the public right-of-way sidewalks.
3. Articulation	<ol style="list-style-type: none">Employ vertical bays- through change in material, transparency, or plane- to distinguish building entrance, dwelling units, or unit layouts.No building shall exceed 150 feet in length
4. Open Space	At least 200 square feet of usable open space shall be provided for each apartment dwelling unit. Examples of usable open space include balconies with direct access to the dwelling unit, courts and yards which are open to the sky, or a roof which is developed exclusively for recreational use.
5. Permitted Districts	R-3

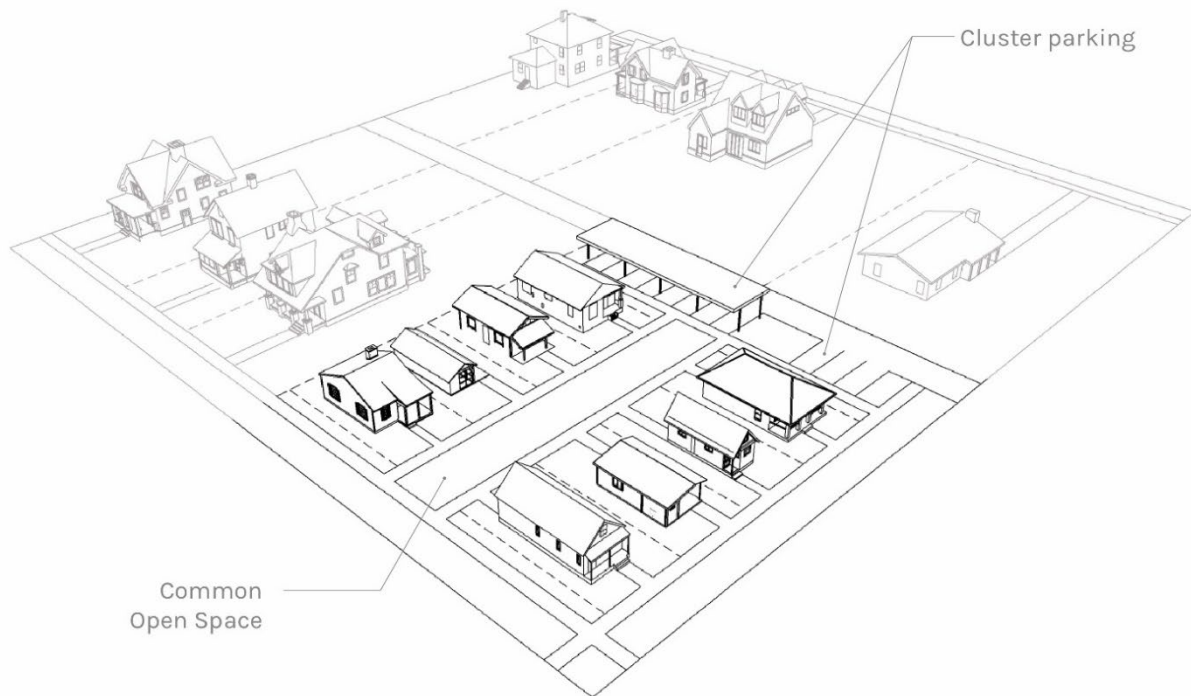
(e) Accessory Dwelling Units (ADUs)



1. Description	<p>A smaller secondary home on the same lot as a primary dwelling. ADUs are independent, habitable, and provide basic requirements of shelter, heating, cooking, water, and sanitary services. There are two types of ADUs: Garden Cottage and Accessory Suite.</p> <ol style="list-style-type: none">Garden Cottages are detached structures, either as a smaller, secondary home on the same lot as a primary dwelling or a suite above a detached garage.Accessory Suites are attached or are part of the primary dwelling.
2. Purpose	<p>Accessory dwelling units are allowed in certain situations to</p> <ol style="list-style-type: none">Create new housing units while respecting the look and scale of detached housing development;Support more efficient use of existing housing stock and infrastructure;Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;Provide housing that responds to changing family needs, smaller households, and increasing housing costs; andProvide accessible housing for seniors and persons with disabilities.

3. General Standards	<ul style="list-style-type: none"> a. Number. One ADU is permitted per residentially zoned lot. b. Creation. An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to a garden cottage while simultaneously constructing a new primary dwelling on the site. c. Use. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site. d. Height and Setbacks. ADUs shall meet the siting and massing standards of the district in which they are located. e. Yard Setbacks. No portion of an existing building that encroaches within a required yard setback may be converted to or used as a detached garden cottage unless the building complies with setback <u>exemptions</u> available elsewhere in the code. f. Alteration. If a garden cottage is proposed for an existing detached accessory structure that does not meet one or more of the above standards, the structure is exempt from the standard(s) it does not meet. Alterations that would move the structure out of conformance with standards it does meet are not allowed.
4. Building Entrance Orientation	<ul style="list-style-type: none"> a. Only one entrance may be located on the front facade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory suite was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks. b. Entrance may face secondary street c. ADU may be accessed via external stairs per <i>Section 4.2:4(2) Balconies and Fire Escapes</i>
5. Building Design	<ul style="list-style-type: none"> a. Size. An ADU may be no more than 600 square feet or the size of the primary dwelling, whichever is less. b. Parking. <u>No</u> additional parking is required for an ADU. Existing required parking for the primary dwelling must be maintained or replaced on-site. c. Exterior finish materials. Exterior finish materials must visually match in type, size and placement, the exterior finish materials of the primary dwelling. d. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling. e. Windows. If the street-facing facade of the ADU is visible from the street, its windows must match, in proportion and orientation, the windows of the primary dwelling. f. Eaves. The ADU must have eaves that project the same distance as the primary dwelling's eaves or greater from the building.
6. Permitted Districts	R-1, R-2, R-3, R-P, R-R

(f) Cottage Courts



1. **Description.** Cottage courts are a grouping of small, single-family dwelling units clustered around a common area and developed with a coherent plan for the entire site.
2. **Purpose.** The purpose of Cottage Courts is to:
 - a. Provide a housing type that responds to changing household sizes, ages and financial security (e.g., retirees, small families, single-person households, young professionals);
 - b. Provide opportunities for ownership of small, detached units within a neighborhood;
 - c. Encourage creation of more shared usable space for residents of the development through flexibility in density and lot standards;
 - d. Contribute to a strong sense of community through cluster arrangement;
 - e. Provide guidelines to ensure compatibility with surrounding uses; and
 - f. Allow for residential development in areas with environmental constraints like floodplains and woodlands.
3. **Definition.** A cottage shall be defined as:
 - a. A single-family dwelling of conventional modern construction and built to all Michigan building and sanitary codes;
 - b. Placed on a permanent foundation;
 - c. Has a total square footage of between 500 and 1,200;
 - d. Is sited on legally created parcel, subject to setbacks of this ordinance; and
 - e. Is connected to the municipal water and sewer systems.

4. **Accessory dwelling units.** Accessory dwelling units (ADUs) shall not be permitted in cottage court developments.

5. **Cottage Lot Requirements.**

1. Lot Width. Minimum width per lot shall be 18 feet. Maximum width per lot 30 feet.
2. Lot Depth. Minimum depth per lot 50 feet. Maximum depth per lot 100 feet

7. **House Site Arrangement.**

- a. Cottage courts shall contain a minimum of four cottages, with a maximum of 12 cottages per grouping. A development may contain multiple groupings.
- b. Groups of cottages shall be arranged on at least two sides of a common open space, or a configuration as otherwise approved by the director.
- c. On a lot to be used for a cottage court, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.

8. **Height Limit and Roof Pitch.**

- a. The height limit permitted for structures in cottage court developments shall be 18 feet.
- b. The ridge of pitched roofs with a minimum slope of six to 12 (6:12) may extend up to 28 feet. The ridge of pitched roofs with a minimum slope of four to 12 (4:12) may extend up to 23 feet. All parts of the roof above 18 feet shall be pitched.

9. **Lot Coverage and Floor Area.**

- a. The maximum lot coverage permitted for buildings in cottage court developments shall not exceed 60 percent.
- b. The maximum main floor area is 700 square feet.
- c. The total floor area of each cottage shall not exceed either one and one-half times the area of the main level or 1,200 square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than 12 feet above finished grade, or below the main level, shall be limited to no more than 50 percent of the enclosed space of the main level, or 400 square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces (less than six feet in height).
- d. Attached garages shall be included in the calculation of total floor area.
- e. Areas that do not count as total floor area are:
 - i. Unheated storage space located under the main floor of the cottage.
 - ii. Attached roofed porches.
 - iii. Detached garages or carports.
 - iv. Spaces with the ceiling height of six feet or less measured to the exterior walls, such as a second floor area under the slope of a roof.
 - v. The total square foot area of a cottage dwelling unit may not be increased under any circumstance.

10. Setbacks and Yards.

- a. Yards. The front yard setback for cottage courts shall be 15 feet.
- b. Rear Yards. The minimum rear yard for a cottage court housing development shall be 10 feet.
- c. Side Yards. The minimum required side yard shall be 5 feet.
- d. Interior Separation for cottages. The separation between cottages shall be between 5 and 15 feet.
- e. Courtyard. The minimum required courtyard width is 30 feet.

11. Required Open Space.

- a. Quantity of Open Space. A minimum of 400 square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:
 - i. A minimum of 250 square feet per dwelling unit shall be provided as common open space. (Setbacks and private open space shall not be counted as common open space.)
 - ii. A maximum of 200 square feet per unit may be private usable open space (setbacks and common open space shall not be counted as private open space); and
- b. Setbacks, stormwater management facilities, parking areas, buffers, and driveways do not qualify as open space area.
- c. Required common open space shall be provided at ground level in one contiguous parcel. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two sides.
- d. The minimum horizontal dimension for common open space shall be 10 feet.
- e. Each house shall abut its private open space, if provided. A fence or hedge not to exceed three feet shall separate private open space from common open space.
- f. If provided, private usable open space shall be in one contiguous area with a maximum area of 200 square feet. No horizontal dimension of the open space shall be less than 10 feet and shall be oriented toward the common open space, as much as possible.

12. Building Entrance Orientation.

- a. Primary entry shall be oriented towards the common open space area.
- b. Sidewalk connections shall be provided from primary entrances to sidewalks.
- c. Covered front porches are required with a minimum area of 60 square feet with a minimum dimension of six feet on any side.
- d. Secondary entrances facing a street or sidewalk shall have a five-foot by five-foot porch.
- e. Five-foot-wide pedestrian pathways (sidewalks) must be included to provide for movement of residents and guests from parking areas to homes and other amenities.

13. Building Design.

- a. Separation of Identical Building Elevations. Units of identical elevation types must be separated by at least two different elevations. This will result in at least three

different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors.

- b. **Variety in Building Design.** A variety of building elements and treatments of cottages and garage or carport must be incorporated. Structures must include articulation, change in materials or texture, windows, or other architectural feature as shown in the city's design standards. No blank walls are allowed.

14. Parking. Parking shall be:

- a. Located on the cottage court development property.
- b. Located in clusters of not more than five adjoining spaces.
- c. Screened from public streets and adjacent residential uses by landscaping or architectural screening.
- d. Parking is allowed between or adjacent to structures only when it is located toward the rear of the principal structure and is served by an alley or private driveway.
- e. Not located in the front yard.
- f. Off-street parking requirements are as follows:
 - i. Units under 700 square feet: one space per unit;
 - ii. Units between 700 and 1,200 square feet: one and one-half spaces per unit
 - iii. At least one parking stall per dwelling will be enclosed or covered.
- g. Access to parking shall be from an alley or a private drive that is accessible from a public road. A private drive must meet the city's engineering design and development standards.

15. Covered Parking. Covered parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single-family character along public streets.

- a. For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.
- b. Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which precludes the use of the parking spaces for vehicles is prohibited.
- c. The design of carports must include rooflines similar and compatible to those of the dwelling units within the development.


16. Screening Requirements.



- a. Boundaries between cottages and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (i.e., through setbacks or architectural techniques) to meet the intent of this section.
- b. Common waste and other storage receptacles shall not be placed in the front yard setback area.
- c. Common waste and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent property owners, and the public rights-of-way.

17. **Requests for Modifications to Standards.** The City Manager or Zoning Administrator may approve minor modifications to the general parameters and design standards set forth in this chapter, provided the following criteria are met:
- a. The site is constrained due to unusual shape, topography, easements, flood prone, or sensitive areas.
 - b. The modification is consistent with the objectives of this chapter.
 - c. The modification will not result in a development that is less compatible with neighboring land uses.
18. **Maintenance of open space and utilities.**
- a. Before Final approval is granted, the applicant shall submit covenants, deeds and homeowners association bylaws and other documents guaranteeing maintenance and common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed, approved, and recorded at the County.
19. **Permitted Districts.** R-2, R-3.

4.2:6 COMMERCIAL, MIXED-USE & INDUSTRIAL BUILDING STANDARDS

Existing Relevant Language:

 4.1:28 Structure Completion - All structures or additions to structures shall be completed on the outside in conformance with the building code and with finish materials; such as wood, brick, or brick veneer, shingle, concrete or similar performance tested material within one (1) year after construction is started unless an extension for not more than one (1) additional year is granted by the Zoning Administrator.

 4.1:6 Office buildings for occupancy by any office uses except public/institutional buildings  shall be permitted in the R-3 and RR district. To ensure general compatibility with character and design in surrounding residential neighborhoods, such uses shall be subject to the following conditions:

- (1) There shall be no storage, display or sales (wholesale or retail) of merchandise.
- (2) All office buildings shall comply with the following general design standards:
 - a) Pedestrian circulation - The proposed design shall be designed and scaled to ensure safe and efficient pedestrian circulation over the entire site and shall provide appropriate connections to the neighborhood's pedestrian circulation system.
 - b) Exterior Finish Materials - The color and texture of the material shall be compatible with residential structures in the surrounding area.
 - c) Massing - The proposed design shall show consideration of the context in which the building is to be placed with respect to the nearby visual environment. The proposed design shall show consideration of surrounding buildings with regards to the proportion, height, scale, and placement of structures on the site.
 - d) Relation to the street - Walls facing a public street shall include windows and architectural features customarily found on the front façade of a building in the area, such as awnings, cornice work, edge detailing or decorative finish materials. Doorways shall be directly accessible from public sidewalks.
 - e) Windows - Glass shall be clear or lightly tinted only. Windows facing a public street and parking area shall be functional as windows, to ensure neighborhood scale and character.
 - f) Parking - Parking areas shall be located at the back or side of the proposed building. Parking areas will be designed to ensure safe and efficient pedestrian circulation over the entire site.

Table 4.2:6(1) COMMERCIAL AND MIXED-USE BUILDINGS GENERAL STANDARDS

Fenestration		Front facades shall have a minimum of 35% comprised of windows and doorways with no less than 40% of the ground floor windows and doorways.
Facade Articulation		<ul style="list-style-type: none"> i. Blank walls over 30' in length are not permitted. ii. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building in the area, such as awnings, cornice work, edge detailing or decorative finish materials iii. Ground floors shall be differentiated from the floors above by a horizontal expression line such as a string course, change in material or textures, awnings or canopies, or sign band.
Allowed building materials	Primary Facade	Glass and aluminum curtainwall Brick (natural, glazed) Stone (natural, synthetic) Concrete (precast, cast-in-place)
	Secondary Facade and up to 50% of Primary Facade	Architectural Metal Panel (insulated, composite) Decorative cast concrete screens Terra Cotta Tile (glazed)
Building Entrance Orientation		<ul style="list-style-type: none"> i. All buildings shall provide at least one pedestrian door facing the front lot line. ii. Secondary entries permitted from the side or rear.
Utility Service		Services and utility hookups shall not be visible from primary or secondary street frontage, preferably located in the rear yard.
Parking		Parking areas will be designed to ensure safe and efficient pedestrian circulation over the entire site.
Applicable Districts		R-R, C-1, C-2, C-3

Additional building design requirements are included for the Storefront Frontage in the C-2 Mixed-Use District in Section 3.10:3.

Table 4.2:6(2) INDUSTRIAL BUILDING STANDARDS

Fenestration		The primary façade shall have no less than 30% comprised of windows and doorways.
Façade Articulation		Blank walls over 30' in length are not permitted facing the front lot line.
Allowed building materials	Primary Façade	Brick (natural, glazed) Stone (natural, synthetic) Concrete (precast, cast-in-place) Architectural Metal Panel Concrete Masonry
	Secondary Façade and up to 50% of Primary Facade	Decorative cast concrete screens Glass block Terra Cotta Tile (glazed)
Utility Service		Services and utility hookups shall not be visible from the primary street frontage, shall be located in the rear yard to the extent possible.
Building Entrance Orientation		<ul style="list-style-type: none"> i. One primary entrance shall face the front or side lot line and designed to be visually prominent and easily recognizable as the entrance. ii. If the primary entrance faces the side lot line, it shall be located within the first 30' from the front lot line and provide a visually prominent pedestrian connection to the sidewalk. iii. Each entry shall connect directly to the pedestrian sidewalk. Where the building is separated from the street sidewalk, at least one clear and direct connection shall be made between the two. iv. No truck well, loading dock, overhead door or other type of service bay door shall face an abutting residential district. Pedestrian exits and emergency doors are permitted on such building facades facing residential uses.
Parking Access and Location		<p>Driveways must be located in the side or rear yard.</p> <p>Parking is preferred in the side or rear yard.</p> <p>Visitor parking may be located in the front yard. Visitor parking may not exceed 50% of the front yard.</p>
Permitted Districts		I

Planning Commission

Regular Meeting

December 15, 2021
6:30PM

Big Rapids City Hall
226 N Michigan Ave

Hybrid Meeting is also accessible via Zoom:

<https://us02web.zoom.us/j/88166592990?pwd=TUZtRW1CTzYvQVF0TDIUZjRudOp6QT09>

Meeting ID: 881 6659 2990

Passcode: 133953

Phone Login: Dial (312) 626-6799

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
 - a. September 15, 2021
5. Public Comment Unrelated to Items on the Agenda
6. General Business
 - a. Joint Session with the City Commission and the Housing Commission to Discuss Upcoming Housing Projects in Big Rapids, with a Focus on Mechanic Street
7. Public Hearing
 - a. Site Plan Review for a New Wendy's Drive-Through Restaurant at 614 S State Street (PIN 17-15-283-006)
8. Unscheduled Business
9. Adjourn

CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
September 15, 2021
Unapproved

Vice-Chair Eppley called the September 15, 2021, regular meeting of the Planning Commission, to order at 6:33 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Karen Simmon, Kasey Thompson, Megan Eppley, Sarah Montgomery, and Jacob Buse

EXCUSED None

ABSENT Chris Jane
Rory Ruddick

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

There was 1 audience member.

APPROVAL OF MINUTES

Motion was made by Jacob Buse seconded by Sarah Montgomery to approve the minutes of the August 18, 2021, 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

A. 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 (3rd term)

- Megan Eppley (2nd term)
- Sarah Montgomery as Secretary (1st term)

Emily Szymanski was appointed Recording Secretary.

The Planning Commission budget was reviewed, and the meeting schedule was adopted as stated with one change – there will not be a scheduled regular meeting of the Planning Commission for the month of December. If a meeting is necessary for December, a Special Meeting will be held. The meeting time will remain at 6:30 p.m. on the third Wednesday of each month.

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

B. Recommendation to the City Commission for City-Owned Property at 124 W Bellevue St

Staff Report

Priebe summarized the Staff Report, stating that the property has been vacant since at least 2015. Between 2013 and 2021, the home has had 37 different Code Enforcement cases due to its deteriorating condition. With the state of the property and the absenteeism of the responsible party, the City looked into purchasing the property in early 2021. It took several months to contact the owner and work through the sale process. The City closed on the sale in late August 2021 for a purchase price of \$9,300. The City Commission has asked for the Planning Commission's recommendation on next steps for this property.

Discussed ensued over the following topics:

- If the Housing Commission had ownership, what type of home would they build? The Housing Commission would most likely build a modular home. However, there is a waiting period and could mean the property could sit vacant for over a year.
- If the City were to keep ownership for now, could they sell the property? Yes, the City's Realtor, Joe McNally, could list the lot for sale and include a stipulation where the purchaser has to develop within two years of ownership.
- Buse asked if City Staff have reached out to the MOISD Career Center or Habitat for Humanity. Staff has not reached out to other organizations at this time but are willing to do so.

Planning Commissioners have agreed to wait for Staff to contact the organizations discussed before making a recommendation to the City Commission. Staff will reach out to the organizations and bring this item back to a future the Planning Commission meeting.

C. Continued Discussion of Form-Based Code Amendments to the C-2 and R-R Zoning Districts

Staff Report

Priebe discussed updates regarding Form-Based Code progress. She stated that the project is ongoing but wants to give the Planning Commission an overview of the new Use Table. The Use Table will cover all districts, but more concise and user-friendly. Staff will bring back the fully edited new Use Table by the a future Planning Commission meeting to discuss further.

The following items were discussed:

- Buse asked if the current Ordinances would still exist in a written format with the new added Use Table. Priebe stated that the new Form-Based Code with the Use Table will replace the existing District Permitted Uses Sections once adopted. The C-2 and the R-R will undergo the most changes. R-1, R-2, R-3, and R-P will remain very similar to how they are now but with a few changes. Form-Based Code works really well in walkable neighborhoods, so it does not make sense to use this format for every District.
- Thompson stated that the existing Zoning Ordinance is very dated, and the way people retain information has changed, so she appreciates the effort of Staff for staying relevant.

UNSCHEDULED BUSINESS

City Commission Update on Determination of Surplus Property: City-Owned Property on W. Madison Street, Parcel 54-05-010-006-000

Priebe gave an update regarding the Planning Commission's recommendation to the City Commission for the City-owned property on W. Madison Street. The City Commission approved the Planning Commission's recommendation to declare the property as surplus during the September 7, 2021, City Commission meeting. The survey for the property has been ordered. The listing agreement will be an item on the September 20, 2021, City Commission meeting. However, the City Attorney stated that the City is unable to offer the property to the adjacent homeowners or Big Rapids Township before listing to the general public. This is due to a state law that requires "public sale" of all municipal-owned property.

Parks & Recreation Community Workshop – September 22, 2021

Szymanski invited Planning Commissioners to the Parks & Recreation Community Workshop that will be held on Wednesday, September 22, 2021, between 4:00-7:00 p.m. This Workshop is a drop in event and will consist of five different stations: Parks & Recreation Survey results, designing a park for the Depot Trailhead property, winter park activities in Big Rapids, future developments, and a budgeting activity. Public welcome!

There being no further business, Vice-Chair Eppley adjourned the meeting at 7:32 PM with all in favor.

Respectfully submitted,

Emily Szymanski

Planning & Zoning Technician and Planning Commission Secretary

POSITION PAPER

TO: City Commission, Planning Commission and Housing Commission
FROM: Mark Gifford, City Manager
DATE: 12/15/2021

Program/Initiative: Single Family Housing

Background: The City and all of Mecosta County is in desperate need of new housing opportunities to meet the current demand. There is a myriad of reasons as to why this is the case ranging from increasing costs of building materials, lack of contractors and likely other factors that I am not aware of. The City has not had a successful single-family housing development undertaken by the private sector for many decades.

The Big Rapids Housing Commission purchased what is now Brookside Estates from a failed developer and has facilitated the construction of six new homes in recent years. Mecosta County Habitat for Humanity constructed Platt Ave approximately 25 years ago, predating those would reach back 50+ years ago.

The traditional development model would expect a developer to pay all costs to install and/or upgrade utilities, construct the road and sidewalks to City specifications and then give those public improvements to the City upon satisfactory completion. The City would then own and maintain them in perpetuity. I believe that model is no longer viable and that can be evidenced in the City's lack of growth over the past half century.

The Big Rapids Housing Commission traded a lot on Division Street to acquire the west side of Mechanic Street extended in 2012. Since that time, the Housing Commission has acquired additional property on the east side of Mechanic. Staff has been in discussions regarding the feasibility of

developing Mechanic and the attached sheet is a result of those discussions including a cost estimate for the project. The cost estimate includes a proposed sharing of the costs between the City and Housing Commission.

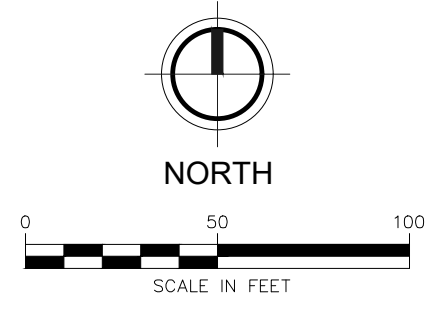
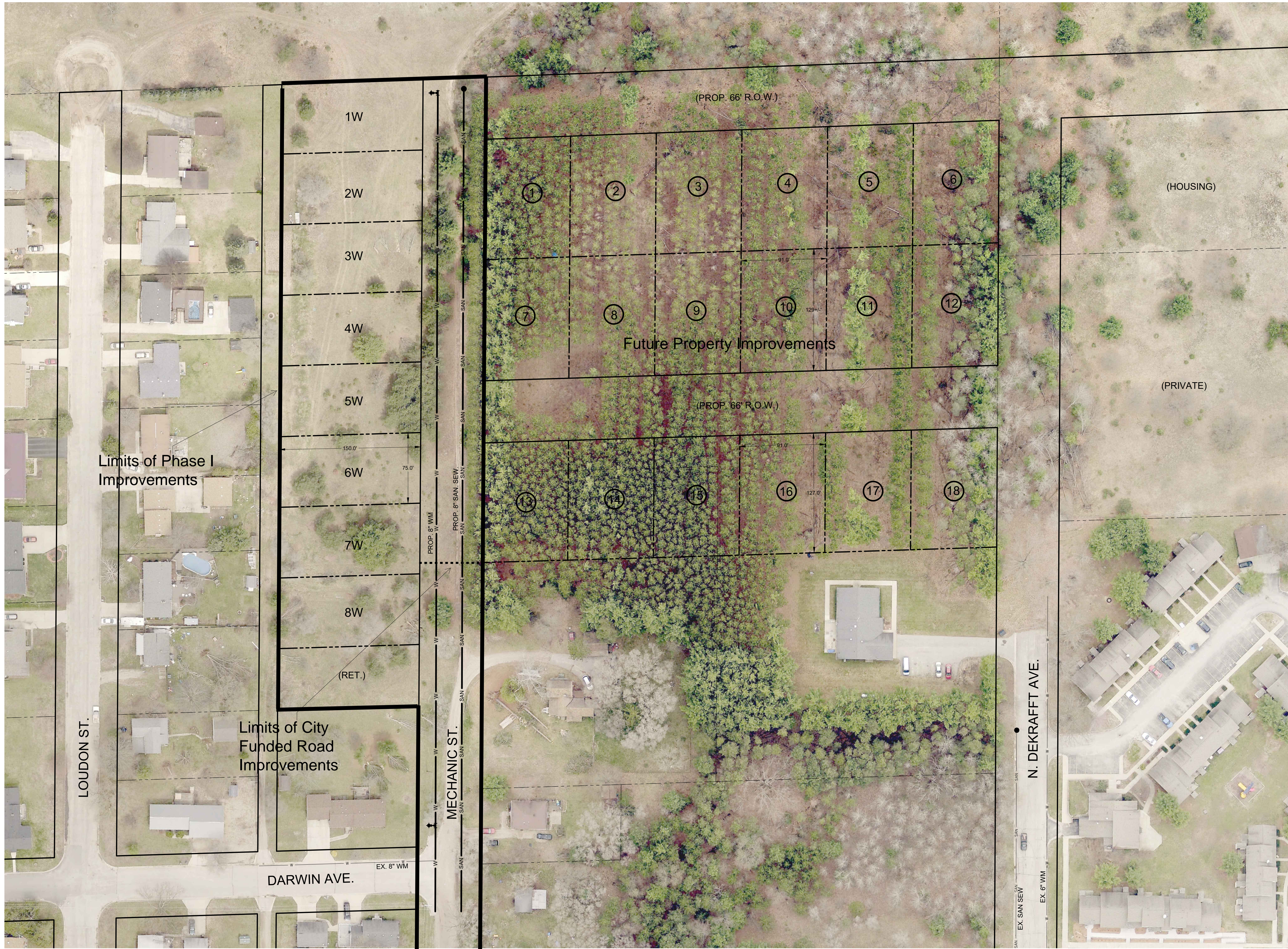
Questions to consider for our work session on the 15th could include:

- How do we grow single family opportunities in the City?
- Does the Mechanic Street proposal fit with the City's long-term plans?
- Is the proposed cost sharing reasonable?
- How did Staff arrive at the numbers?
- Where would the funding come from?
- Would the City participate in this type of development with a different property owner?
- Is 2022 the right time?

Recommendation: The City has been somewhat stagnant in new single-family development for decades. The Housing Commission has proven through Brookside Estates, Nisbett Fairman, MSHDA-Mod and Buy Back the Neighborhood to be an excellent partner with the City and very capable in completing projects that make the community proud.

The proposed costs for this project are staggering, but I believe that doing projects, like Mechanic Street, are an investment in the City's future and the best next step in addressing our housing needs.

\\cityofbigrapids\proj\842030\842030_Big_Rapids_-_Mechanic_Street\City\842030_Interest-Mechanic.dwg



2960 Lucerne Drive SE
Grand Rapids, MI 49546
P: 616.977.1000
F: 616.977.1005

REVISION:

CITY OF BIG RAPIDS
MECOSTA COUNTY, MICHIGAN
MECHANIC STREET DEVELOPMENT
PROPOSED SITE LAYOUT

DESIGN TEAM:
TSR, PAD
CHECK BY:
DRAWING INFORMATION:
842030_Dekraft-Mechanic
p000

DRAFT

DECEMBER 2021
F&V PROJECT NO.
842030

C1



City of Big Rapids

Engineer's Pre-Design Estimate of Project Cost** Mechanic Street Extension - Phase 1



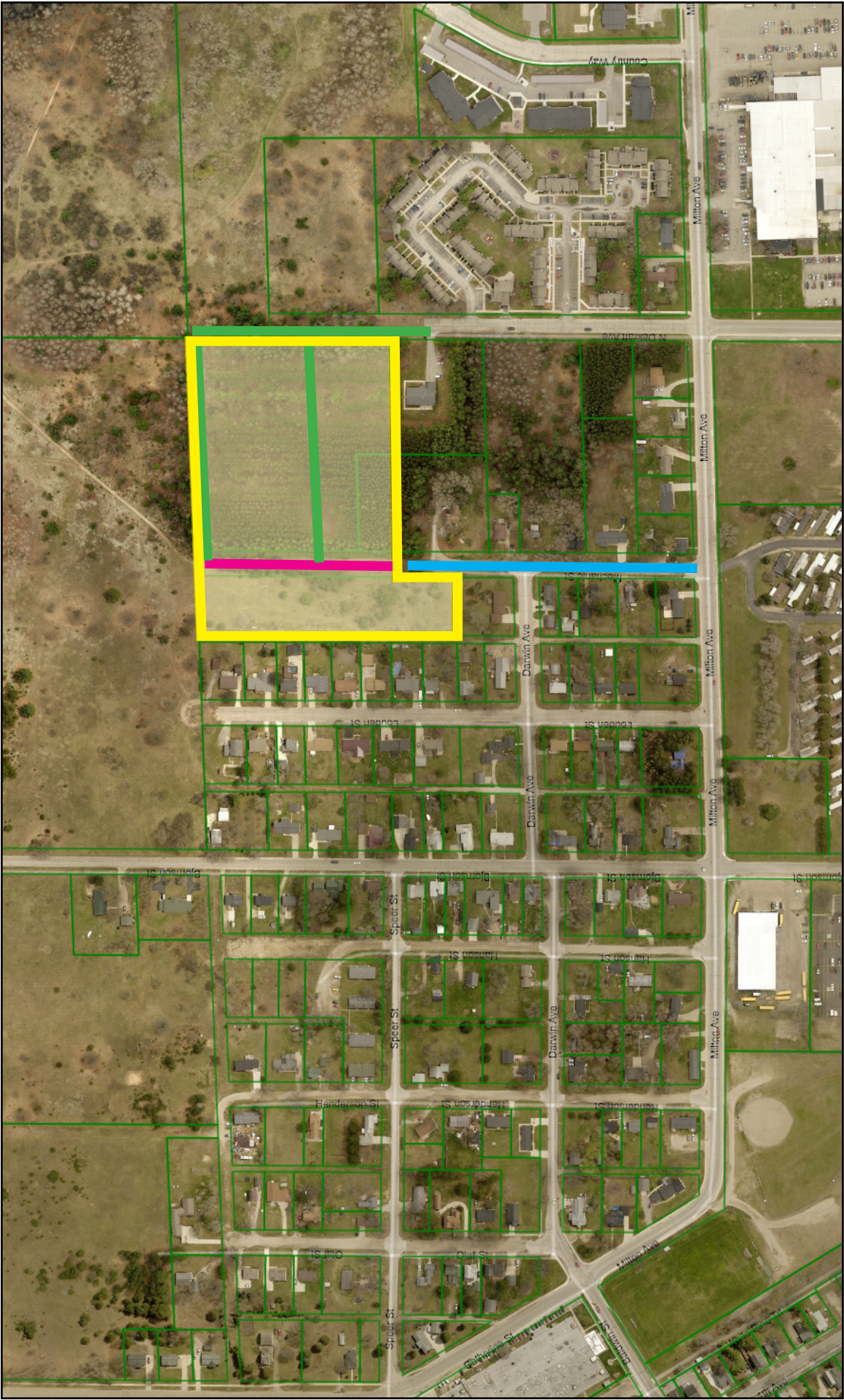
Project: 842030
Date: 12/9/2021
By: TSR/RWT

Description of Improvements: 1300 feet of road reconstruction in Mechanic Street, new curb, 4" HMA resurfacing from Milton Ave to the north limits.

ITEM NUMBER	ITEM DESCRIPTION	TOTAL	CITY OF BIG RAPIDS	HOUSING COMMISSION
1	Road, Storm Sewer and Sidewalk	\$ 743,900	\$ 457,500	\$ 286,400
2	Sanitary Sewer	\$ 100,300	\$ 100,300	\$ -
3	Watermain	\$ 108,700	\$ 108,700	\$ -

Total Estimated Construction Cost: \$ 952,900 \$ 666,500 \$ 286,400

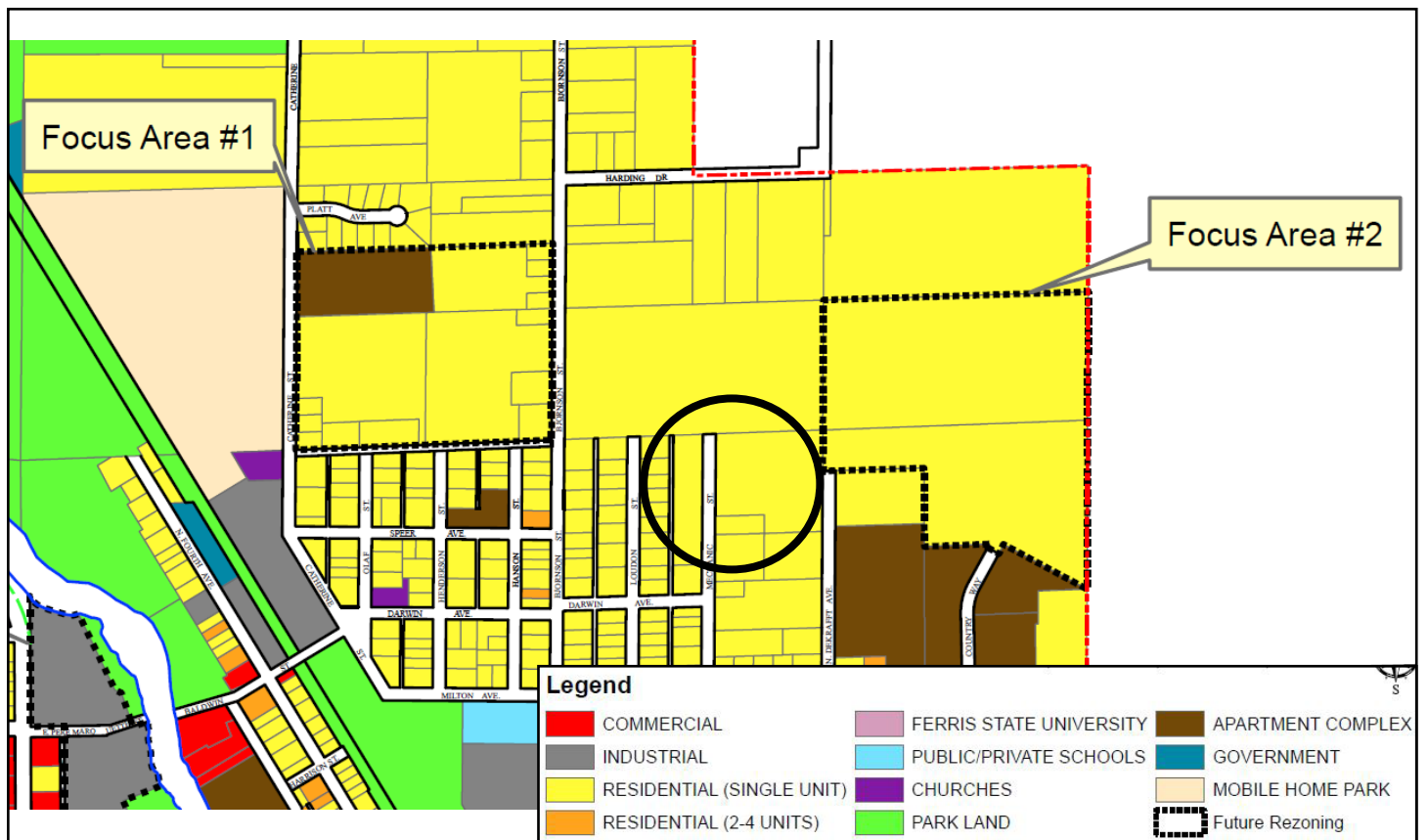
***The Design Professional has no control over costs or the price of labor, equipment or materials, or over the Contractor's method of pricing. Bid prices may vary significantly based on these factors and market conditions at time of bid.*



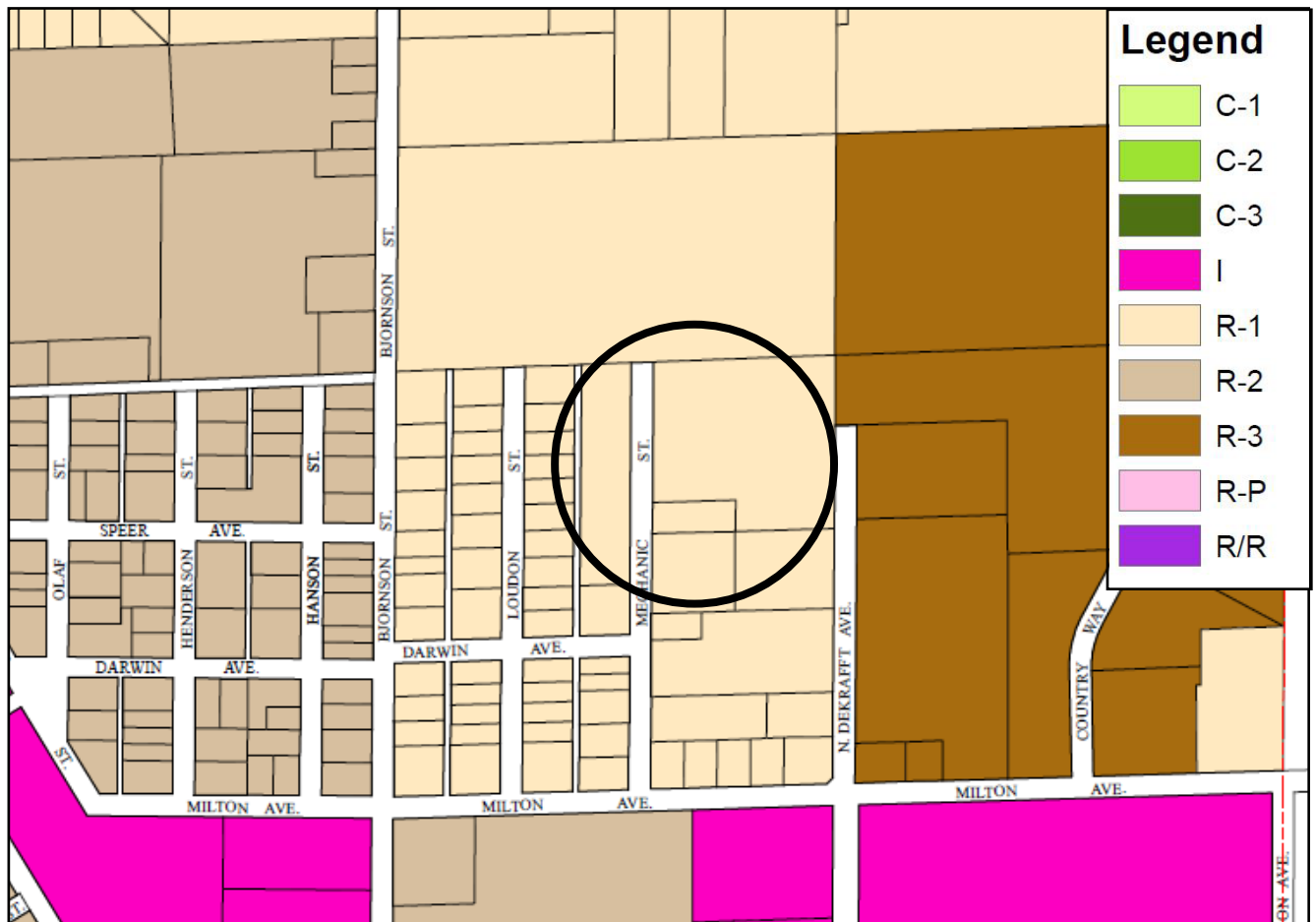
Aerial Imagery with Annotations

- Mechanic Street Residential Development Area
- Mechanic Street - South
- Mechanic Street - North
- DeKraft Ave and Side Streets

Excerpt from Future Land Use Map



Excerpt from Zoning Map



STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Paula Priebe, Community Development Director
SUBJECT: Site Plan Review for a New Wendy's Drive-Through Restaurant at 614 S State Street (PIN 17-15-283-006)
DATE: December 15, 2021

Introduction

The City of Big Rapids received a Site Plan Application from Fishbeck, on behalf of WM Limited Partnership who is the owner of the property at 614 S State Street (PIN 17-15-283-006) which is the site of the Wendy's. This property has lot dimensions of 177.3 ft wide by 297.5 ft deep, for a total lot area of 1.211 acres. It is zoned C-3 commercial. The plans call for the demolition and removal of the current structure and all pavement on the site, then for the site to be rebuilt with a new Wendy's building and parking lot. See the attached Location Map and Site Plans for more detailed location information.

Site Plan Review Process and Procedure

The Site Plan Review was brought by Fishbeck, an engineering, architecture, and construction management firm located in Grand Rapids, MI, on behalf of the property owners. As required by Ordinance, Site Plan Reviews must go through a public hearing process. Notice was posted in the Big Rapids Pioneer on December 4, 2021 and sent to all property owners within 300 ft of the site.

Site Plans are reviewed by various City staff members to determine if they are in compliance with the City's various Ordinances.

Public Safety – Fire Marshal Jeff Hull reviewed the site plans and found no issues that would affect Fire Department safety concerns.

Public Works – Plans were reviewed by Engineering Technician Matt Ruelle in consultation with Engineer Todd Richter of Fleis & Vandenbrink. Their notes were as follows:

All materials and sizing requirements have been met for storm water review. Storm water detention will be underground and meet all the requirements for size and distance from property lines. Grades and elevations look adequate.

The only negative comment that I have: There is an existing sanitary sewer lead on the property, yet on the plan they show installing a new sanitary sewer lead all the way to the City's sewer main, which will involve tearing up Clark Street (which was paved just 3 years ago). I would rather see the developer utilize the existing sanitary lead. This would be less expensive for the property owner and save Clark Street pavement.

Zoning – Plans were reviewed by the Community Development Director with regard to the Zoning Ordinance. The plans were found to be in compliance with the Zoning Ordinance as regards setbacks, parking, drive-through stacking, lighting, and landscaping.

Building – Mecosta County Building Official Aaron Holsworth was also provided the plans for review. By the time this report was published, staff had not received his comments.

Criteria for Review of Site Plan Review Applications

Section 9.6 of the Zoning Ordinance sets criteria for reviewing Site Plan Review applications:

- 9.6:1 That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to ensure the safety and convenience of pedestrian and vehicular movement. With respect to vehicular and pedestrian circulation, including walkways, interior drives, and parking, the site shall be developed so that access points, general interior traffic circulation, pedestrian circulation, and parking areas are safe and convenient and, insofar as practicable, do not detract from the design of the proposed buildings and existing structures on neighboring properties.
- 9.6:2 All elements of the site plan shall be harmoniously and efficiently organized in relation to the topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- 9.6:3 That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which will result in maximum harmony with adjacent areas.
- 9.6:4 That any adverse effects of the proposed development and activities emanating there from which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback and location of buildings, structures and entryways. All loading and unloading areas and outside storage areas, including areas for the storage of refuse, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.
- 9.6:5 That the layout of buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood. Physical improvements including sidewalks, drives and parking areas shall be built to adequate standards to minimize premature deterioration. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spill or discharges to the air, surface of the ground, groundwater, streams, drains or wetlands. Secondary containment for above ground storage of hazardous material shall be provided.
- 9.6:6 That all provisions of all local ordinances, including the City Zoning Ordinance, are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.

These Criteria shall be used to decide the Action taken by the Planning Commission.

Recommendation

Staff recommends approval of the Site Plan Review Application for a New Wendy's Drive-Through Restaurant at 614 S State Street (PIN 17-15-283-006), as it meets the Criteria for Review found in Section 9.6 of the Zoning Ordinance.

Action

Three options lay before the Planning Commission regarding Site Plan Review Applications: Approval, Approval with Conditions, or Denial. Sample motions are included below.

Approval

An approval motion is appropriate when the Application meets the Standards of the Zoning Ordinance and approves the Application.

"I move that the Site Plan Review Application for a New Wendy's Drive-Through Restaurant at 614 S State Street (PIN 17-15-283-006) be approved, because it meets all of the Criteria for Review set in Section 9.6 of the Zoning Ordinance."

Approval with Conditions

An approval with conditions motion is appropriate when the Application meets the Standards of the Zoning Ordinance, but the Planning Commissioners believe a few minor conditions or alterations are required. This motion approves the Application contingent upon the listed conditions.

"I move that the Site Plan Review Application for a New Wendy's Drive-Through Restaurant at 614 S State Street (PIN 17-15-283-006) 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 (*select from the relevant reasons below*)

- (1) 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.
- (2) Protect the natural environment and conserve natural resources and energy.
- (3) Ensure compatibility with adjacent uses of land.
- (4) Promote the use of land in a socially and economically desirable manner.

"The following conditions are required to address this need: (*list conditions such as requiring additional permits, revising plans to show changes, demonstrating adequacy of the stormwater detention facilities, or moving features out of the fire lane*).

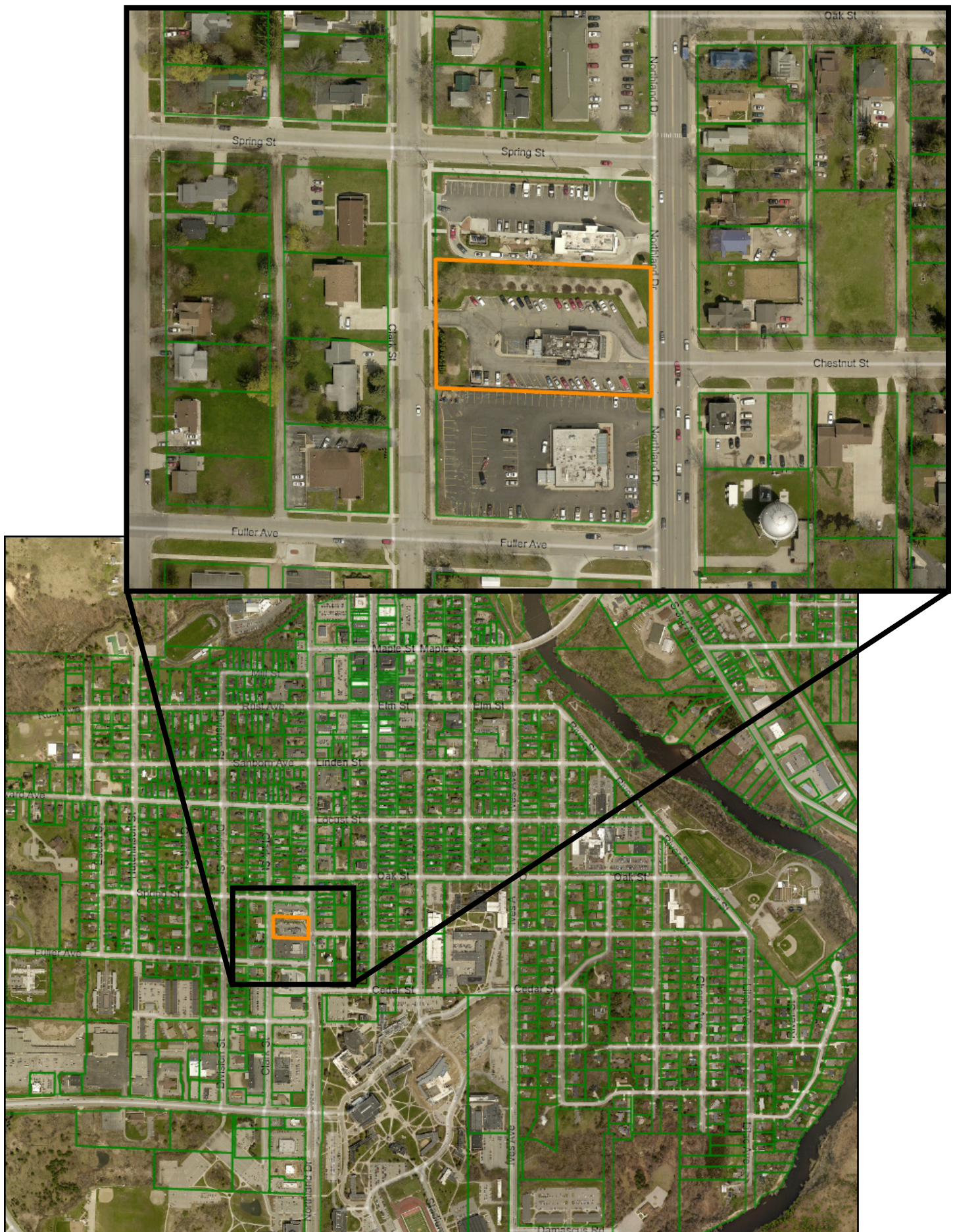
"A revised, dated site plan and documents addressing the above shall be submitted for staff approval within 60 days."

Denial

A denial motion is appropriate when the Application fails to meet the Standards of the Zoning Ordinance and ends the application process.

"I move to deny the Site Plan Review Application for a New Wendy's Drive-Through Restaurant at 614 S State Street (PIN 17-15-283-006) because it does not meet Criteria 9.6:X of the Zoning Ordinance. (*Fill in the X with which number Criteria the application does not meet.*)"

Location Maps



Aerial Imagery



Excerpt from Future Land Use Map



Excerpt from Zoning Map







**CITY OF BIG RAPIDS
DEPARTMENT OF COMMUNITY DEVELOPMENT**

SITE PLAN REVIEW APPLICATION

APPLICANT NAME: Fishbeck, on Behalf of WM Limited Partnership 1988

APPLICANT ADDRESS: 1515 Arboretum Drive SE, Grand Rapids, MI 49546

APPLICANT PHONE NUMBER: (616) 464-3929 **FAX NUMBER:** _____

PROJECT TITLE: Wendy's 2022 New Build

PROJECT ADDRESS/LOCATION: 614 S. State Street, Big Rapids, MI 49307

SUBJECT PROPERTY OWNER: 614 S. State Street LLC

LEGAL DESCRIPTION OF PROPERTY (attach separate sheet)

SUBJECT PROPERTY ZONING: C3-Commercial **SITE SIZE (ACRES):** 1.20

LIST ALL REQUIRED STATE AND FEDERAL PERMITS ON SEPARATE SHEET

In compliance with Section 9.4 of the City of Big Rapids Zoning Ordinance, twelve copies of a complete proposed site plan must be submitted to the Department of Community Development, a minimum of twenty one days prior to the Planning Commission hearing date. Failure to submit complete plans, a completed application form and filing fee may result in the site plan review hearing being delayed.

SITE PLAN INFORMATION REQUIREMENTS

TWELVE COPIES (12) of the proposed site plan, drawn on 24" x 36" paper

SCALE OF 1" = 20' for sites up to three acres and **1" = 100'** for sites over three acres

LEGEND including north arrow, scale, date of preparation and name, address and telephone number of individual or firm preparing the plan

SEAL of professional architect, engineer or surveyor preparing the plan

LOCATION MAP indicating relationship of the site to surrounding land use

LOT LINES together with dimensions, angles and size correlated with the legal description, which is tied to existing monumentation

TOPOGRAPHY of the site in two foot contour intervals

NATURAL FEATURES such as wood lots, streams, rivers, lakes, wetlands, unstable soils and similar items

MAN MADE FEATURES within 100 feet of the site

BUILDING SIZE, height, finish floor and grade line elevations, yard setbacks and square footage. Front, side and rear elevations drawings of proposed structures.

FLOOR PLAN of structures showing existing and proposed uses (used to verify gross vs. usable floor areas and principal vs. accessory uses).

STREETS, driveways, sidewalks and other vehicle or pedestrian circulation features upon and adjacent to the site shall be shown

PARKING SPACES, location, size and number, service lanes, delivery and loading areas

CROSS SECTIONS illustrating construction of drives and parking areas

LANDSCAPING, together with open spaces, screening, fences, walls and proposed alterations of topography or other natural features.

SERVICE DEMANDS from the community to support proposed operations on the site

EARTH CHANGE plans required by State law

SITE LIGHTING including location, intensity and orientation

SURFACE WATER DRAINAGE

UTILITY LOCATION and size for sanitary sewer, water, storm sewer, natural gas, electricity, telephone, coaxial cable, fiber optic, etc.

FIRE LANES

OUTDOOR STORAGE

TRASH RECEPTACLES

HAZARDOUS MATERIAL storage facilities, including type, quantity, location and secondary containment provisions

OTHER INFORMATION as required by the Plan Board

DIGITAL COPY submitted in an AutoCAD compatible format

SITE PLAN REVIEW FEE \$200

I have read the requirements of submittal and review of a site plan by the City of Big Rapids Planning Commission and attest that the provided site plan is complete:

eSigned via SeamlessDocs.com
Gregory P Whittle
Key: 97bcd0ec233e03494cc53d2c7bb54b55

Applicant Signature

11/17/2021

Date

WENDY'S 2022 NEW BUILD

614 S. STATE STREET
BIG RAPIDS, MI 49307

GENERAL NOTES

- REVIEW DOCUMENTS AND VERIFY DIMENSIONS AND FIELD CONDITIONS AND CONFIRM THAT WORK IS CONSTRUCTIBLE AS SHOWN. CONFLICTS OR DIMENSIONS, ETC. SHALL BE IMMEDIATELY REPORTED TO THE ENGINEER FOR CLARIFICATION PRIOR TO THE PERFORMANCE OF WORK IN QUESTION.
- CONTRACTOR IS REQUIRED TO SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE OWNER'S REPRESENTATIVE TO REVIEW SPECIFIC REQUIREMENTS. CONTRACTOR IS RESPONSIBLE TO FOLLOW ALL LOCAL RULES AND REGULATIONS.
- KEEP THE APPROVED AND/OR MOST CURRENT SET OF PROJECT DRAWINGS ON SITE AT ALL TIMES. CONTRACTOR TO CONFIRM THEY ARE IN POSSESSION OF THE MOST CURRENT DRAWING FILES.
- DURING ALL PHASES OF WORK, DO NOT DISTURB THE DELIVERIES AND FUNCTIONS OF ADJACENT AND NEIGHBORING TENANTS.
- 'TYP' MEANS THAT THE CONDITION IS REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, UNLESS OTHERWISE NOTED.
- BIDDERS REFER TO WENDY'S APPROVED SUPPLIER LIST TO OBTAIN NATIONAL ACCOUNT PHONE NUMBERS AND CONTACTS.
- CONTRACTOR IS RESPONSIBLE FOR FINDING AND LOCATING ALL UNDERGROUND UTILITIES IN AREAS OF EXCAVATION PRIOR TO DIGGING. ACCIDENTAL INTERRUPTION OF THESE SERVICES DURING CONSTRUCTION WILL BE THE RESPONSIBILITY OF THE CONTRACTOR. PRIOR TO DIGGING, CONTRACTOR TO CALL LOCAL UTILITY LOCATION SERVICE.
- CONDUCT SITE CLEARING OPERATIONS TO ENSURE MINIMUM INTERFERENCE WITH ROADS, STREETS, WALKS, AND OTHER ADJACENT OCCUPIED OR USED FACILITIES. DO NOT CLOSE OR OBSTRUCT STREETS, WALKS, OR OTHER OCCUPIED OR USED FACILITIES WITHOUT PERMISSION FROM AUTHORITIES HAVING JURISDICTION. STREETS AND ROADWAYS SHALL BE THOROUGHLY CLEANED AND/OR SWEEPED ON A DAILY BASIS OR MORE FREQUENTLY AS REQUIRED BY THE GOVERNING AUTHORITY. RESTORE DAMAGED IMPROVEMENTS TO ORIGINAL CONDITION AS ACCEPTABLE TO PARTIES HAVING JURISDICTION.
- PROVIDE DUST CONTROL MEASURES IN ACCORDANCE WITH LOCAL AUTHORITY REQUIREMENTS.
- ALL STREET SURFACES, DRIVEWAYS, CULVERTS, ROADSIDE DRAINAGE DITCHES AND OTHER STRUCTURES THAT ARE DISTURBED OR DAMAGED IN ANY MANNER AS A RESULT OF CONSTRUCTION SHALL BE REPLACED IN ACCORDANCE WITH THE SPECIFICATIONS, AT NO ADDITIONAL COST TO THE OWNER.
- UNLESS SPECIFIED OTHERWISE, ALL MATERIAL AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH WENDY'S SPECIFICATIONS, THE STATE DEPARTMENT OF ENVIRONMENTAL QUALITY STANDARDS, DEPARTMENT OF TRANSPORTATION SPECIFICATIONS AND/OR THE APPROPRIATE LOCAL AUTHORITY HAVING JURISDICTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITS, PERMIT FEES, LICENSES, LICENSE FEES, UNLESS NOTED OTHERWISE.
- RELOCATION OF ANY UTILITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF THE APPROPRIATE UTILITY COMPANY AND OR REGULATORY AGENCY. OBTAIN WRITTEN APPROVAL FROM THE ENGINEER BEFORE ANY UTILITY RELOCATION.
- ELECTRONIC FILES IN DWG FORMAT WILL BE SUPPLIED TO THE CONSTRUCTION MANAGER FOR LAYOUT AND GRADING.
- ELECTRONIC FILE USE TERMS AND CONDITIONS:
 - DRAWINGS AND DESIGN ARE THE INTELLECTUAL PROPERTY OF THE DESIGNER, CONTRACTOR, AND THEIR SUBCONTRACTORS ON THE REFERENCED PROJECT. SHALL BE AUTHORIZED TO USE THIS INFORMATION ONLY IN CONNECTION WITH THE REFERENCED PROJECT. ANY USE OR REUSE FOR ANY OTHER PURPOSE WHATSOEVER SHALL NOT BE ALLOWED, AND WILL BE AT CONTRACTOR'S RISK AND FULL LEGAL RESPONSIBILITY. WITHOUT LIABILITY TO THE DESIGNER, CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE DESIGNER FROM ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING ATTORNEY'S FEES ARISING OUT OF UNAUTHORIZED USE OF THIS INFORMATION.
 - COPIES OF DRAWINGS FURNISHED BY THE DESIGNER THAT MAY BE RELIED UPON BY CONTRACTOR ARE LIMITED TO THE PRINTED DRAWINGS (ALSO KNOWN AS HARD COPIES) TITLED "PROJECT TITLE" DATED MONTH DAY, YEAR, OR AS REVISED BY WRITTEN CHANGE ORDER THAT ARE THE BASIS OF THE CONTRACTOR'S BID AND CONTRACT. ALL COMPUTER FILES OR ELECTRONIC MEDIA THAT ARE FURNISHED BY THE DESIGNER TO CONTRACTOR ARE ONLY FOR THE CONVENIENCE OF THE CONTRACTOR. ANY CONCLUSIONS OR INFORMATION OBTAINED OR DERIVED FROM SUCH ELECTRONIC FILES WILL BE AT THE USER'S SOLE RISK. THE DESIGNER CANNOT GUARANTEE THE LONGEVITY OF ANY MATERIAL TRANSMITTED ELECTRONICALLY NOR CAN THE DESIGNER GUARANTEE THE ABILITY OF THE RECIPIENT TO OPEN AND USE THE DIGITAL VERSIONS OF THE DOCUMENTS.
 - ANY CONTRACTOR OR SUBCONTRACTOR USING THIS INFORMATION ASSUMES RESPONSIBILITY TO UTILIZE THE CORRECT HORIZONTAL AND VERTICAL CONTROL AND BENCHMARK INFORMATION AS SHOWN ON THE DRAWINGS AND TO DOUBLE CHECK CONTROL AGAINST ACTUAL FIELD CONDITIONS BEFORE DOING ANY STAKING OR CONSTRUCTION.
 - UPON ACCEPTANCE OF THE ELECTRONIC DATA TRANSMISSION, RECIPIENT HEREBY AGREES TO THE FOREGOING TERMS AND CONDITIONS. IF RECIPIENT DOES NOT AGREE TO THE FOREGOING TERMS AND CONDITIONS, WENDY'S AND ITS CONSULTANTS DO NOT AUTHORIZE THE USE OF THE TRANSMITTED DATA, AND RECIPIENT SHALL DESTROY THE TRANSMITTED DATA AND NOTIFY WENDY'S OR ITS CONSULTANTS OF THE SAME BY PROVIDING WRITTEN NOTICE WITHIN ONE DAY OF TRANSMISSION. FAILURE TO PROVIDE SUCH NOTICE SHALL ACT AS WAIVER AND RECIPIENT SHALL BE BOUND TO THE FOREGOING TERMS AND CONDITIONS.

LOCAL UTILITY LOCATING AGENCY

CONTRACTOR SHALL NOTIFY UTILITY COMPANIES AND GOVERNMENT AGENCIES IN WRITING OF THE INTENT TO EXCAVATE NO LESS THAN 72 HOURS PRIOR TO SUCH EXCAVATION (EXCLUSIVE OF SATURDAYS, SUNDAYS, AND HOLIDAYS) AND CALL LOCAL UTILITY LOCATING AGENCY AT 1-800-482-7171 (MISS DIG).

EXISTING UTILITY LOCATIONS SHOWN SHALL BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION. LOCATIONS OF UNDERGROUND UTILITIES ON THESE DRAWINGS ARE APPROXIMATE ONLY AND BASED ON ACTUAL FIELD LOCATIONS OF VISIBLE STRUCTURES AND PLAN

SURVEY

EXISTING TOPOGRAPHY IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED BY FISHBECK ON OCTOBER 13, 2021 AND REFLECTS CONDITIONS AT THAT TIME. BASIS OF BEARING AND COORDINATES: MICHIGAN STATE PLANE SOUTH (ENGLISH). HORIZONTAL CONTROL: NAD 83 (2011). VERTICAL CONTROL: NAVD88.

GEOTECHNICAL

REFER TO SOIL BORINGS AND GEOTECHNICAL REPORT PERFORMED AND PREPARED BY MATERIALS TESTING CONSULTANTS (MTC) ON OCTOBER 14, 2021 AND REFLECTS CONDITIONS AT THAT TIME.

ABBREVIATIONS

ABBREV.	MEANING	ABBREV.	MEANING
ABAN.	ABANDON	MFGR	MANUFACTURER
ADJ.	ADJACENT	MGD	MILLION GALLONS PER DAY
AGG.	AGGREGATE	MH.	MANHOLE
ALT.	ALTERNATE	MIN.	MINIMUM
APPRD.	APPROVED	MISC.	MISCELLANEOUS
APPROX.	APPROXIMATE	MJ	MECHANICAL JOINT
B/B	BACK TO BACK	MON.	MONUMENT
BIT.	BITUMINOUS	NA	NOT APPLICABLE
BLDG.	BUILDING	NIC	NOT IN CONTRACT
BLVD.	BOULEVARD	NRCP	NON-REINFORCED CONCRETE PIPE
BM	BENCH MARK	NTS	NOT TO SCALE
BNDY.	BOUNDARY	OC	ON CENTER
BOT.	BOTTOM	OD	OUTSIDE DIAMETER
BSMT.	BASEMENT	OE	OVERHEAD ELECTRIC
C & G	CURB AND GUTTER	OP	FIBER OPTICS
C/C	CENTER TO CENTER	ORIG.	ORIGINAL
CATV	CABLE TELEVISION	OT	OVERHEAD TELEPHONE
CB	CATCH BASIN	PC	POINT OF CURVE
CF	CUBIC FEET	PCC	POINT OF COMPOUND CURVATURE
CFS	CUBIC FEET PER SECOND	PE	POLYETHYLENE
CL	CENTERLINE	PE PERF.	POLYETHYLENE PIPE PERFORATED
CMP	CORRUGATED METAL PIPE	PERF.	PERFORATED
CN	CLEAN OUT	P	POINT OF INTERSECTION
CONC	CONCRETE	PIV	POST INDICATOR VALVE
CONST.	CONSTRUCTION	PL	PROPERTY LINE
COORD.	COORDINATE	POB	POINT OF BEGINNING
CP	COPPER PIPE	POE	POINT OF ENDING
CSP	CORRUGATED STEEL PIPE	PRC	POINT OF REVERSE CURVE
CSPA	CORRUGATED STEEL PIPE ARCH	PROP.	PROPOSED
CULV.	CULVERT	PSF	POUNDS PER SQUARE FOOT
CY	CUBIC YARD	PSI	POUNDS PER SQUARE INCH
DEG (°)	DEGREE	PT	POINT OF TANGENCY
DEMOL.	DEMOLISH	PVC	POLYVINYL CHLORIDE
DIP	DUCTILE IRON	PVC	POINT OF VERTICAL CURVE
DIA.	DIAMETER	PVI	POINT OF VERTICAL INTERSECTION
DIM.	DIMENSION	PVMT.	PAVEMENT
DIST.	DISTANCE	PVT	POINT OF VERTICAL TANGENCY
ELEC	ELECTRIC CONDUIT	QTY.	QUANTITY
EL.	ELEVATION	R.	RADIUS
ENGR.	ENGINEER	RCP	REINFORCED CONCRETE PIPE
EOM	EDGE OF METAL	RED.	REDUCER
EQUIP.	EQUIPMENT	REF.	REFERENCE
ESMT.	EASEMENT	REQD.	REQUIRED
EXIST. EX.	EXISTING	REV.	REVISION
EXT.	EXTERIOR	RJ	RESTRAINED JOINT
F/F	FACE TO FACE	ROW	RIGHT OF WAY
FDN.	FOUNDATION	SAN	SANITARY SEWER
FIG.	FIGURE	SF	SQUARE FOOT
FF	FINISH FLOOR	SPEC.	SPECIFICATION
FIN. GR.	FINISH GRADE	SS	SIDE SLOPE
FM	FORCE MAIN	STA.	STATION
FTG.	FOOTING	STD.	STANDARD
GEN.	GENERATOR	STL.	STEEL
GND.	GROUND	STM	STORM SEWER
GPD	GALLONS PER DAY	SYD	SQUARE YARD
GPM	GALLONS PER MINUTE	TC	TOP OF CURB
HDPE	HIGH DENSITY POLYETHYLENE	TAN.	TANGENT
HDWL.	HEADWALL	TEL	TELEPHONE LINE
H.	HEIGHT	TEMP.	TEMPORARY
HORIZ.	HORIZONTAL	TOC	TOP OF CASTING
HP	HIGH POINT	T/W	TOP OF WALL
HWL	HIGH WATER LEVEL	TRPT	TRAVERSE POINT
HWY.	HIGHWAY	TYP.	TYPICAL
HYD.	HYDRANT	UD	UNDER DRAIN
ID	INSIDE DIAMETER	UTIL	UTILITY
INV	INVERT ELEVATION	VB	VALVE BOX
INCL.	INCLUDE	VCP	VITRIFIED CLAY PIPE
LAT.	LATERAL	VERT.	VERTICAL
LF	LINEAL FEET	W/	WITH
L.	LENGTH	W/O	WITHOUT
LP	LOW POINT	WL	WATER LEVEL
LS	LUMP SUM	WTR	WATER MAIN
LWL	LOW WATER LEVEL	WFF	WELDED WIRE FABRIC
M/L	MORE OR LESS	XFMR.	TRANSFORMER
MAINT.	MAINTENANCE		
MATL.	MATERIAL		
MAX.	MAXIMUM		
MB.	MAILBOX		

AGENCIES

ZONING

CITY OF BIG RAPIDS
PAULA PRIEBE
226 N. MICHIGAN AVENUE
BIG RAPIDS, MI 49307
PPRIEBE@CITYOFBR.ORG

PUBLIC WORKS

CITY OF BIG RAPIDS
HEATHER BOWMAN
325 N. DEKRAFT AVENUE
BIG RAPIDS, MI 49307
231.592.4028
HBOWMAN@CITYOFBR.ORG

STORM WATER

CITY OF BIG RAPIDS
HEATHER BOWMAN
325 N. DEKRAFT AVENUE
BIG RAPIDS, MI 49307
231.592.4028
HBOWMAN@CITYOFBR.ORG

FIRE

CITY OF BIG RAPIDS FIRE DEPARTMENT
DEPUTY DIRECTOR OF PUBLIC SAFETY
435 N. MICHIGAN AVENUE
BIG RAPIDS, MI 49307
231.527.0005

ELECTRIC

CONSUMERS ENERGY
800-805-0490
BUSINESSCENTER@CSEENERGY.COM

GAS

DTE ENERGY
LARRY BOURKE
231.349.2364
C.GASDESIGN@DTEENERGY.COM

TELEPHONE

ATT
CHAD VANTIL
616.392.3968
CV1519@ATT.COM

FIBER

POINT BROADBAND

FIBER

ACD

FIBER

MERIT NETWORK, INC.

FIBER

CHARTER COMMUNICATIONS

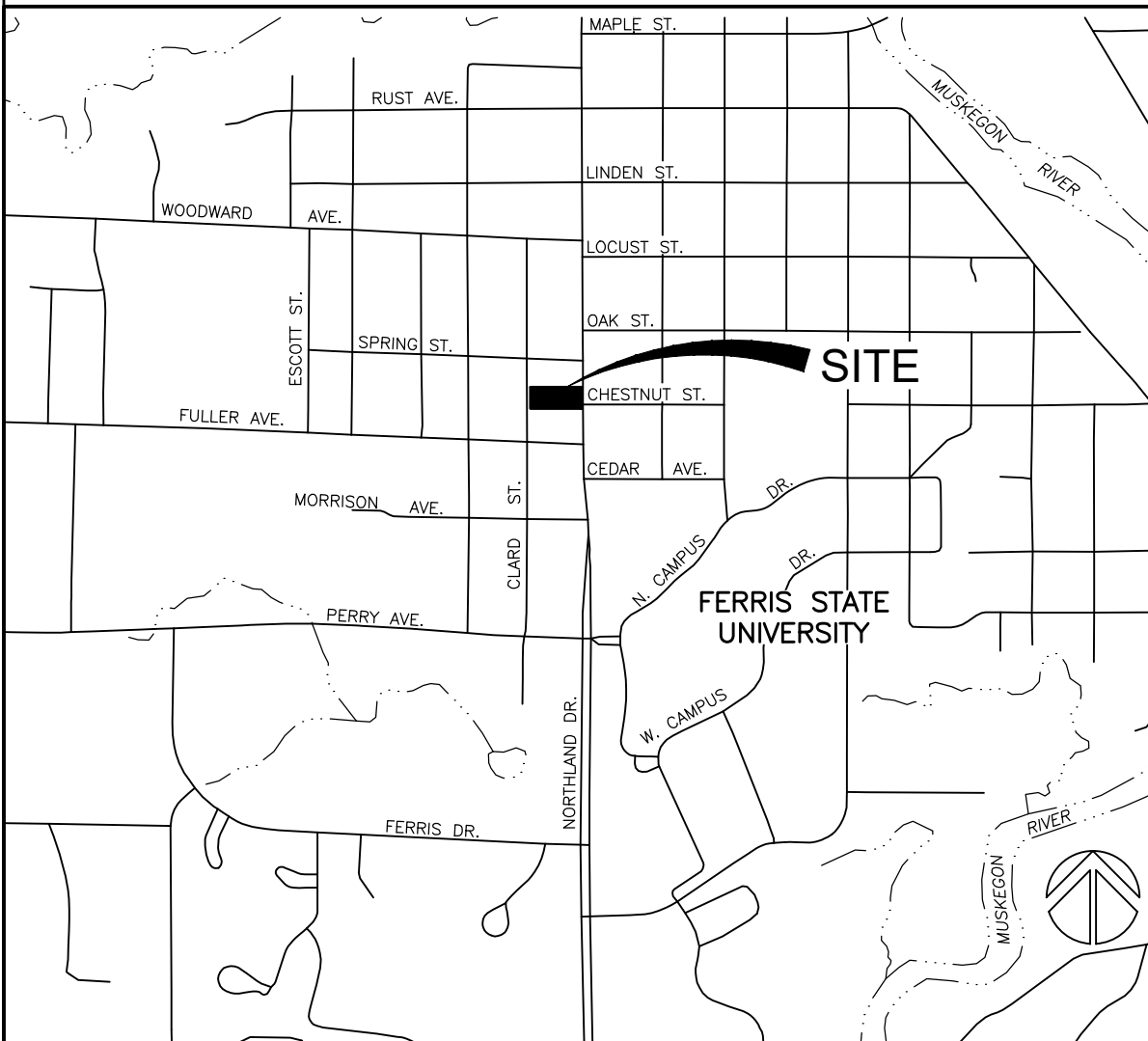
SHEET INDEX

SHEET #	SHEET NAME	REVISION / DATE
G1.0	COVER SHEET	11/17/2021
C1.0	EXISTING CONDITIONS	11/17/2021
C1.1	DEMOLITION & SESC PLAN	11/17/2021
C2.0	SITE LAYOUT PLAN	11/17/2021
C3.0	GRADING & SESC PLAN	11/17/2021
C4.0	UTILITY PLAN	11/17/2021
C5.0	SITE PAVING & UTILITY DETAILS	11/17/2021
C5.1	COMPOSITE TRASH ENCLOSURE DETAILS	11/17/2021
C5.2	STANDARD DRIVE-THRU EQUIPMENT DETAILS	11/17/2021
C5.3	MISCELLANEOUS SITE DETAILS	11/17/2021
C5.4	STORMWATER DETENTION DETAILS	11/17/2021
C6.0	SITE LIGHTING PHOTOMETRIC PLAN	11/17/2021
L1.0	LANDSCAPE PLAN	11/17/2021
CSP1	CIVIL SPECIFICATIONS	11/17/2021

PROJECT TEAM DIRECTORY

CIVIL ENGINEER	FISHBECK
	1515 ARBORETUM DRIVE SE
	GRAND RAPIDS, MI 49546
	CONTACT: GREG WHITTLE
	TEL: 616.464.3929
	CELL: -
	EMAIL: GPWHITTLE@FISHBECK.COM
ARCHITECT	FISHBECK
	1515 ARBORETUM DRIVE SE
	GRAND RAPIDS, MI 49546
	CONTACT: TONY KUHTZ
	TEL: 616.464.3722
	CELL: -
	EMAIL: TKUHTZ@FISHBECK.COM
LANDSCAPE DESIGNER	TMB LANDSCAPE CONSULTING
	7100 STANDIFORD
	KALAMAZOO, MI 49009
	CONTACT: TODD BRUNNER
	TEL: 269.967.8602
	EMAIL: TODDBRUNER@
	TMBSITECONSULTING.COM
MEP ENGINEER	FISHBECK
	1515 ARBORETUM DRIVE SE
	GRAND RAPIDS, MI 49546
	CONTACT: -
	TEL: -
	CELL: -
	EMAIL: -
STRUCTURAL ENGINEER	FISHBECK
	1515 ARBORETUM DRIVE SE
	GRAND RAPIDS, MI 49546
	CONTACT: -
	TEL: -
	CELL: -
	EMAIL: -
GENERAL CONTRACTOR	- TBD
	-
	-
	-
	CONTACT: -
	TEL: -
	CELL: -
	EMAIL: -

VICINITY MAP



SITE NUMBER:	04397
BUILDING TYPE:	(2.0) SMART 40+
ASSET TYPE:	FREE STANDING
CLASSIFICATION:	NEW
OWNER:	WENDY'S OF MICHIGAN
BASE VERSION:	2021
UPGRADE CLASSIFICATION:	NEW BUILD
PROJECT YEAR:	2022
DESIGN TYPE:	(2.0) UM BRITE
DRAWING RELEASE:	SUMMER 2021

fishbeck
Engineers | Architects | Scientists | Constructors

Call MISS DIG
3 full working days before you dig
Michigan's One-Call Utility Notification Organization
1-800-482-7171
on the net at: www.missdig.org

PROJECT TYPE:	NEW
	2.0 SMART 40+

Wendy's
614 S. STATE STREET
BIG RAPIDS, MI 49307

REV.	DATE	DESCRIPTION
11/17/21	11/17/21	SITE PLAN REVIEW

ISSUE DATE: 11/17/2021
PROJECT NUMBER: 211430
DRAWN BY: DRU
CHECKED BY: ASM




SHEET NAME
COVER SHEET

SHEET NUMBER

G1.0

fishbeck
Engineers | Architects | Scientists | Constructors

Call MISS DIG
3 full working days before you dig:
Michigan's
One-Call

 Utility
Notification
Organization

1-800-482-7171
on the net at: www.missdig.org

Wendy's®
614 S. STATE STREET
BIG RAPIDS, MI 49307

SHEET NUMBER

TOTAL AREA OF PROPERTY: 0.72 ACRES (±31,266 SFT)



SESC NOTES

1. MAINTAIN A COPY OF THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) ON THE SITE FOR THE DURATION OF CONSTRUCTION, IF REQUIRED. ADHERE TO THE SWPPP DURING CONSTRUCTION OPERATIONS.
2. MAINTAIN AND REPAIR ALL SESC BEST MANAGEMENT PRACTICES BMPs DURING CONSTRUCTION UNTIL ALL VEGETATION IS ESTABLISHED. (ALL DISTURBED SOIL SURFACES ARE UNIFORMLY COVERED IN PERMANENT VEGETATION WITH A DENSITY OF 70% OR GREATER, OR AS DEFINED BY PERMIT.)
3. PERFORM ALL EARTH-DISTURBING CONSTRUCTION ACTIVITIES WITHIN THE LIMITS OF DISTURBANCE AS INDICATED ON THE DRAWINGS.
4. REVIEW THE LIMITS OF DISTURBANCE SHOWN ON THE DRAWINGS AND FIELD-STAKING THE LIMIT OF DISTURBANCE LINE PRIOR TO THE START OF CONSTRUCTION AND/OR CONTRACTORS OPERATIONS AT NO ADDITIONAL COST TO OWNER.
5. INSTALL PERIMETER EROSION AND SEDIMENT CONTROL MEASURES PRIOR TO THE START OF ANY LAND CLEARING OR GRADING ACTIVITIES.
6. APPLY TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES AS SHOWN ON THE DRAWINGS AND/OR AS REQUIRED BY SESC PERMIT AND IMPLEMENT ADDITIONAL MEASURES AS DICTATED BY SITE CONDITIONS.
7. ENSURE THAT ANY SEDIMENTATION RESULTING FROM WORK ON THIS SITE IS CONTAINED ON THE SITE AND NOT ALLOWED TO COLLECT ON ANY OFF-SITE AREAS OR IN WATERWAYS.
8. LEAVE SLOPES IN A ROUGHENED CONDITION DURING THE GRADING PHASE TO REDUCE RUNOFF VELOCITIES AND EROSION.
9. LOCATE LAY DOWN, STAGING AND STOCKPILE AREAS WITHIN THE PERMITTED LIMITS OF DISTURBANCE.
10. INSTALL SILT FENCE AROUND THE PERIMETER OF ON-SITE SOIL STOCKPILE AREAS IF RUNOFF CAN IMPACT A STABILIZED PART OF THE SITE, OR LEAVE THE SITE. ADDITIONALLY, INACTIVE PORTIONS OF THE STOCKPILE AREAS ARE TO BE STABILIZED AS REQUIRED BY PERMIT.
11. IMPLEMENT TEMPORARY STABILIZATION MEASURES ON ANY DISTURBED AREAS WHERE CONSTRUCTION ACTIVITIES WILL NOT RESUME FOR 14 DAYS OR MORE. IMPLEMENTATION OF TEMPORARY STABILIZATION MEASURES MUST BE INITIATED IMMEDIATELY AND COMPLETED WITHIN SEVEN (7) DAYS FROM WHEN CONSTRUCTION ACTIVITIES TEMPORARILY CEASED ON ANY PORTION OF THE SITE. APPLY 3-5 LBS/1000 SFT. TEMPORARY SEED AND STRAW MULCH OVER DISTURBED AREA.
12. TOPSOIL AND SEED ALL EXPOSED AREAS WITHIN SEVEN (7) CALENDAR DAYS FOLLOWING THE CONCLUSION OF FINAL GRADING IN THAT AREA.
13. REGULARLY CHECK SEEDING AREAS TO SEE THAT A GOOD STAND OF VEGETATION IS "ESTABLISHED". VEGETATION WILL NOT BE CONSIDERED "ESTABLISHED" UNTIL 100% OF THE SOIL SURFACE IS UNIFORMLY COVERED WITH PERMANENT VEGETATION WITH A DENSITY OF 70% OR GREATER. FERTILIZE, WATER, RESEED AND MULCH AS NEEDED.
14. MINIMIZE TRACKING OF SOIL AND SEDIMENT ONTO OFF-SITE ROADWAYS THROUGH THE USE OF APPROPRIATE MEASURES. IMMEDIATELY REMOVE ANY SOIL OR SEDIMENT TRACKED ONTO THE ROADWAYS.
15. NO VEHICLES AND EQUIPMENT CLEANING IS ALLOWED AT LOCATIONS WHERE RUNOFF COULD FLOW DIRECTLY INTO A WATER COURSE OR DOWNSTREAM STORM SEWER.
16. MAINTAIN DUST CONTROL DURING CONSTRUCTION. WATER TANK TRUCKS SHALL BE USED ON ON-SITE DISTURBED AREAS AND OTHER PLACES WHERE DUST BECOMES A PROBLEM.
17. SITE SOILS: SAND (SP), CLAY (CL), CLAYEY SAND (SC)
18. LIMITS OF DISTURBANCE: 0.72 ACRE

EGLE SOIL EROSION AND SEDIMENTATION CONTROL MEASURES

KEY	DETAIL	CHARACTERISTICS
54		Use geotextile and posts or poles. May be constructed or prepackaged. Easy to construct and locate as necessary.
58		Linear roll of fibrous materials used as a sediment barrier to intercept sheet flow runoff from disturbed areas. Used at site perimeter where pavement does not allow the use of geotextile silt fence.

XX
T
TEMPORARY
MEASURE

YY
P
PERMANENT
MEASURE

* DATES ARE APPROXIMATE AND WILL BE REVISED AT PRECONSTRUCTION MEETING.

SESC SCHEDULE AND SEQUENCING	APR 2022	MAY 2022	JUNE 2022	JULY 2022	AUG 2022	SEP 2022	OCT 2022
MOBILIZATION							
STABILIZE CONSTRUCTION ENTRANCE							
INSTALL PHASE 1 BMP'S							
REMOVE BUILDING(S)							
MASS GRADING							
EXCAVATE AND INSTALL BUILDING FOOTINGS							
INSTALL SITE UTILITIES							
INSTALL PHASE 2 BMP'S							
FINE GRADING							
SITE PAVING & CURBS							
LANDSCAPE & FINAL RESTORATION							

BENCH MARKS

BENCH MARK A ELEVATION: 969.52
COTTON SPINDLE IN EASTERLY SIDE OF UTILITY POLE ON EAST SIDE OF CLARK STREET, 30'± NORTH OF WEST ENTRANCE

BENCH MARK B ELEVATION: 975.40
COTTON SPINDLE IN WESTERLY SIDE OF UTILITY POLE ON WEST SIDE OF NORTHLAND DRIVE, 20'± NORTH OF EAST ENTRANCE

SYMBOL LEGEND

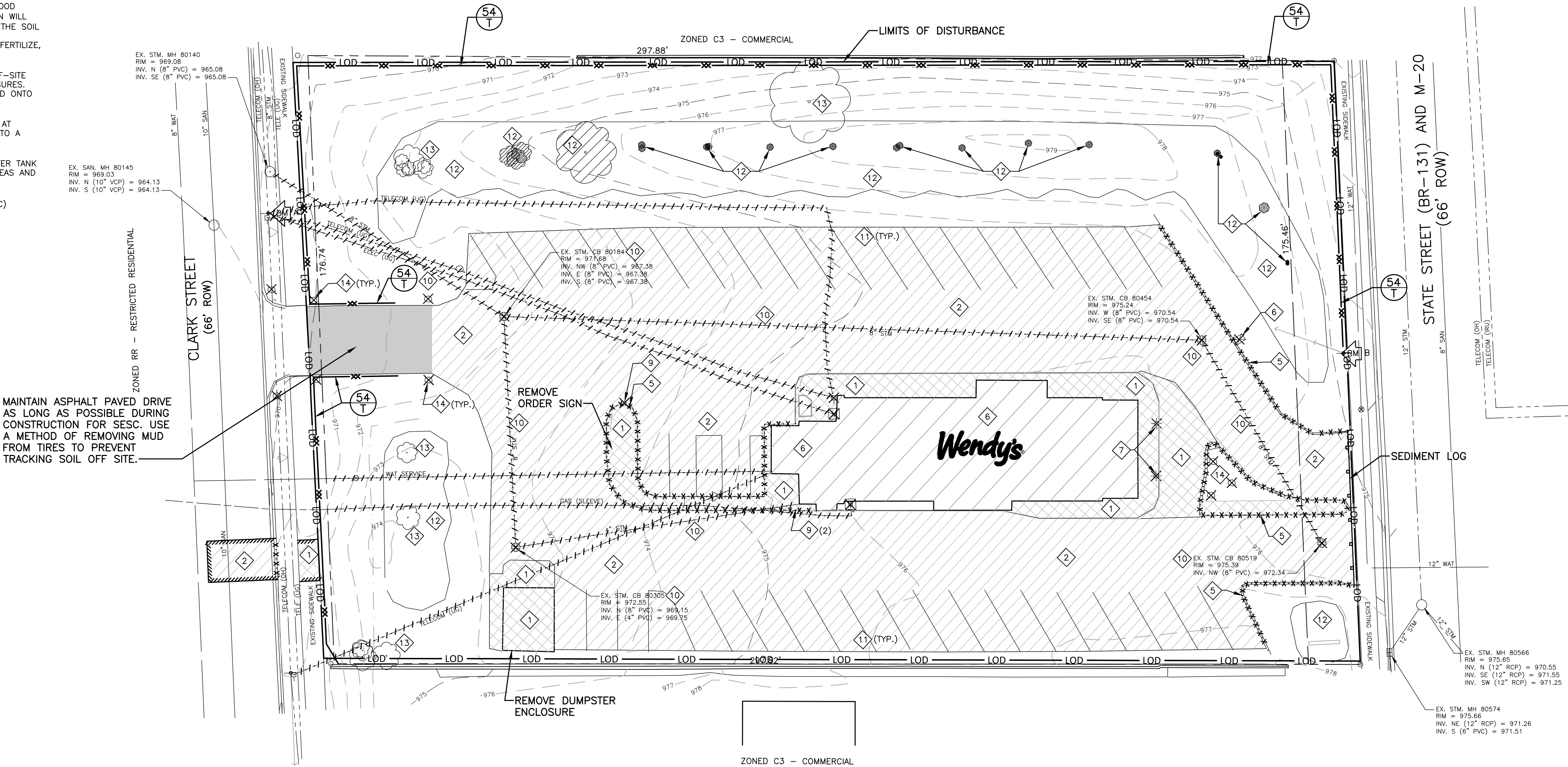
- SAWCUT
- CURB REMOVAL
- REMOVE UTILITY
- SEDIMENT LOG
- LIMITS OF DISTURBANCE
- REMOVE OBJECT
- REMOVE BUILDING
- REMOVE BITUMINOUS PAVEMENT FULL DEPTH
- REMOVE CONCRETE PAVEMENT

NOTES

1. THE EXTENT OF REMOVALS AND DEMOLITION SHALL BE FIELD VERIFIED BY CONSTRUCTION MANAGER PRIOR TO CONSTRUCTION. NOTIFY ENGINEER OF ANY DEVIATIONS FROM INFORMATION SHOWN.
2. PRIOR TO CONSTRUCTION ALL FENCING, BARRICADES, ENCLOSURES, ETC., MUST BE INSTALLED AND APPROVED BY OWNER OR CONSTRUCTION MANAGER.
3. DISPOSE OF DEMOLITION AND EXCAVATION MATERIALS IN ACCORDANCE WITH CONTRACT DOCUMENTS.
4. SOIL EROSION AND SEDIMENTATION CONTROL MEASURES MUST BE IN PLACE PRIOR TO STARTING REMOVALS AND DEMOLITION.
5. UNLESS SPECIFICALLY NOTED FOR REMOVAL ON THE PLANS, ALL SIDEWALKS, DRIVES, CULVERTS, DRAINAGE STRUCTURES, AND ABOVE AS WELL AS BELOW GRADE UTILITIES SHALL BE PROTECTED. ALL SUCH ITEMS DAMAGED OR DESTROYED DURING CONSTRUCTION SHALL BE REMOVED AND REPLACED WITH NEW AT NO ADDITIONAL COST TO THE OWNER.
6. PROTECT EXISTING TREES TO REMAIN WITH TEMPORARY FENCING AT THE DRIP LINE. NO GROUND DISTURBANCE OR STORAGE OF MATERIAL/EQUIPMENT SHALL OCCUR WITHIN THE DRIP LINE LIMITS.
7. ELECTRICAL, TELEPHONE, CABLE TV, WATER, FIBER OPTIC CABLE AND/OR GAS LINES NEEDING TO BE REMOVED OR RELOCATED SHALL BE COORDINATED WITH THE AFFECTED UTILITY COMPANY. ADEQUATE TIME SHALL BE PROVIDED FOR RELOCATION AND CLOSE COORDINATION WITH THE UTILITY COMPANY IS NECESSARY TO PROVIDE A SMOOTH TRANSITION IN UTILITY SERVICE. PAY CLOSE ATTENTION TO EXISTING UTILITIES WITHIN THE CONSTRUCTION LIMITS. GIVE NOTICE TO ALL UTILITY COMPANIES REGARDING DESTRUCTION AND REMOVAL OF ALL SERVICE LINES AND CAP ALL LINES BEFORE PROCEEDING WITH THE WORK.
8. PERFORM CLEARING, GRUBBING, TREE AND STUMP REMOVAL, TOPSOIL REMOVAL AND STOCKPILING IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
9. BEFORE REMOVING OR ABANDONING ANY UTILITY PIPES, VERIFY NEW UTILITY PIPE HAS BEEN INSTALLED, TESTED AND IS OPERATIONAL.
10. THE LOCATIONS OF ALL EXISTING UTILITIES SHOWN ON THIS DRAWING HAVE BEEN DETERMINED FROM THE BEST INFORMATION AVAILABLE AND ARE GIVEN FOR THE CONVENIENCE OF THE CONTRACTOR. VERIFY CRITICAL INVERT INFORMATION PRIOR TO BEGINNING CONSTRUCTION.
11. DAMAGE CAUSED TO SURROUNDING AREA PAVEMENT OUTSIDE THE CONSTRUCTION LIMITS SHALL BE SAWCUT AND REPLACED AT NO ADDITIONAL COST TO THE OWNER.
12. COORDINATE SEQUENCING AND PHASING OF DEMOLITION WITH CONSTRUCTION MANAGER.
13. SEE OTHER DRAWINGS FOR ADDITIONAL SITE DEMOLITION WORK.
14. SAWCUT CURB AND GUTTER AND SIDEWALKS TO NEAREST JOINT.

KEY NOTES

1. REMOVE CONCRETE PAVEMENT AND/OR SIDEWALK.
2. REMOVE ASPHALT PAVEMENT AND BASE DOWN TO FUTURE SUBBASE ELEVATION.
3. REMOVE PRIVATE UTILITY. COORDINATE W/ UTILITY OWNER.
4. REMOVE CONCRETE CURB AND GUTTER.
5. REMOVE BUILDING INCLUDING ALL METERS AND ASSOCIATED APPURTENANCES.
6. REMOVE MAILBOX.
7. REMOVE LIGHT POLE AND FIXTURE.
8. REMOVE PYLON SIGN. PENDING
9. REMOVE BOLLARD.
10. REMOVE CB AND STORM PIPES. FILL EXCAVATION WITH SAND AND COMPACT TO 95% STD. DENSITY.
11. REMOVE ALL WHEEL STOPS.
12. REMOVE TREES/SHRUBS AND LANDSCAPE STONE.
13. SAVE/PROTECT TREE.
14. REMOVE LANDSCAPE ROCKS FROM CURRENT POSITION, STORE AND INCORPORATE INTO NEW LANDSCAPE BEDS.



DEMOLITION & SESC PLAN

SCALE: 1" = 20'
0 10 20 40

SITE NUMBER:	04397
BUILDING TYPE:	(2.0) SMART 40+
ASSET TYPE:	FREE STANDING
CLASSIFICATION:	NEW
OWNER:	WENDY'S OF MICHIGAN
BASE VERSION:	2021
UPGRADE CLASSIFICATION:	NEW BUILD
PROJECT YEAR:	2022
DESIGN TYPE:	(2.0) UM BRITE
DRAWING RELEASE:	SUMMER 2021

fishbeck
Engineers | Architects | Scientists | Constructors

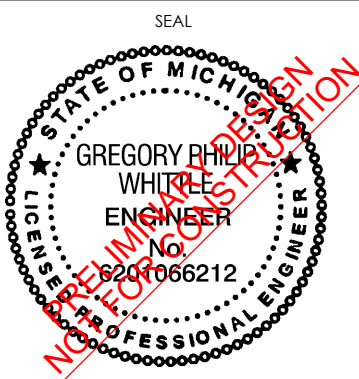
Call MISS DIG
3 full working days before you dig
Michigan's One-Call
Utility Notification Organization
1-800-482-7171
on the net at: www.missdig.org

PROJECT TYPE: NEW
2.0 SMART 40+

Wendy's®
614 S. STATE STREET
BIG RAPIDS, MI 49307

REV.	DATE	DESCRIPTION
11/17/21		SITE PLAN REVIEW

ISSUE DATE: 11/17/2021
PROJECT NUMBER: 211430
DRAWN BY: NB
CHECKED BY: ASM



SHEET NAME
DEMOLITION & SESC PLAN

SHEET NUMBER


C1.1

fishbeck

Engineers | Architects | Scientists | Constructors

Call MISS DIG
3 full working days before you dig:

Michigan's
One-Call

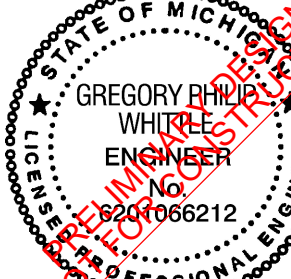


Utility
Notification
Organization

1-800-482-7171
on the net at: www.missdig.org

Wendy's®
614 S. STATE STREET
BIG RAPIDS, MI 49307

SEAL




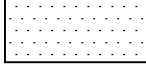
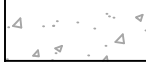

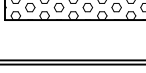
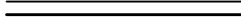
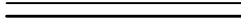

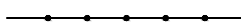




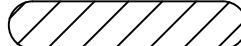





SHEET NAME

SITE LAYOUT PLAN

SHEET NUMBER



SYMBOL LEGEND

	HEAVY DUTY ASPHALT PAVEMENT
	STANDARD DUTY ASPHALT PAVEMENT
	CONCRETE PAVEMENT
	CONCRETE SIDEWALK
	A.D.A. TACTILE SURFACE
	STANDARD CURB & GUTTER
	INVERTED CURB & GUTTER
	STRAIGHT CURB
	EXPANSION JOINT
	FENCE
	ADA LANDING (2% MAX SLOPE ALL DIR.)
	ADA RAMP
	CROSSWALK (PAINTED)
	PAVEMENT MARKING (PAINTED)
	DIRECTIONAL ARROWS (PAINTED)
	PARKING SPACE COUNT
	SIGN
	LIGHT POLE
	BOLLARD

NOTES

1. DIMENSIONS ARE TO BACK OF CURB, OUTSIDE FACE OF BUILDING, AND EDGE OF PAVEMENT UNLESS NOTED OTHERWISE.

SITE INFORMATION

ZONING: C-3 COMMERCIAL

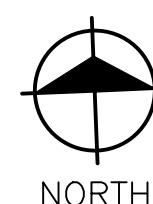
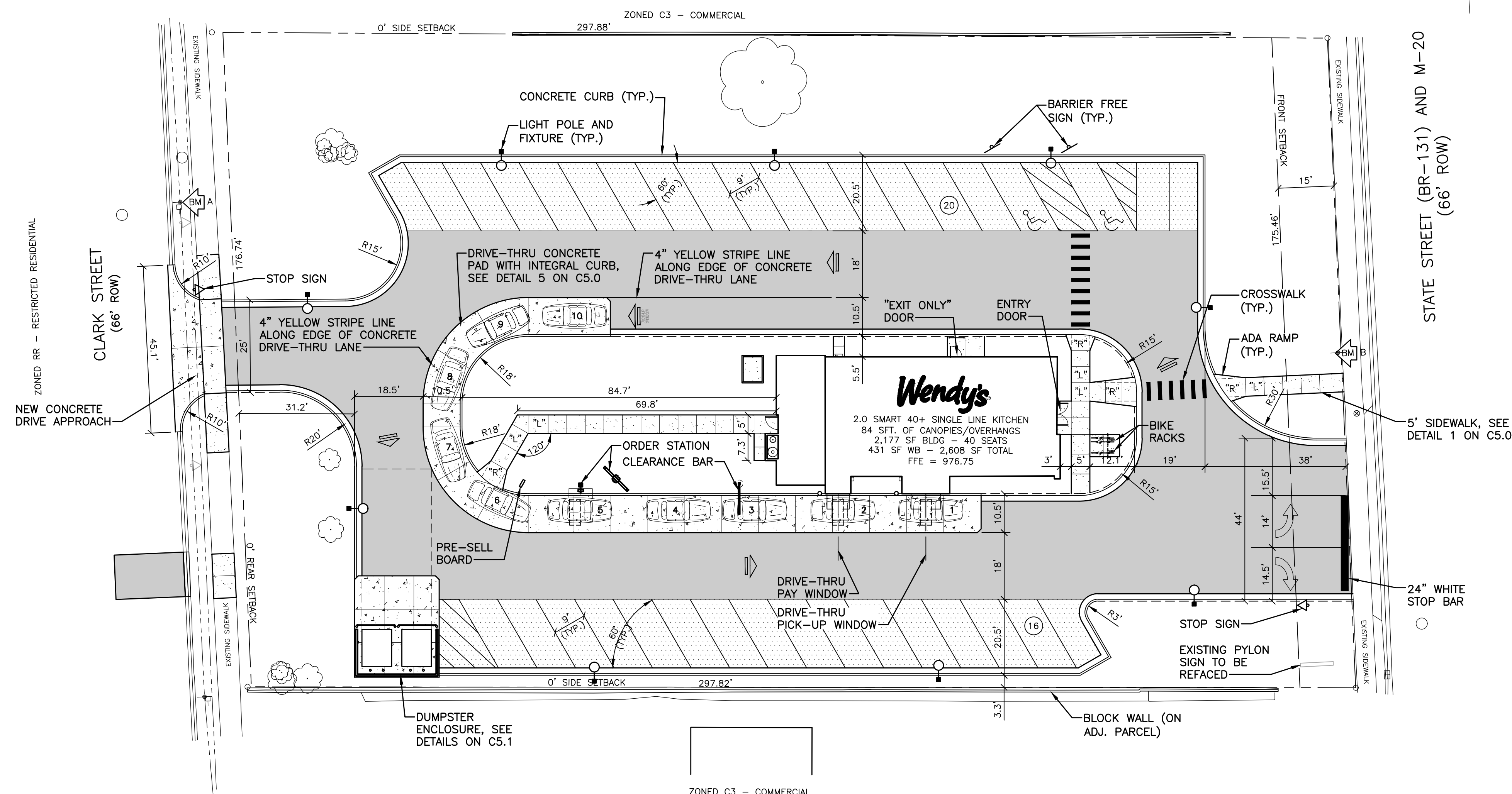
SETBACK: FRONT 15'
SIDE 0'
REAR 0'

MAX. BUILDING HEIGHT 40'
MIN. LOT WIDTH 66'

REQUIRED PARKING: 1 SPACE/2 SEATS
+ NUMBER OF EMPLOYEES
 $40/2 + 9 = 29$


PROVIDED PARKING 36'
BICYCLE PARKING = 1/10 PARKING SPACES (3)

REQUIRED DRIVE THROUGH = 5
PROVIDED DRIVE THROUGH = 10



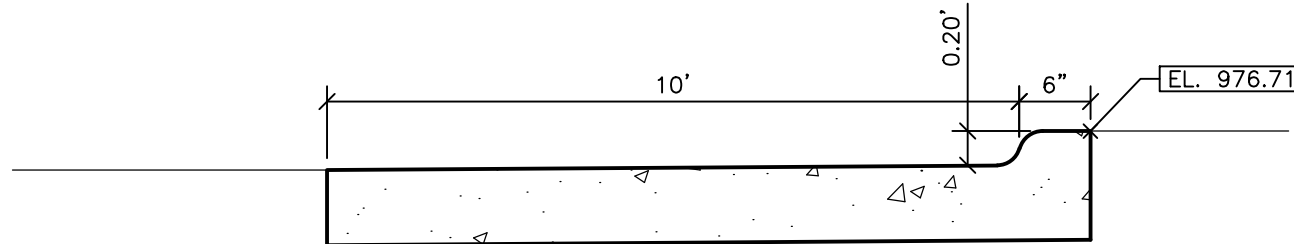
SITE LAYOUT PLAN

SCALE: 1" = 20'

A horizontal graphic scale bar with a black and white alternating pattern. It is marked with the numbers 0, 10, 20, and 40, representing feet.

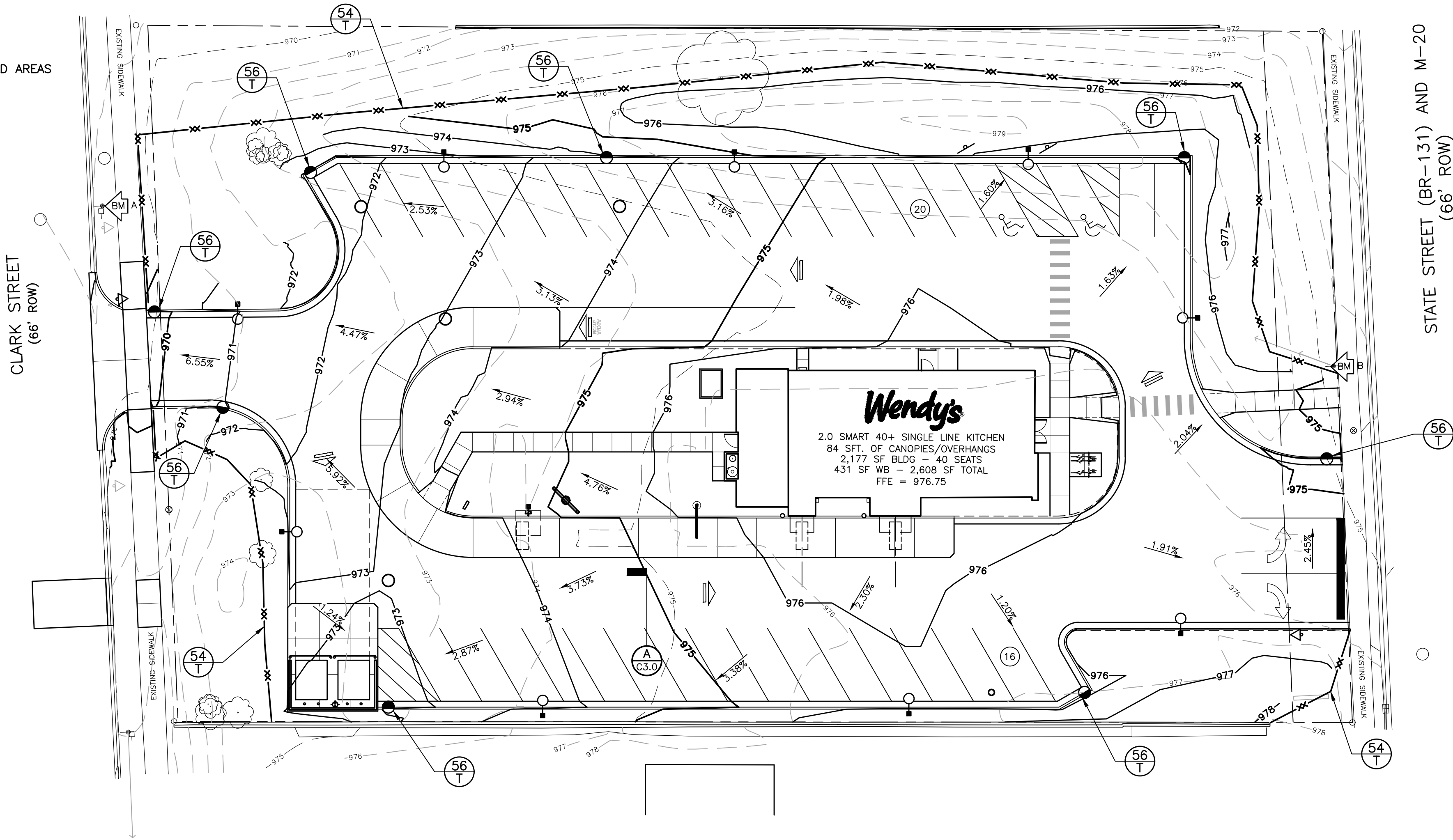
EGLE SOIL EROSION AND
SEDIMENTATION CONTROL MEASURES

KEY	DETAIL	CHARACTERISTICS
6	Seeding with Mulch and/or Matting	Facilitates establishment of vegetative cover Effective for drainageways with low velocity Easily placed in small quantities by inexperienced personnel Should include prepared topsoil bed
54	Geotextile Silt Fence	Use geotextile and posts or poles May be constructed or prepackaged Easy to construct and locate as necessary
56	Catch Basin, Filter Bag	Manufactured filter bag inserted under casting. Collects sediment at catch basin inlet.



A INTEGRAL CURB AT DRIVE-THRU WINDOWS
NO SCALE

6 P ALL DISTURBED AREAS



GRADING & SESC PLAN

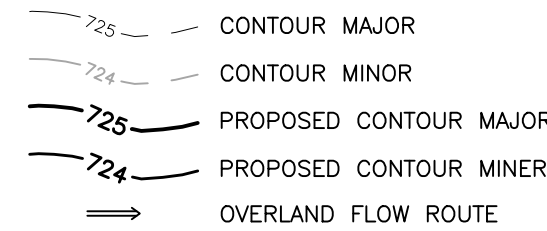
SCALE: 1" = 20'
0 10 20 40

BENCH MARKS

BENCH MARK A ELEVATION: 969.52
COTTON SPINDLE IN EASTERLY SIDE OF UTILITY
POLE ON EAST SIDE OF CLARK STREET,
30' ± NORTH OF WEST ENTRANCE

BENCH MARK B ELEVATION: 975.40
COTTON SPINDLE IN WESTERLY SIDE OF UTILITY
POLE ON WEST SIDE OF NORTHLAND DRIVE,
20' ± NORTH OF EAST ENTRANCE

SYMBOL LEGEND



SPOT ELEVATION LEGEND

94.50 TW SPOT ELEVATION

GP GUTTER PAN
TP TOP OF PAVEMENT
GR GRADE ELEVATION
TW TOP OF WALL
EM EDGE OF METAL
EW EDGE OF WALK
FF FINISH FLOOR

GRADING NOTES

- FINISH GRADE OF SOIL EDGES ALONG PAVEMENT TO BE 1/2" BELOW EDGE OF PAVEMENT.
- STRIP AND STOCKPILE TOPSOIL FROM GRADING AREAS. USE STOCKPILED TOPSOIL AND IMPORTED TOPSOIL AS NECESSARY FOR SURFACE RESTORATION.
- GRADES SHOWN ARE FINAL SURFACE GRADES AFTER COMPLETION OF SURFACE IMPROVEMENTS AND PLACEMENT OF TOPSOIL.
- GRADE AREAS AT SITE PERIMETER TO MATCH GRADES OF ADJACENT PARCELS.
- REMOVE EXCESS SOIL FROM SITE AND DISPOSE OF PROPERLY IN ACCORDANCE WITH APPLICABLE REGULATIONS.
- PROVIDE TEMPORARY GRADING FEATURES SUCH AS BERMS, SWALES, SUMPS AND BASINS TO MANAGE INTERIM STORM WATER RUNOFF DURING CONSTRUCTION PROCESS. STORM WATER RUNOFF LEAVING THE SITE SHALL MEET ALL FEDERAL, STATE AND LOCAL QUALITY REQUIREMENTS.

SESC NOTES

- MAINTAIN A COPY OF THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) ON THE SITE FOR THE DURATION OF CONSTRUCTION, IF REQUIRED. ADHERE TO THE SWPPP DURING CONSTRUCTION OPERATIONS.
- MAINTAIN AND REPAIR ALL SESC BEST MANAGEMENT PRACTICES Bmps DURING CONSTRUCTION UNTIL ALL VEGETATION IS ESTABLISHED. (ALL DISTURBED SOIL SURFACES ARE UNIFORMLY COVERED IN PERMANENT VEGETATION WITH A DENSITY OF 70% OR GREATER, OR AS DEFINED BY PERMIT.)
- PERFORM ALL EARTH-DISTURBING CONSTRUCTION ACTIVITIES WITHIN THE LIMITS OF DISTURBANCE AS INDICATED ON THE DRAWINGS.
- REVIEW THE LIMITS OF DISTURBANCE SHOWN ON THE DRAWINGS AND FIELD-STAKING THE LIMIT OF DISTURBANCE LINE PRIOR TO THE START OF CONSTRUCTION AND/OR CONTRACTORS OPERATIONS AT NO ADDITIONAL COST TO OWNER.
- INSTALL PERIMETER EROSION AND SEDIMENT CONTROL MEASURES PRIOR TO THE START OF ANY LAND CLEARING OR GRADING ACTIVITIES.
- APPLY TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES AS SHOWN ON THE DRAWINGS AND/OR AS REQUIRED BY SESC PERMIT AND IMPLEMENT ADDITIONAL MEASURES AS DICTATED BY SITE CONDITIONS.
- ENSURE THAT ANY SEDIMENTATION RESULTING FROM WORK ON THIS SITE IS CONTAINED ON THE SITE AND NOT ALLOWED TO COLLECT ON ANY OFF-SITE AREAS OR IN WATERWAYS.
- LEAVE SLOPES IN A ROUGHENED CONDITION DURING THE GRADING PHASE TO REDUCE RUNOFF VELOCITIES AND EROSION.
- LOCATE LAY DOWN, STAGING AND STOCKPILE AREAS WITHIN THE PERMITTED LIMITS OF DISTURBANCE.
- INSTALL SILT FENCE AROUND THE PERIMETER OF ON-SITE SOIL STOCKPILE AREAS IF RUNOFF CAN IMPACT A STABILIZED PART OF THE SITE, OR LEAVE THE SITE. ADDITIONALLY, INACTIVE PORTIONS OF THE STOCKPILE AREAS ARE TO BE STABILIZED AS REQUIRED BY PERMIT.
- IMPLEMENT TEMPORARY STABILIZATION MEASURES ON ANY DISTURBED AREAS WHERE CONSTRUCTION ACTIVITIES WILL NOT RESUME FOR 14 DAYS OR MORE. IMPLEMENTATION OF TEMPORARY STABILIZATION MEASURES MUST BE INITIATED IMMEDIATELY AND COMPLETED WITHIN SEVEN (7) DAYS FROM WHEN CONSTRUCTION ACTIVITIES TEMPORARILY CEASED ON ANY PORTION OF THE SITE. APPLY 3-5 LBS/1000 SFT. TEMPORARY SEED AND STRAW MULCH OVER DISTURBED AREA.
- TOPSOIL AND SEED ALL EXPOSED AREAS WITHIN SEVEN (7) CALENDAR DAYS FOLLOWING THE CONCLUSION OF FINAL GRADING IN THAT AREA.
- REGULARLY CHECK SEEDED AREAS TO SEE THAT A GOOD STAND OF VEGETATION IS "ESTABLISHED". VEGETATION WILL NOT BE CONSIDERED "ESTABLISHED" UNTIL 100% OF THE SOIL SURFACE IS UNIFORMLY COVERED WITH PERMANENT VEGETATION WITH A DENSITY OF 70% OR GREATER. FERTILIZE, WATER, RESEED AND MULCH AS NEEDED.
- MINIMIZE TRACKING OF SOIL AND SEDIMENT ONTO OFF-SITE ROADWAYS THROUGH THE USE OF APPROPRIATE MEASURES. IMMEDIATELY REMOVE ANY SOIL OR SEDIMENT TRACKED ONTO THE ROADWAYS.
- NO VEHICLES AND EQUIPMENT CLEANING IS ALLOWED AT LOCATIONS WHERE RUNOFF COULD FLOW DIRECTLY INTO A WATER COURSE OR DOWNSTREAM STORM SEWER.
- MAINTAIN DUST CONTROL DURING CONSTRUCTION. WATER TANK TRUCKS SHALL BE USED ON ON-SITE DISTURBED AREAS AND OTHER PLACES WHERE DUST BECOMES A PROBLEM.

SITE NUMBER:	04397
BUILDING TYPE:	(2.0) SMART 40+
ASSET TYPE:	FREE STANDING
CLASSIFICATION:	NEW
OWNER:	WENDY'S OF MICHIGAN
BASE VERSION:	2021
UPGRADE CLASSIFICATION:	NEW BUILD
PROJECT YEAR:	2022
DESIGN TYPE:	(2.0) UM BRITE
DRAWING RELEASE:	SUMMER 2021



PROJECT TYPE: NEW
2.0 SMART 40+



REV.	DATE	DESCRIPTION
11/17/21	11/17/21	SITE PLAN REVIEW

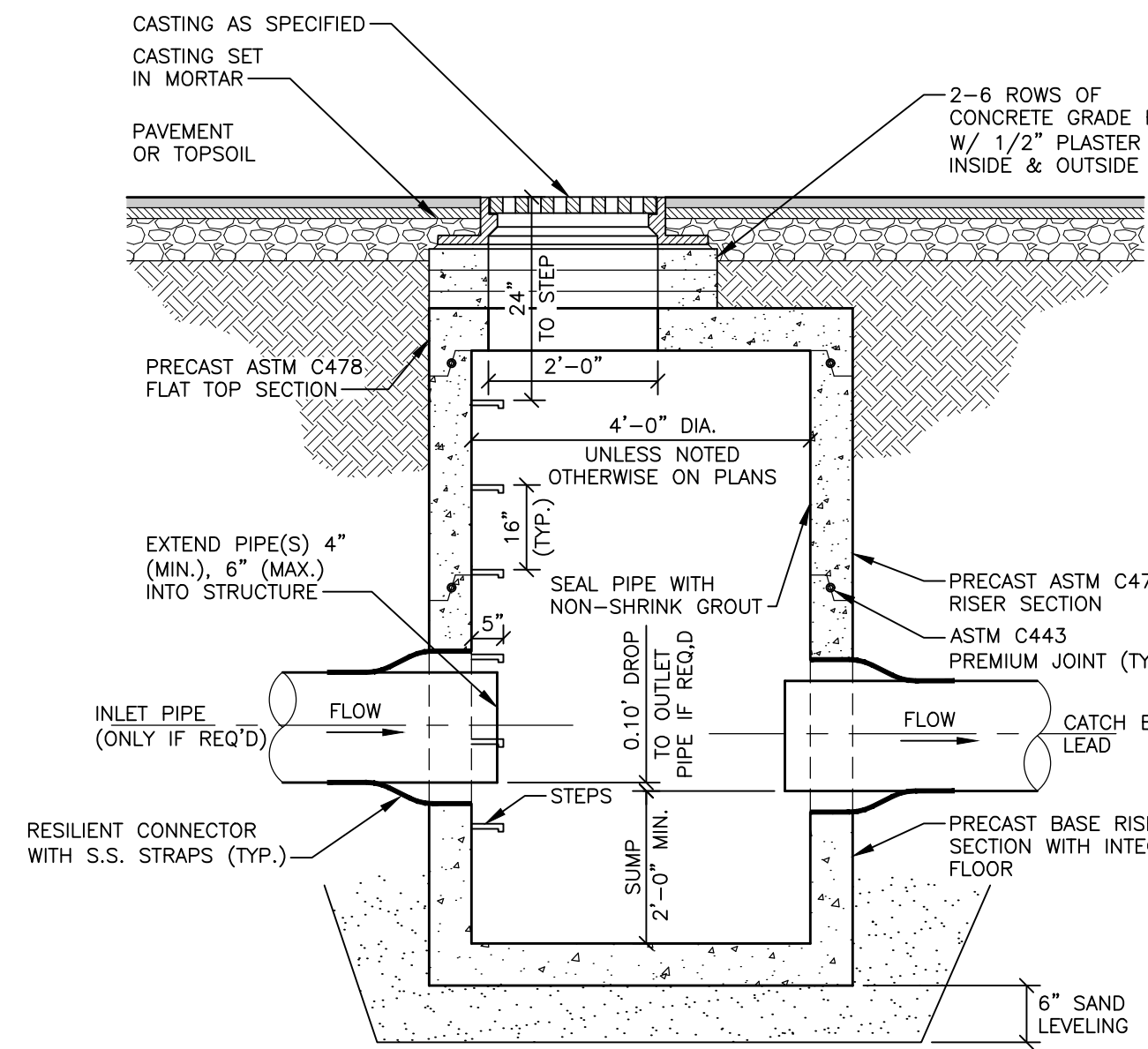
ISSUE DATE: 11/17/2021
PROJECT NUMBER: 211430
DRAWN BY: GPW
CHECKED BY: ASM



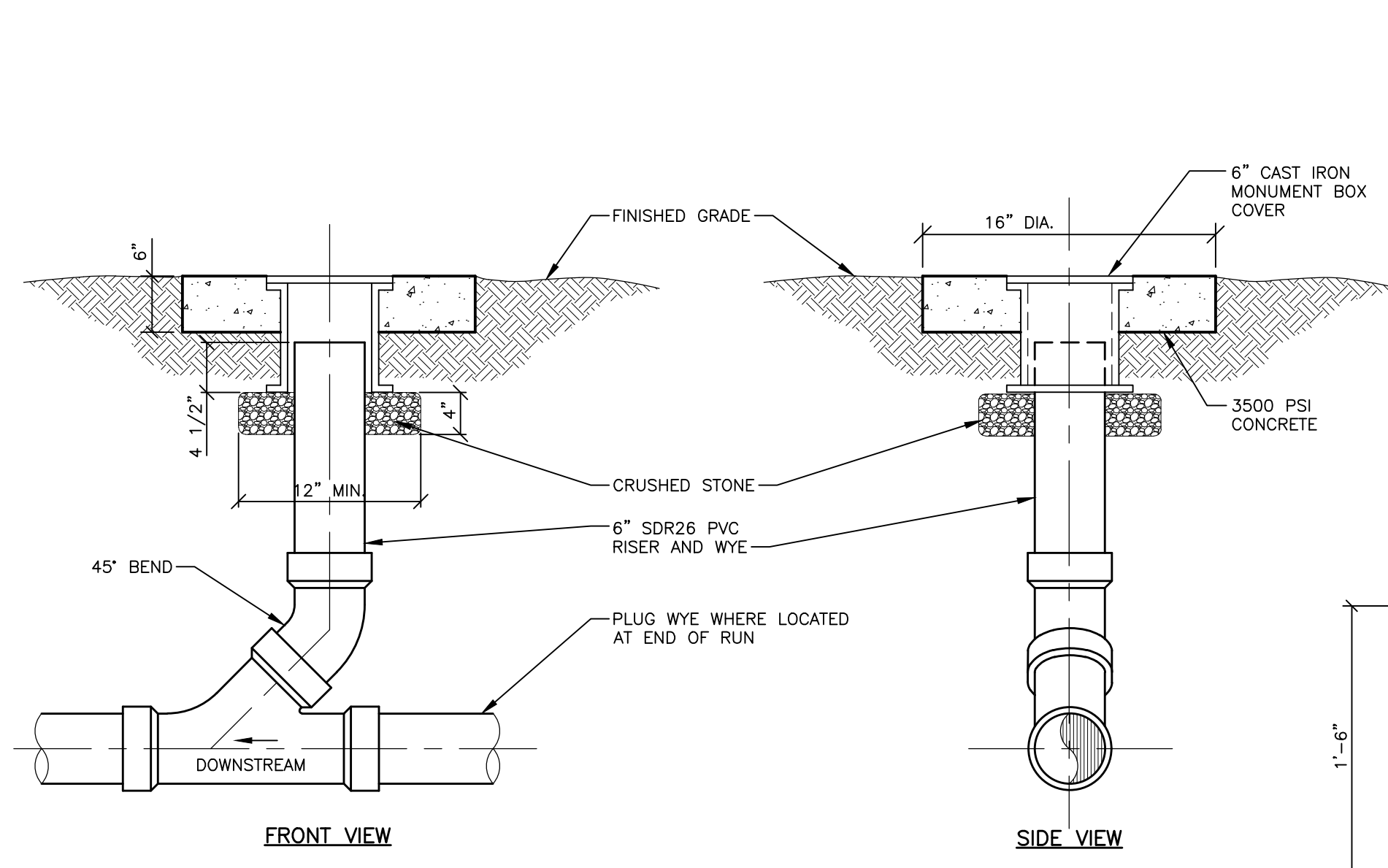
SHEET NAME
SITE GRADING & SESC PLAN

SHEET NUMBER
C3.0

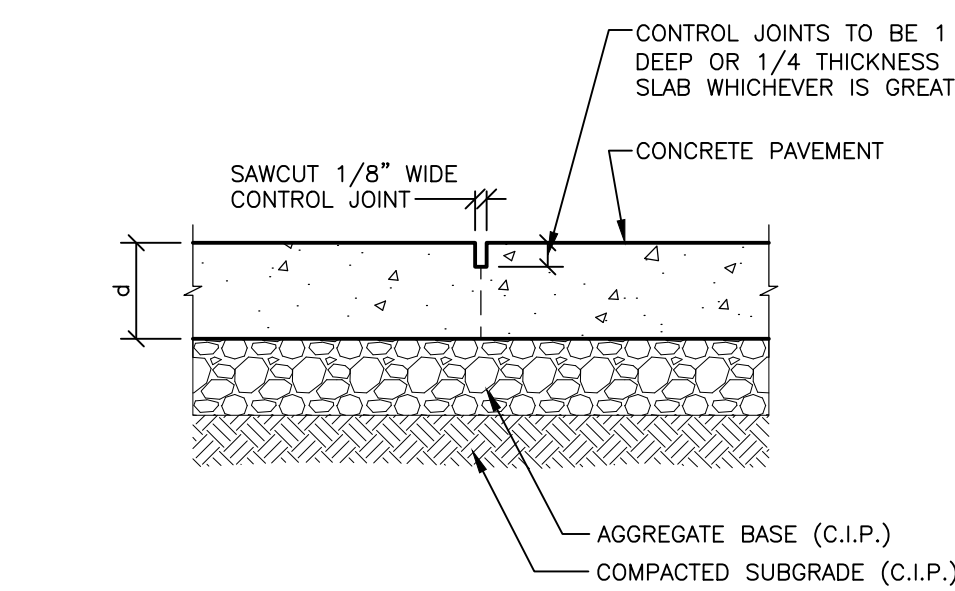
11/17/2021 9:58 AM, Z:\2021\21430\CAD\C5.0_21430.dwg, dwg, dwg



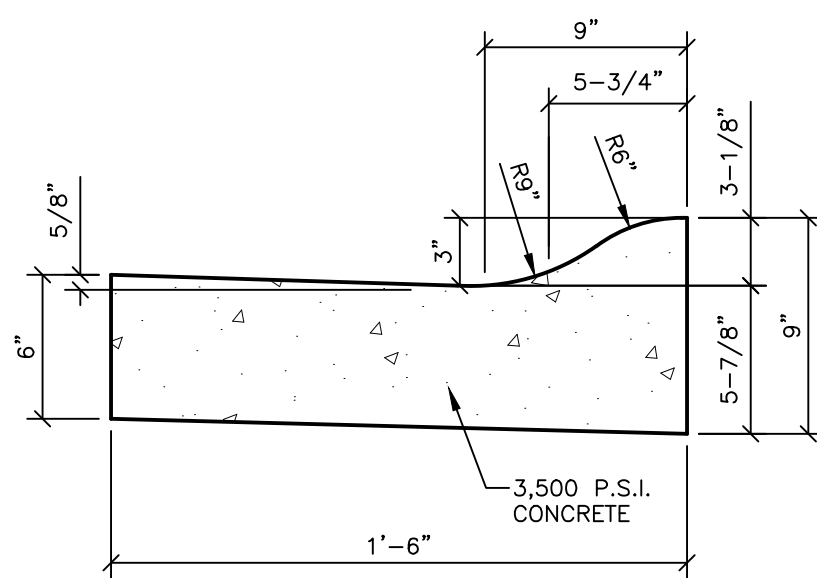
11 STANDARD CATCH BASIN
NO SCALE



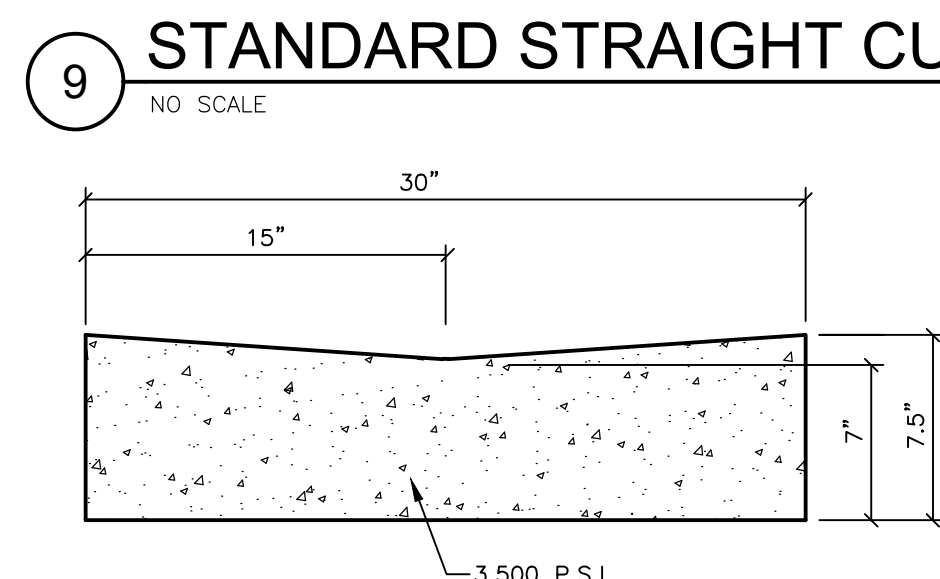
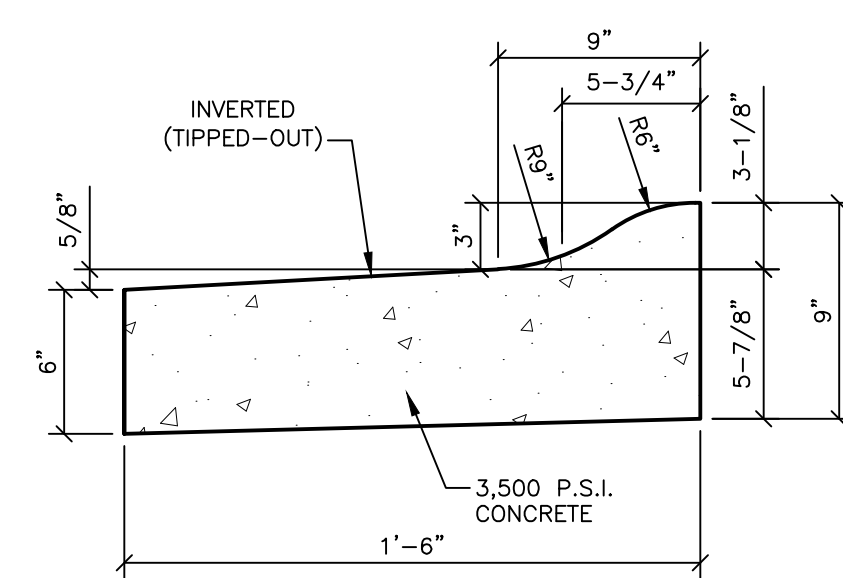
12 SEWER CLEANOUT DETAIL
NO SCALE



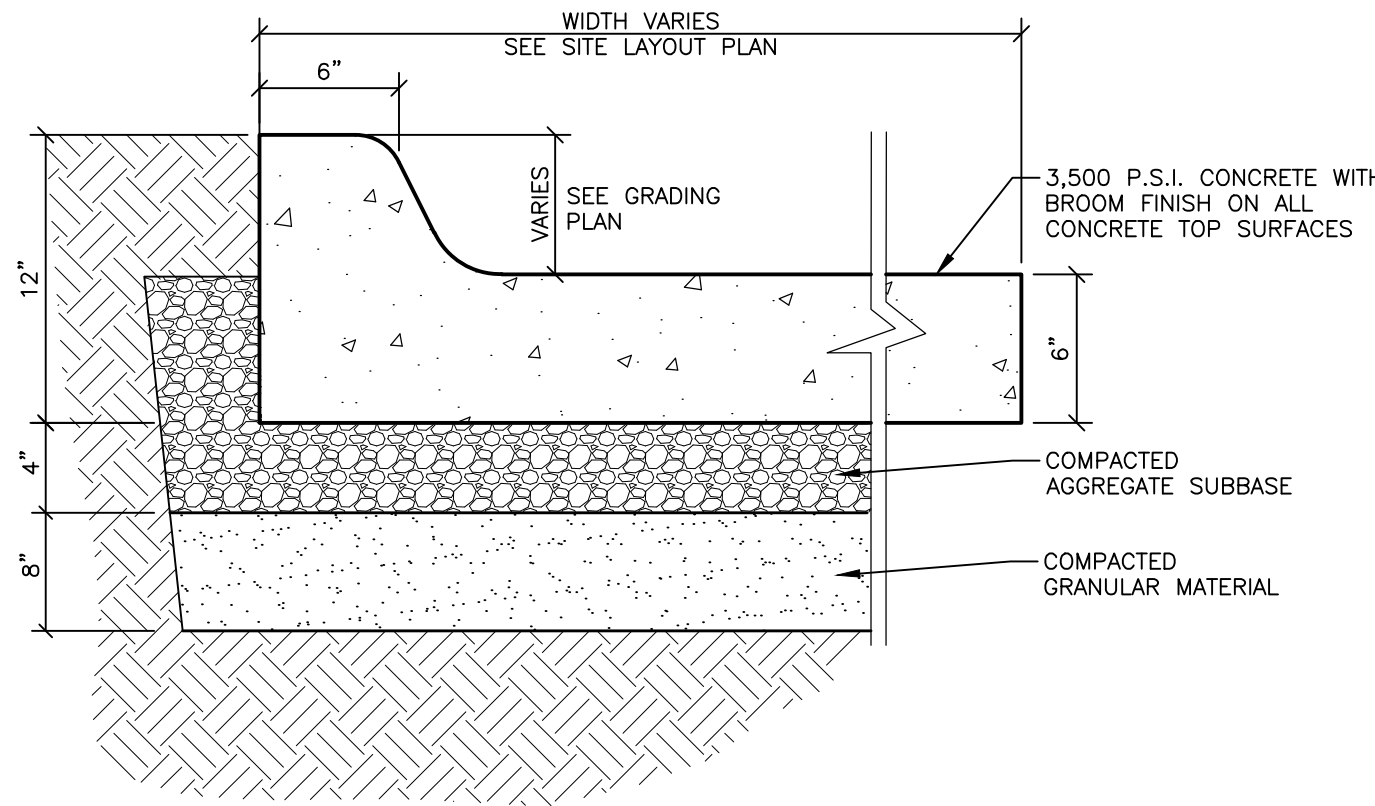
7 CONCRETE CONTROL JOINT
NO SCALE



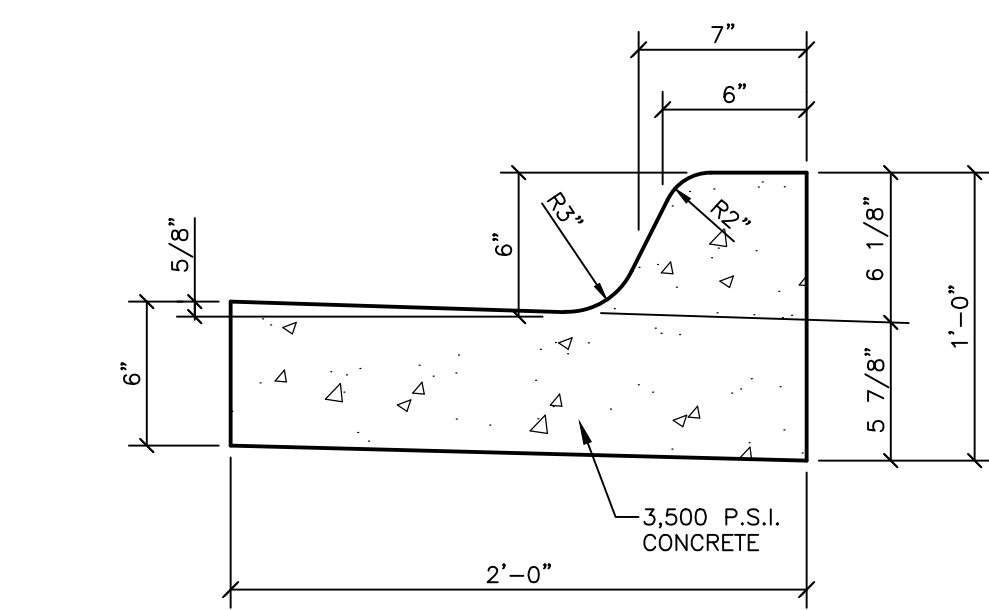
8 STANDARD ROLLED CURB & GUTTER
NO SCALE



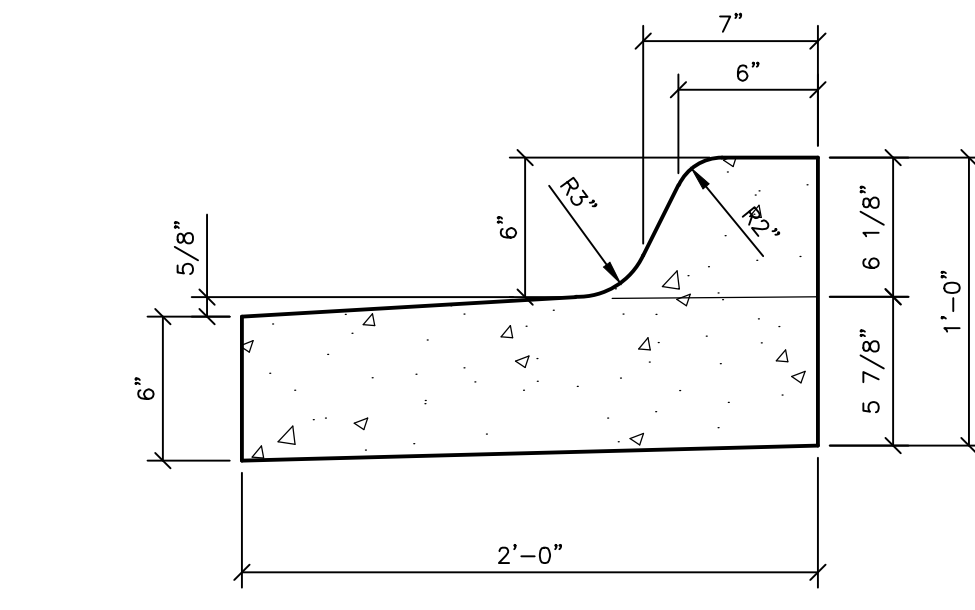
9 STANDARD STRAIGHT CURB
NO SCALE



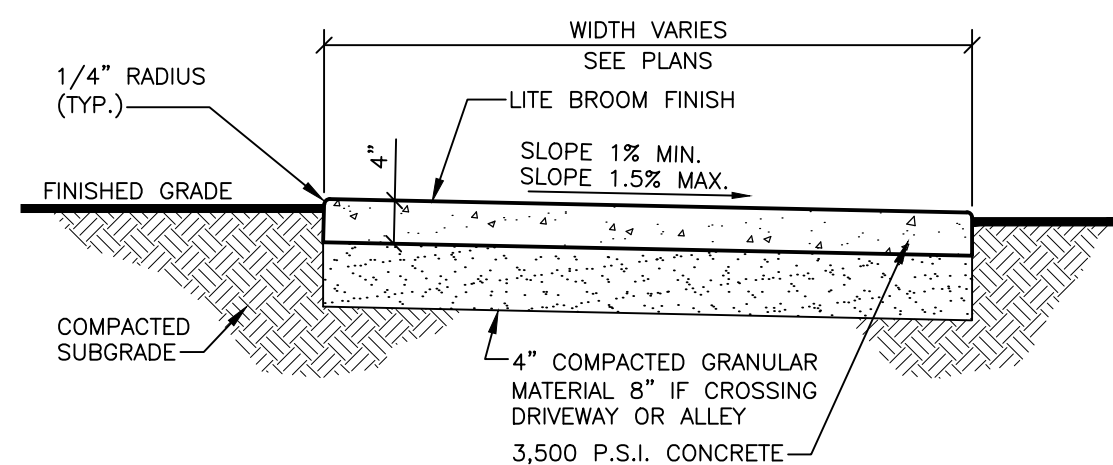
6 GUTTER PAN DETAIL
NO SCALE



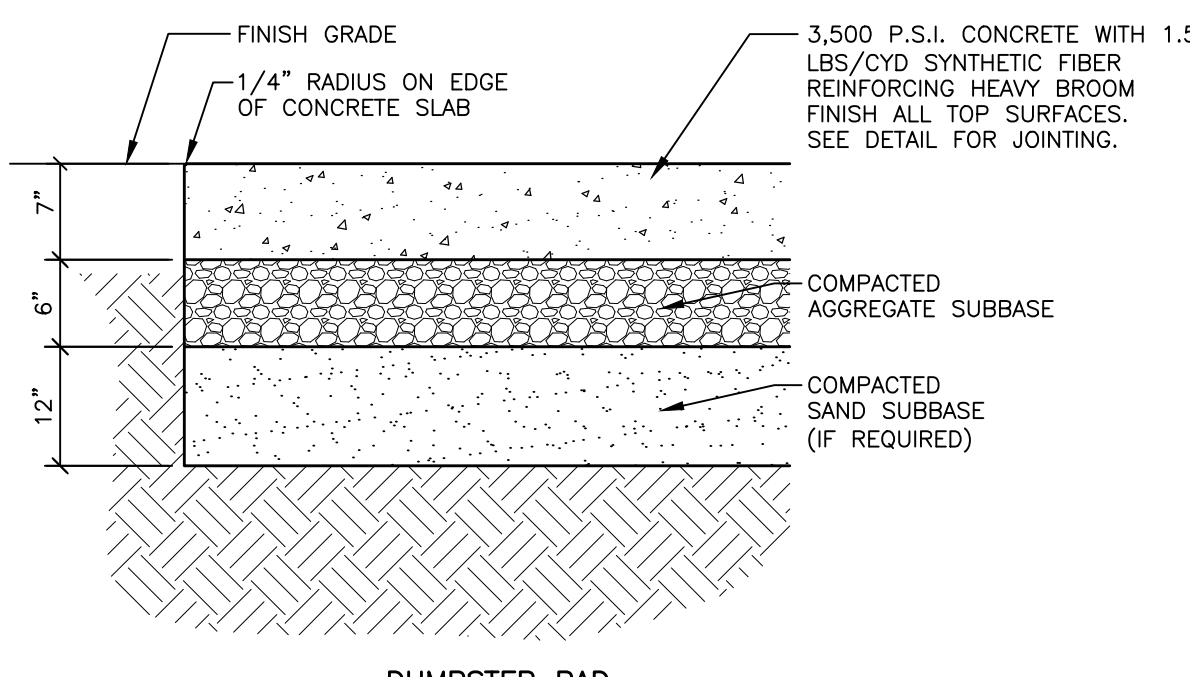
4A MDOT F4 CONCRETE CURB & GUTTER
NO SCALE



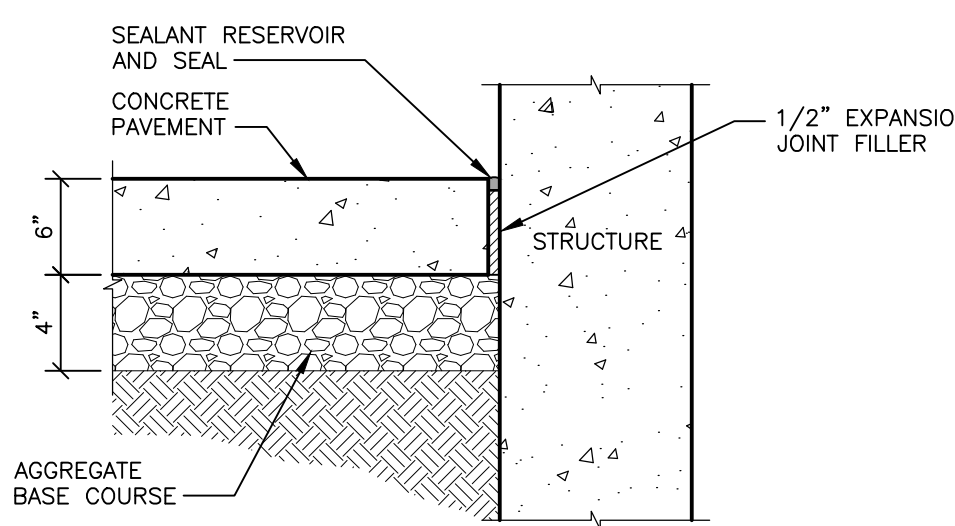
4A MDOT F4 (INVERTED) CONCRETE CURB & GUTTER
NO SCALE



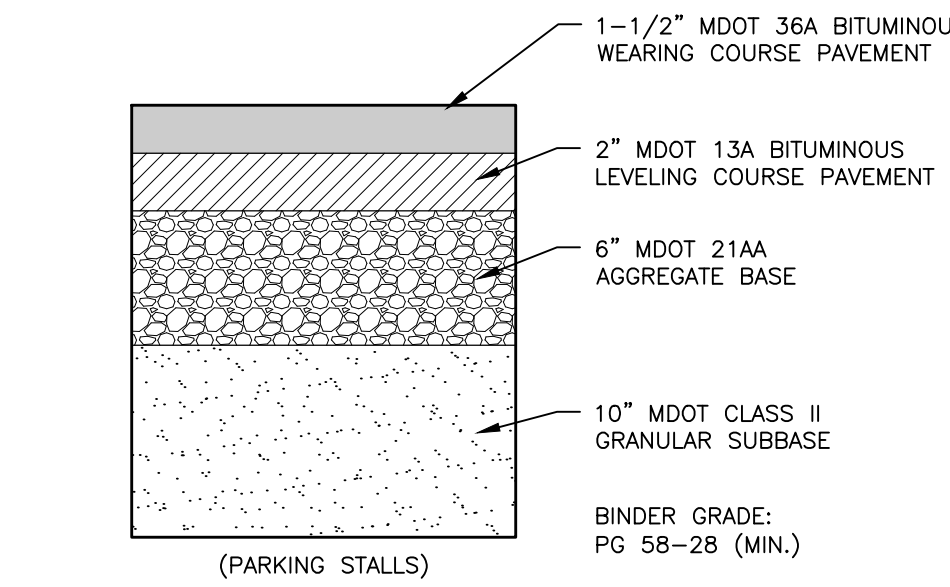
1 SIDEWALK DETAIL
NO SCALE



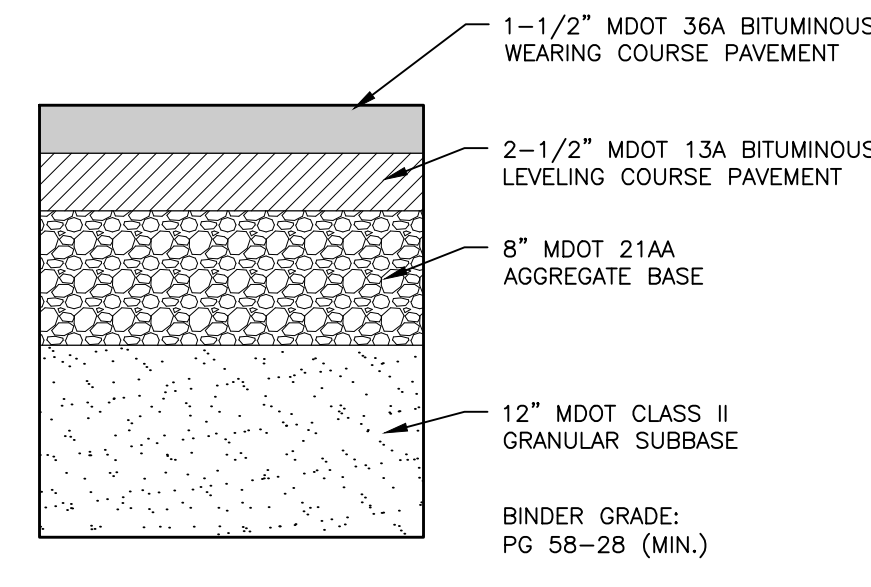
2 CONCRETE PAVEMENT DETAIL
NO SCALE



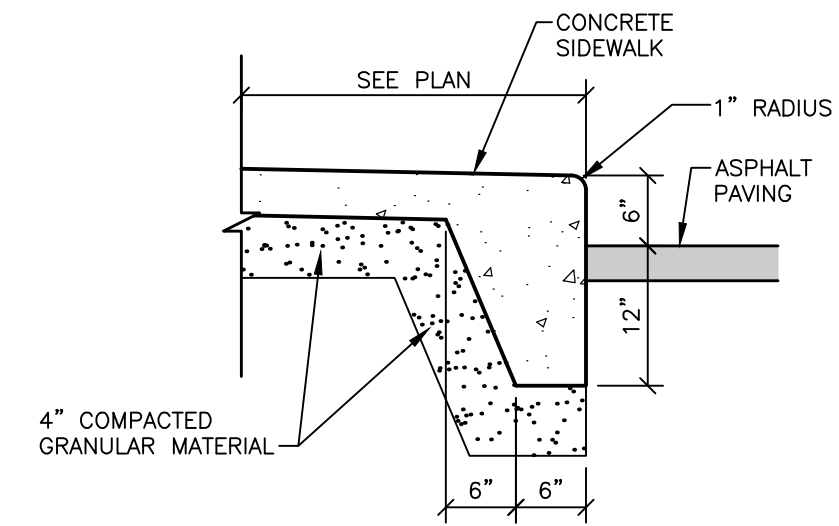
3 CONCRETE EDGE AT BUILDING
NO SCALE



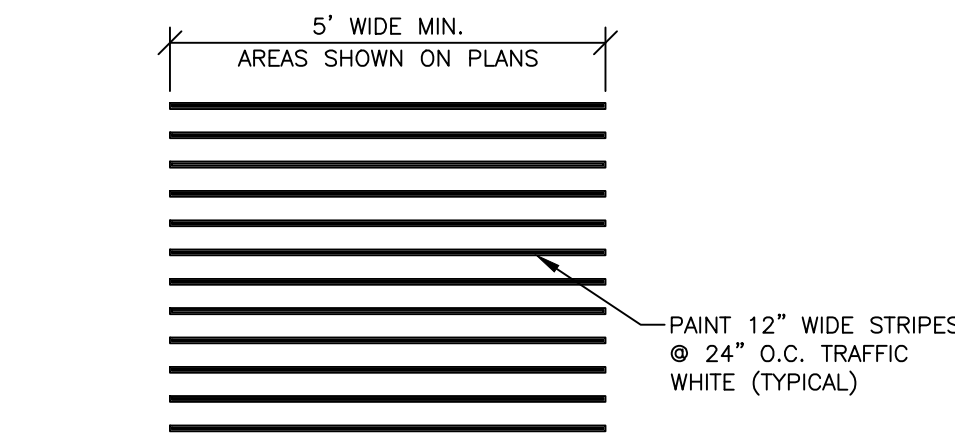
14 STANDARD DUTY ASPHALT PAVEMENT SECTION
NO SCALE



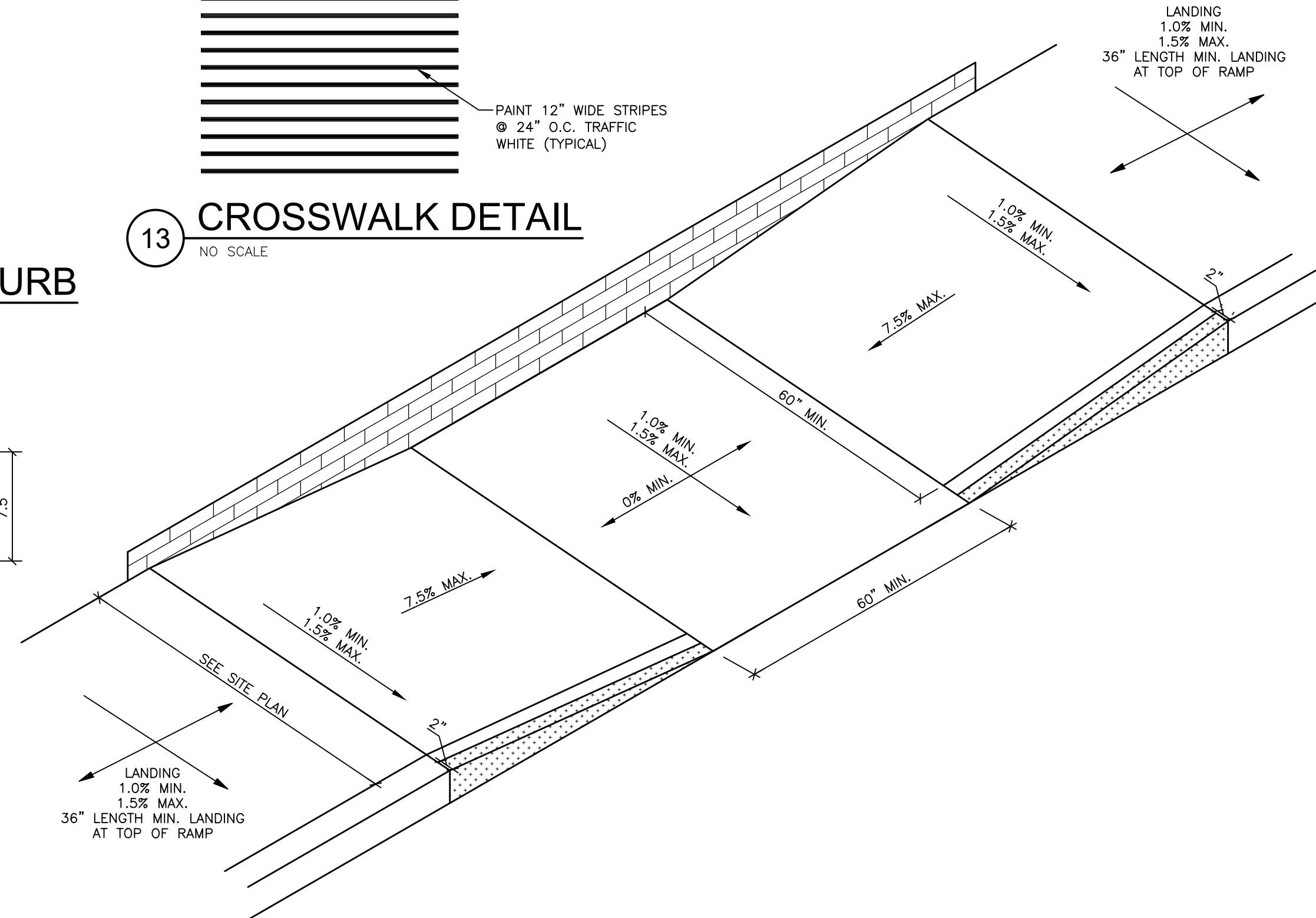
15 HEAVY DUTY ASPHALT PAVEMENT SECTION
NO SCALE



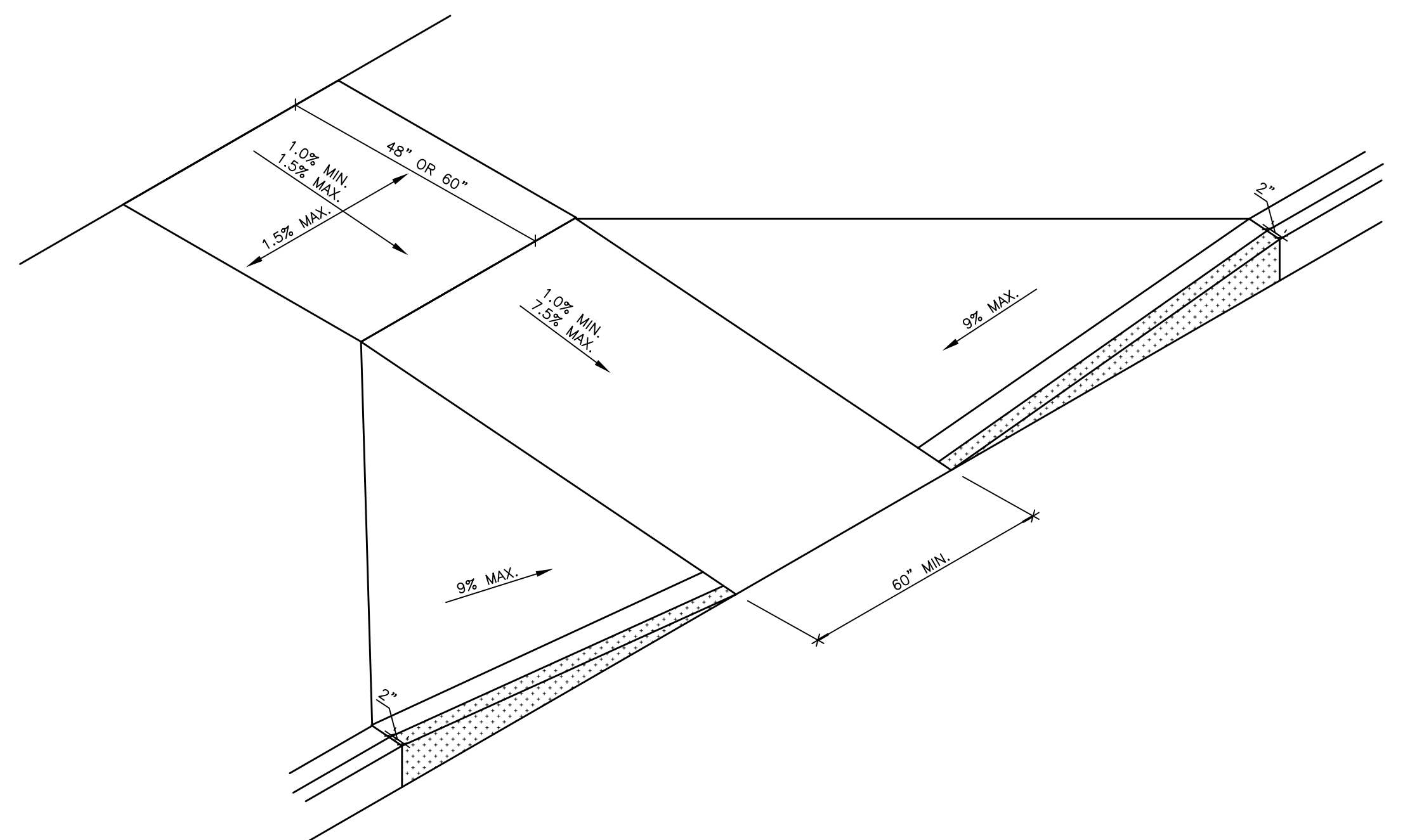
16 THICKENED EDGE SIDEWALK DETAIL
NO SCALE



13 CROSSWALK DETAIL
NO SCALE



10 SIDEWALK RAMP AT CURB OR BUILDING
SCALE: 3/4\"/>



3 SIDEWALK RAMP DETAIL
SCALE: 3/4\"/>

SITE NUMBER:	04397
BUILDING TYPE:	(2.0) SMART 40+
ASSET TYPE:	FREE STANDING
CLASSIFICATION:	NEW
OWNER:	WENDY'S OF MICHIGAN
BASE VERSION:	2021
UPGRADE CLASSIFICATION:	NEW BUILD
PROJECT YEAR:	2022
DESIGN TYPE:	(2.0) UM BRITE
DRAWING RELEASE:	SUMMER 2021

fishbeck
Engineers | Architects | Scientists | Constructors

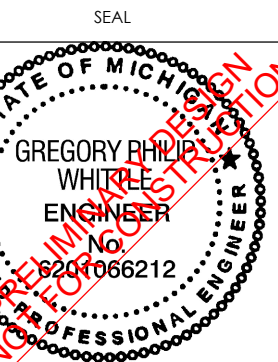
Call MISS DIG
3 full working days before you dig.
Michigan's One-Call Utility Notification Organization
1-800-482-7171
on the net at: www.missdig.org

PROJECT TYPE: NEW
2.0 SMART 40+

Wendy's
614 S. STATE STREET
BIG RAPIDS, MI 49307

REV.	DATE	DESCRIPTION
11/17/21	11/17/21	SITE PLAN REVIEW

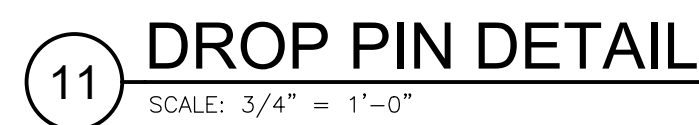
ISSUE DATE: 11/17/2021
PROJECT NUMBER: 211430
DRAWN BY: DKJ
CHECKED BY: ASM



SHEET NAME
SITE PAVING & UTILITY DETAILS

SHEET NUMBER

C5.0

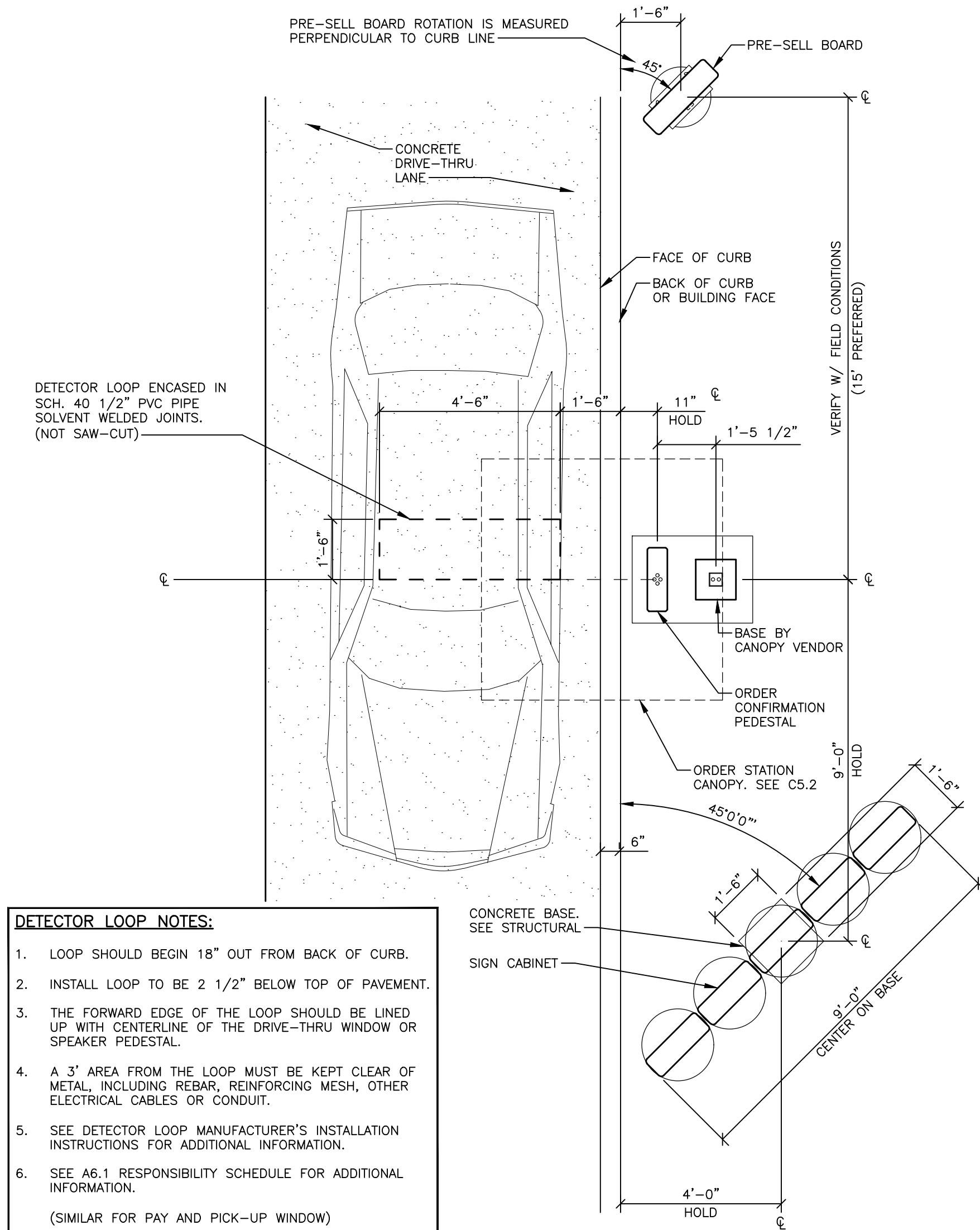


A. CONCRETE SEALER: 'SCOFIELD' CEMENTONE CLEAR SEALER. APPLY PER MANUFACTURER'S RECOMMENDATIONS.

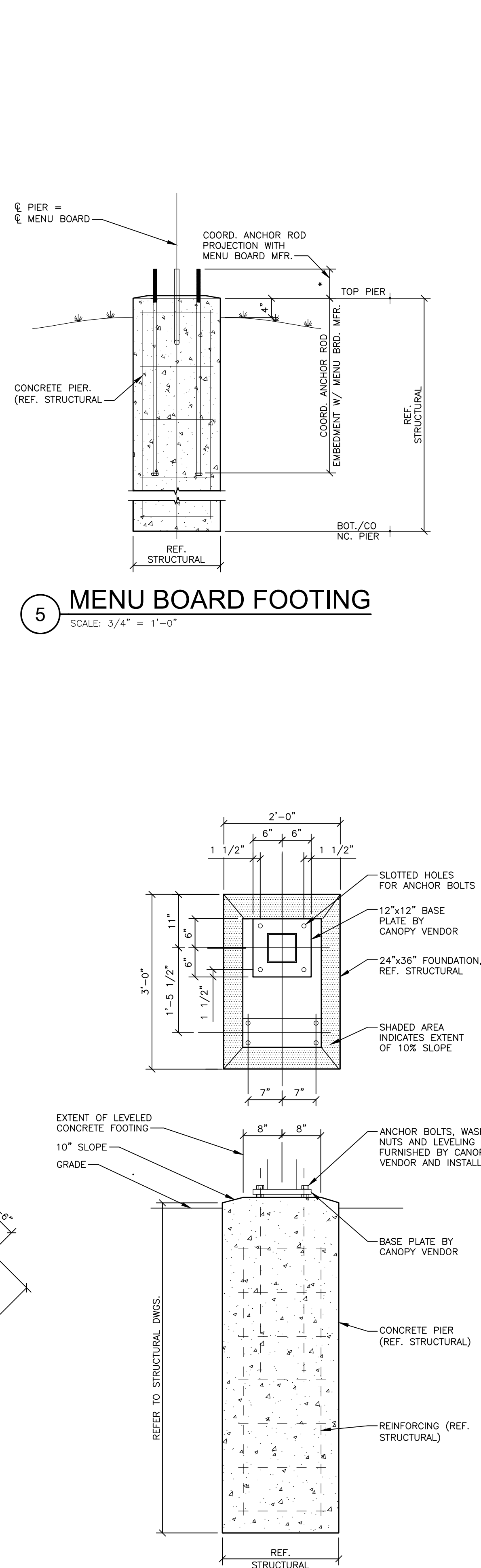
B. OPTIONAL: CONCRETE COLOR HARDENER: 'SCOFIELD' LITHOCHROME, A33 "CLASSIC GREY" APPLY PER MANUFACTURER'S RECOMMENDATIONS.



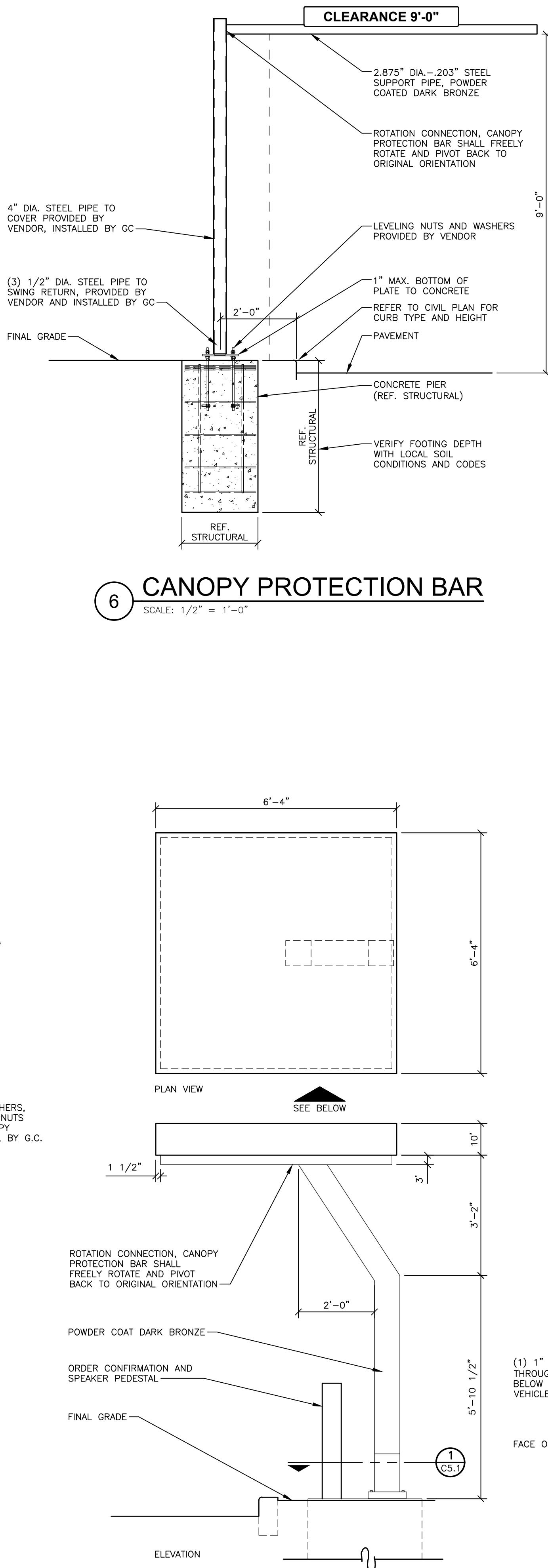
11/17/2021, 1:01:41 AM, Z:\2021\1430\CAD\C5.2\211430.dwg, dkuekert



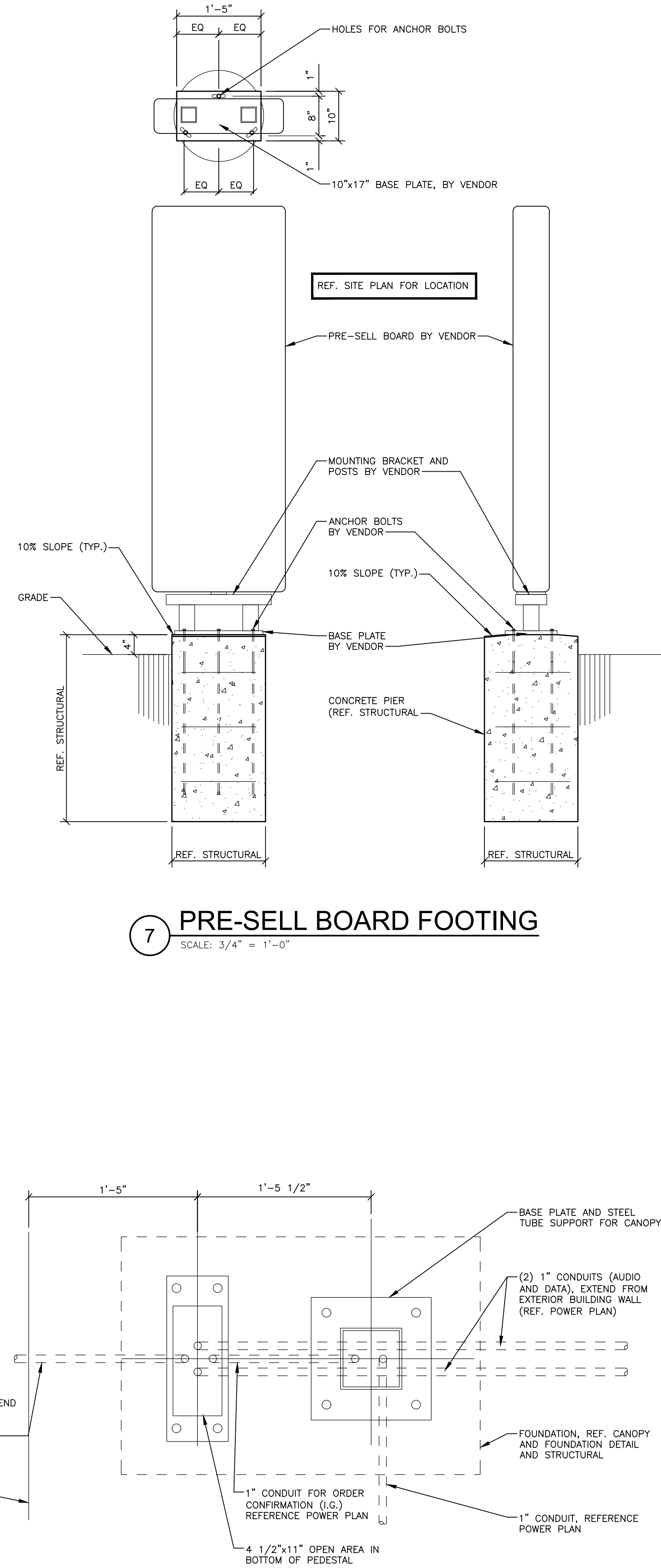
1 ORDER STATION PLAN VIEW
SCALE: 3/8" = 1'-0"



2 CANOPY FOOTING SECTION
SCALE: 3/4" = 1'-0"



3 ORDER STATION CANOPY
SCALE: 1/2" = 1'-0"



4 ORDER STATION CANOPY FOOTING
SCALE: 1 1/2" = 1'-0"

SITE NUMBER:	04397
BUILDING TYPE:	(2.0) SMART 40+
ASSET TYPE:	FREE STANDING
CLASSIFICATION:	NEW
OWNER:	WENDY'S OF MICHIGAN
BASE VERSION:	2021
UPGRADE CLASSIFICATION:	NEW BUILD
PROJECT YEAR:	2022
DESIGN TYPE:	(2.0) UM BRITE
DRAWING RELEASE:	SUMMER 2021

fishbeck
Engineers | Architects | Scientists | Constructors

Call MISS DIG
3 full working days before you dig
Michigan's One-Call Utility Notification Organization
1-800-482-7171
on the net at: www.missdig.org

PROJECT TYPE: NEW
2.0 SMART 40+

Wendy's
614 S. STATE STREET
BIG RAPIDS, MI 49307

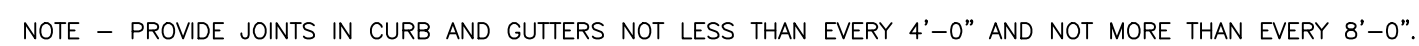
REV.	DATE	DESCRIPTION
11/17/21		SITE PLAN REVIEW

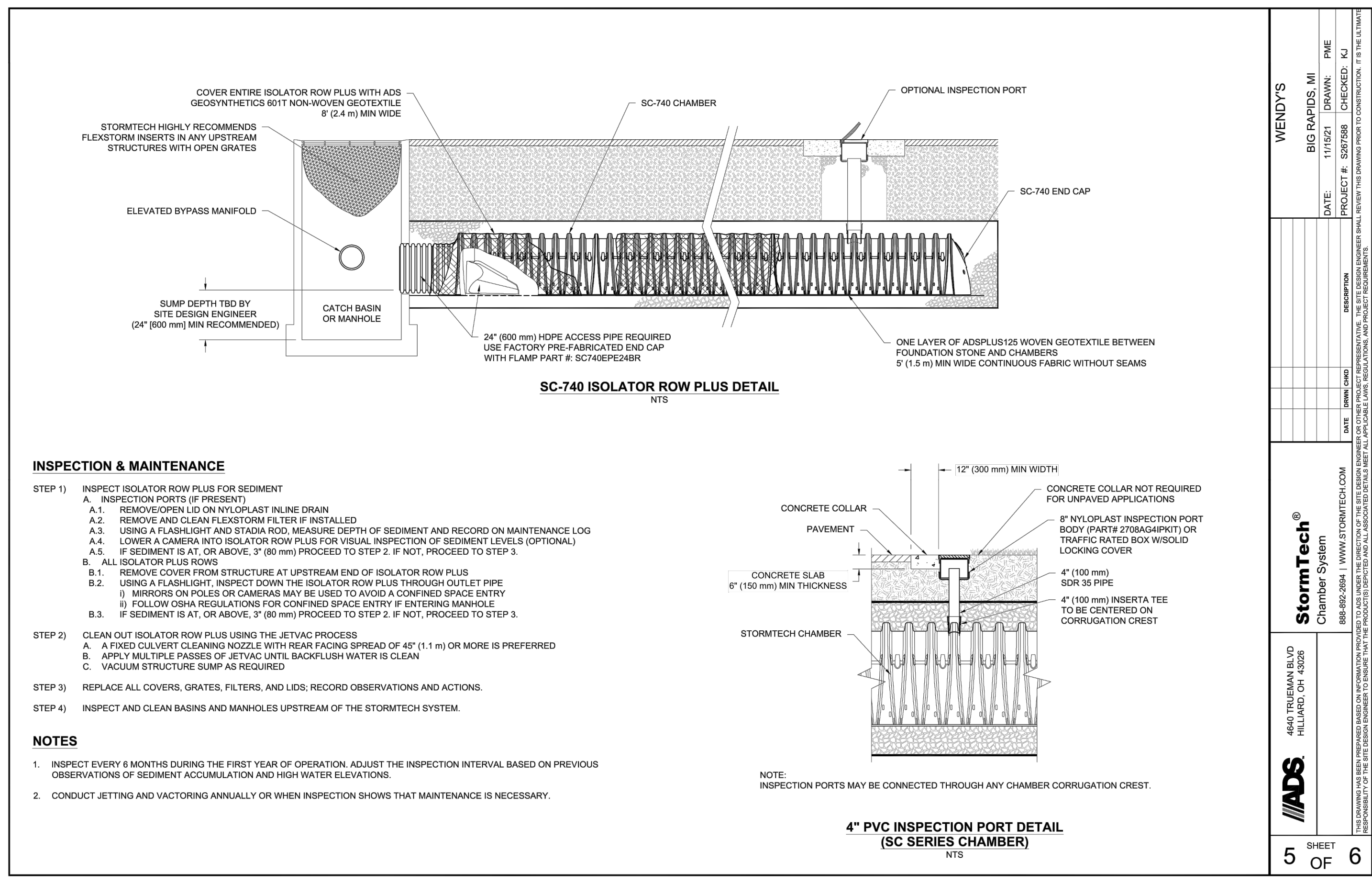
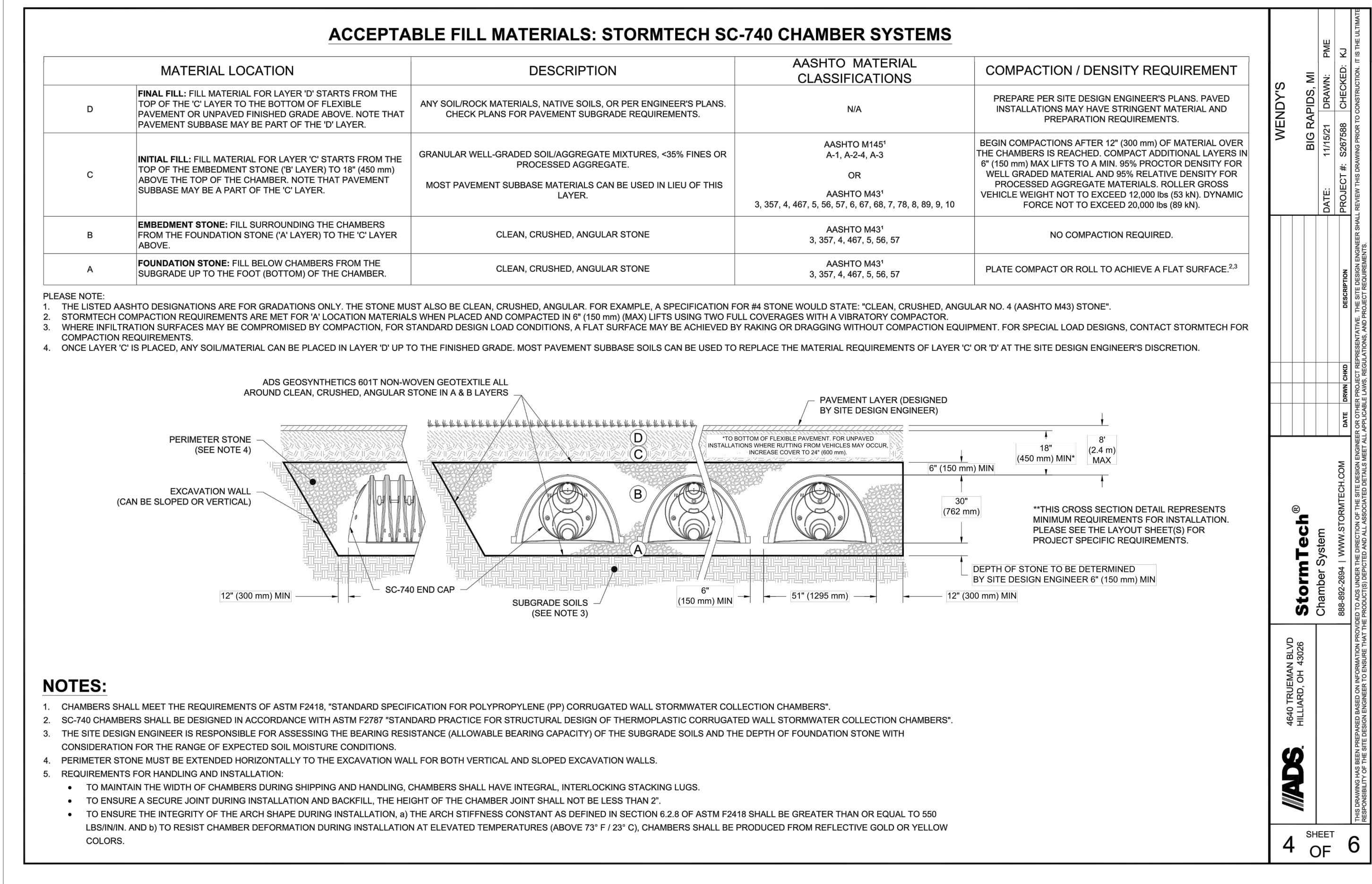
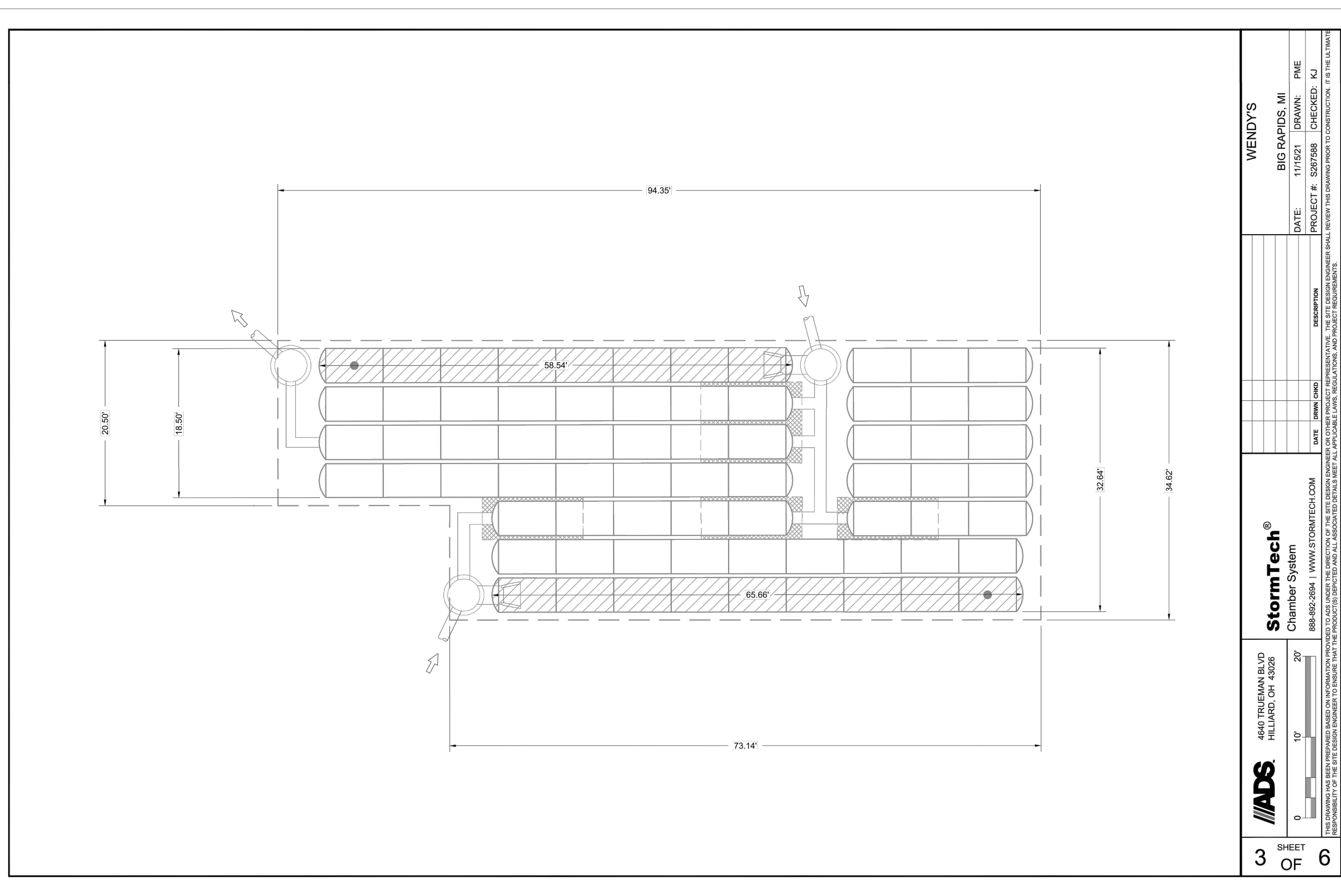
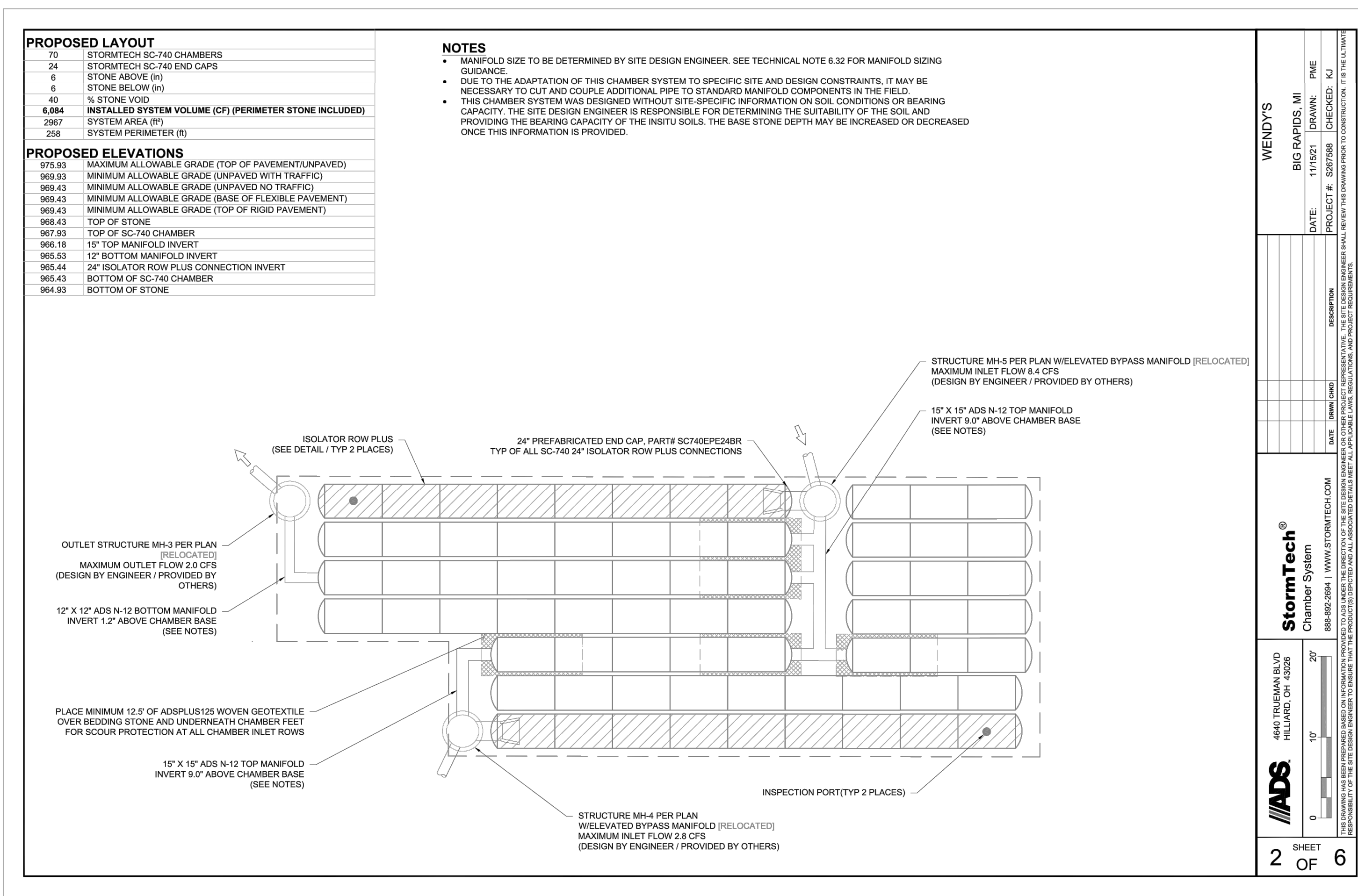
ISSUE DATE: 11/17/2021
PROJECT NUMBER: 211430
DRAWN BY: DKU
CHECKED BY: ASM

SEAL
STATE OF MICHIGAN
GREGORY BLUM
WHITE ENGINEER
No. 920166212
PROFESSIONAL ENGINEER

SHEET NAME
DRIVE-THRU ORDER
STATION DETAILS

SHEET NUMBER
C5.2





SITE NUMBER: 04397

BUILDING TYPE: (2.0) SMART 40+

ASSET TYPE: FREE STANDING

CLASSIFICATION: NEW

OWNER: WENDY'S OF MICHIGAN

BASE VERSION: 2021

UPGRADE CLASSIFICATION: NEW BUILD

PROJECT YEAR: 2022

DESIGN TYPE: (2.0) UM BRIT

DRAWING RELEASE: SUMMER 2021

fishbeck
Engineers | Architects | Scientists | Constructors

Call MISS DIG
3 full working days before you dig.
Michigan's One-Call Utility Notification Organization
1-800-482-7171
on the net at: www.missdig.org

PROJECT TYPE: NEW
2.0 SMART 40+

Wendy's
614 S. STATE STREET
BIG RAPIDS, MI 49307

REV. DATE DESCRIPTION
11/17/21 SITE PLAN REVIEW

ISSUE DATE: 11/17/2021

PROJECT NUMBER: 211430

DRAWN BY: GPW

CHECKED BY: ASM

SEAL
GREGORY B. WHITE
REGISTERED PROFESSIONAL ENGINEER
NO. 9201066212
EXPIRATION DATE 12/31/2024

SHEET NAME
STORMWATER DETENTION DETAILS

SHEET NUMBER
C5.4

LUMINAIRE SCHEDULE								
MARK	DESCRIPTION	MANUFACTURER	CATALOG NO.			LUMENS	WATTS	REMARKS
			LUMINAIRE	POLE	MOUNTING			
SLA	LED LUMINAIRE, FORWARD THROW ON 20' POLE WITH INTEGRAL LOUVER	LSI	SLM-LED-24L-SIL-FI-UNV-DIM-40-70CRI-BRZ-IL	4SQB5-A125-20-S-BRZ	QUICK MOUNT POLE BRACKET (SQUARE POLE): 687073BRZ	24,276	189	-

SYMBOL LEGEND

- LIGHT POLE AND BASE
○ WALL/BUILDING FIXTURE

SITE NUMBER:	04397
BUILDING TYPE:	(2.0) SMART 40+
ASSET TYPE:	FREE STANDING
CLASSIFICATION:	NEW
OWNER:	WENDY'S OF MICHIGAN
BASE VERSION:	2021
UPGRADE CLASSIFICATION:	NEW BUILD
PROJECT YEAR:	2022
DESIGN TYPE:	(2.0) UM BRITE
DRAWING RELEASE:	SUMMER 2021



PROJECT TYPE:	NEW
	2.0 SMART 40+

Wendy's
614 S. STATE STREET
BIG RAPIDS, MI 49307

REV.	DATE	DESCRIPTION
11/17/21		SITE PLAN REVIEW

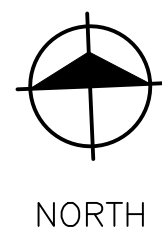
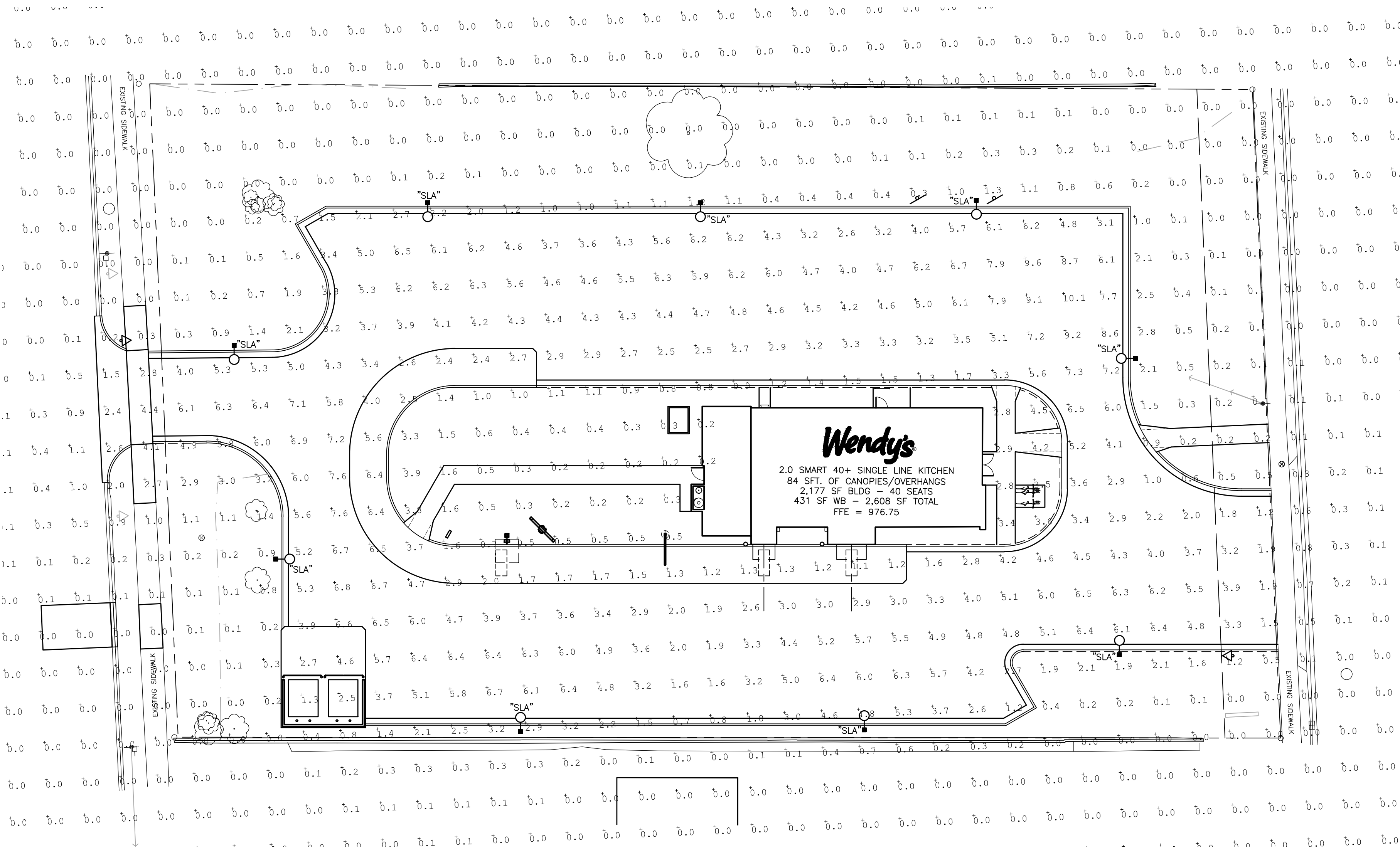
ISSUE DATE:	11/17/2021
PROJECT NUMBER:	211430
DRAWN BY:	ACF
CHECKED BY:	ARK



SHEET NAME
SITE LIGHTING AND
PHOTOMETRIC PLAN

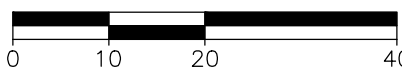
SHEET NUMBER

C6.0



SITE LIGHTING AND PHOTOMETRIC PLAN

SCALE: 1" = 20'



LIGHT POLE TO BE FURNISHED AND INSTALLED BY ELECTRICAL CONTRACTOR. POLE AND LUMINAIRE TO BE FURNISHED BY THE SAME MANUFACTURER

FOR PROPER INSTALLATION OF SITE LIGHTING ALWAYS USE DOUBLE NUTS AND WASHERS. THIS ASSEMBLY WILL PREVENT MOISTURE BUILD-UP IN THE POLE BY ALLOWING AIR TO CIRCULATE THROUGH THE INSIDE OF POLE. BASES MOUNTED DIRECTLY TO CONCRETE CAN CAUSE A MOISTURE BUILD-UP, AND DETERIORATION OF THE POLE'S STABILITY

THE ANCHOR BOLTS TO #5 VERTICALS

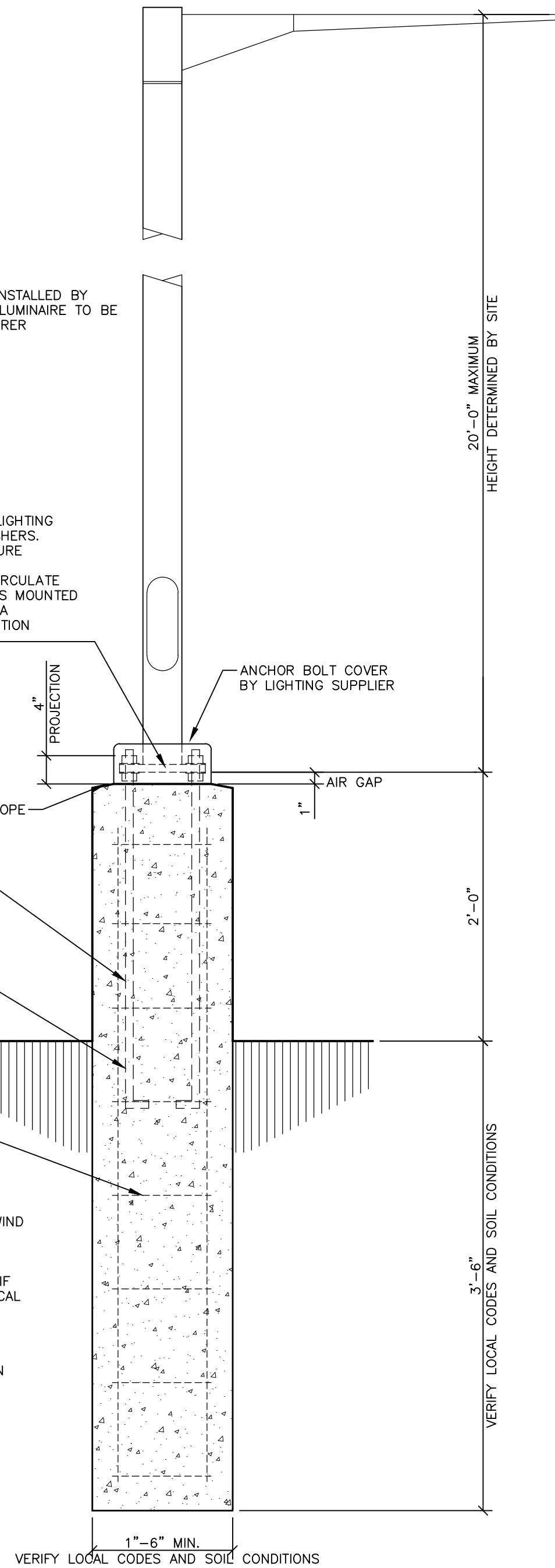
(7) #5 VERTICAL BARS

#3 HORIZONTAL TIES @ 12" O.C.

NOTE:
REINFORCING BASED ON 90 MPH WIND AND 2500 PSF SOIL BEARING PRESSURE.

LIGHTING SUPPLIER TO DETERMINE IF WIND LOADS, SOIL BEARING OR LOCAL ORDINANCES DIFFER AND ADJUST FOOTING ACCORDINGLY.

WHEN POSSIBLE, LOCATE POLES ON OUTSIDE PERIMETER OF SITE



EXTERIOR LIGHT POLE & STANDARD RAISED CONCRETE BASE DETAIL
NO SCALE

TREES

AC SHADBLOW SERVICEBERRY AMELANCHIER ARBOREA 6-8' CLP.
AR RED MAPLE 'ARMSTRONG' ACER RUBRUM 'ARMSTRONG' 2.5" CAL.
GT SKYLINE HONEYLOCUST INERMIS GLEDITSIA TRICANTHOS INERMIS 2.5" CAL.
CC EASTERN REDBUD CERCIS CANADENSIS 6-8' CLUMP
QR RED OAK QUERCUS RUBRA 2.5" CAL.
CO COMMON HACKBERRY CELTIS OCCIDENTALIS 2.5" CAL. HT.
FS TRI COLOR BEECH FAGUS SYLVATICA 'TRI COLOR' 2" CAL.

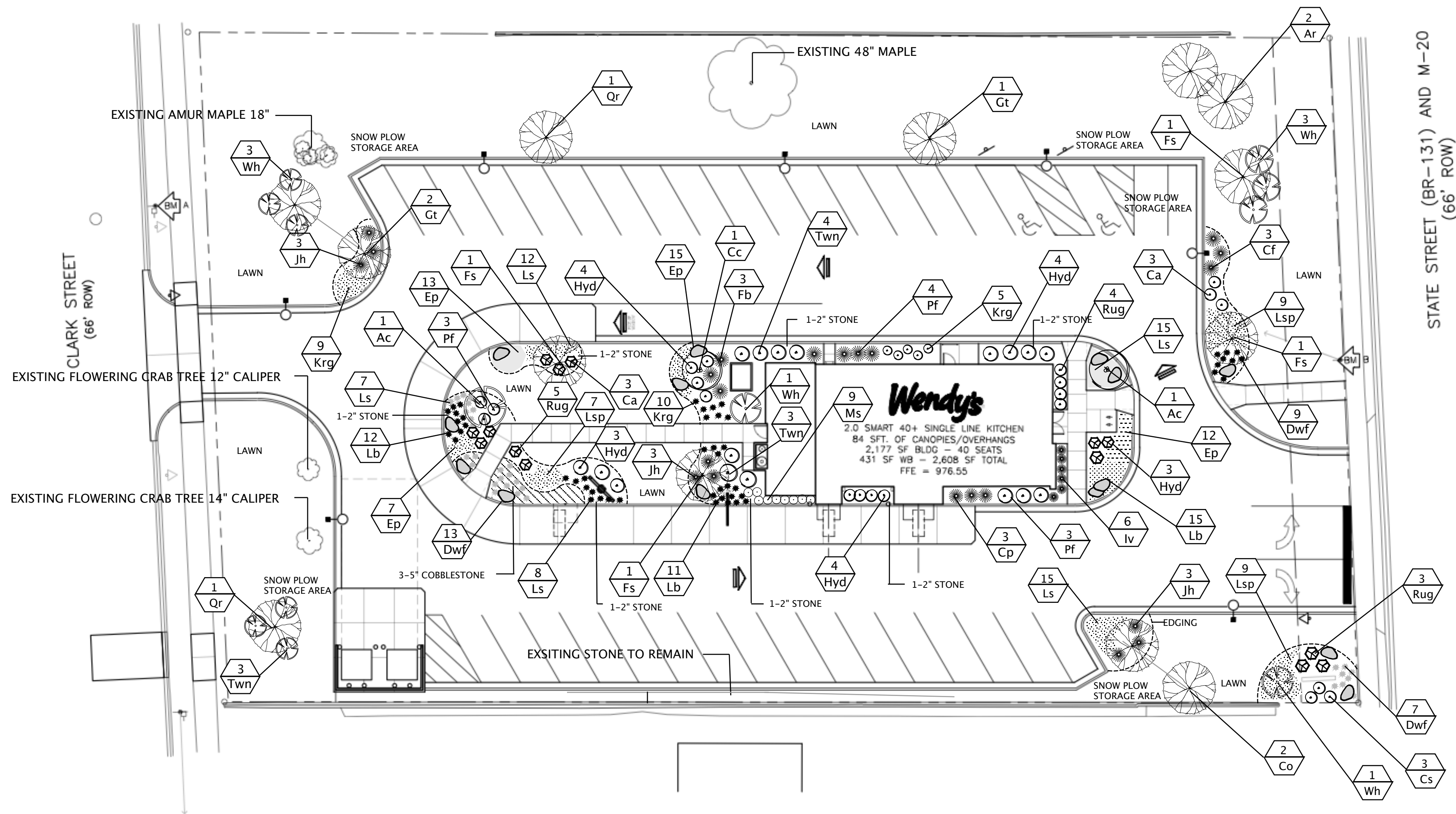
SHRUBS & PERENNIALS:

	Size:	Spacing:
CS RED OSIER DOGWOOD CORNUS SERICEA	18-24"	5' o.c.
JH GREY OWL JUNIPER JUNIPERUS VIRGINIANA 'GREY OWL'	18-24"	5' o.c.
CP GOLD MOP CYPRESS CHAMAECYPARIS PISIFERA 'GOLD MOP' 24"	24"	5' o.c.
FB FINELINE BUCKTHORN RHAMNUS FRANGULA 'FINELINE'	24-30"	5' o.c.
WH COMMON WITCH-HAZEL HAMAMELIS VIRGINIANA	48"	12' o.c.
RA GROW LOW SUMAC RHUS AROMATICA	24"	4' o.c.
HYD LITTLELIME HYDRANGEA HYDRANGEA PANICULATA 'LIMELIGHT'	18-24"	5' o.c.
IV ILEX VERTICILLATA 'RED SPRITE' WINTERBERRY HOLLY	24-30"	5' o.c.
TWN DIABLO NINEBARK PHYSCARPUS OPULIFOLIUS	18-24"	6' o.c.
CA NEW JERSEY TEA SHRUB CEANOTHUS AMERICANUS	18-24"	4' o.c.
RUG KNOCKOUT ROSES PINK ROSA SPP.	18"	4' o.c.
PF GOLDDROP SHRUBBY CINQUEFOIL POTENTILLA FRUITICOSA	18"	4' o.c.
LS KOBALD BLAZING STAR GAYFEATHER LIATRIS SPICATA	#1	24" o.c.
DWF DWARF FOUN. GRASS PENNisetum ALOPECUROIDES 'HAMELN'	#2	36" o.c.
MS MORNING LIGHT GRASS MISCANTHUS SINENSIS	#1	36" o.c.
KRG KARL FOERSTER REED GRASS CALAMAGROSTIS X ACUTIFLORA	#3	36" o.c.
LB LITTLE BLUESTEM SCHIZACHYRIUM SCOPARIUM	#1	36" o.c.
LSP LITTLE SPIRE RUSSIAN SAGE PEROVSKIA ATRIPLICIFOLIA 'LITTLE SPIRE'	#1	24" o.c.
EP PURPLE CONEFLOWER ECHINACEA PURPUREA	#1	36" o.c.

SITE NOTES:

-ALL PLANTING BEDS TO RECIEVE HARDWOOD RED BARK MULCH 4" UNLESS NOTED TO BE STONE
-ALL AREAS MEETING LAWN TO RECIEVE 1/8 X 4" ALUMINUM EDGING
-ALL PLANTING BEDS TO RECEIVE MIN. 6" 1/3 TOPSOIL/1/3 SAND/1/3 COMPOST PLANT MIX FOR BACKFILL
-ALL DISTURBED AREAS SHALL BE HYDROSEEDED WITH SPARTAN GRADE A LAWN MIX
-AWARDED CONTRACTOR TO PROVIDE A COMPLETE DESIGN/BUILD IRRIGATION SYSTEM
-ALL TREE PLANTING PITS SHALL BE DUG TWO TIMES THE SIZE OF THE ROOTBALL AND BACKFILLED WITH 1/3 TOPSOIL 1/3 SAND 1/3 COMPOST PLANTING MIX
-ALL TREE PLANTINGS ARE REQUIRED TO BE STAKED WITH 3 HARDWOOD STAKES AND ARBOR TIES TO ENSURE HEALTHY GROWTH

INDICATES 3-4' X 12" MINIMUM THICKNESS GRAY/BUFF LIMESTONE OUTCROPPING STONE
INDICATES 3-5" WASHED COBBLESTONE ON HEAVY FABRIC



11/17/2021, 10:04 AM, Z:\2021\211430\CAD\CD\20_CSP1 0_211430.dwg, dluu@et

PART 1 - GENERAL

1.1 PROJECT RECORD DOCUMENTS

- A. Submit record documents indicating location and depth for water, sanitary sewer and storm sewer pipes, gages, and electric lines, and storm water detention (if required). Dimensions to the building corners. Locations shall be shown on a Site Plan Drawing with an accuracy of ±1 foot horizontal and 3" vertical. Record plans should also indicate pipe material and joints used.

1.2 PERMITS AND INSPECTIONS

- A. All permits required by laws, ordinances and building codes having jurisdiction shall be obtained at the proper time by and at the expense of the Contractor.
- B. Contractor shall obtain all inspections required by all laws, ordinances and public authority having jurisdiction.

1.3 SHOP DRAWINGS

- A. Submit Shop Drawings for the following items:
1. Import fill, bedding and trench backfill.
 2. Asphalt paving materials.
 3. Sanitary sewer, water, storm sewer pipe materials.
 4. Concrete mix design.
 5. Stormwater detention materials.
- B. Contractor shall obtain all inspections required by all laws, ordinances and public authority having jurisdiction and shall obtain certificates of such inspections and submit same to the Architect and shall pay all fees, charges, assessment and other expenses in connection therewith.
- C. Piping and equipment layout is schematic. Exact locations are determined by structural and other conditions. Design of system may not be changed. Only exact location of piping may be revised to suit construction condition and aid in coordination with work of other Contractors.
- D. The materials and equipment installed in the work shall meet the requirements of the Contract Documents and no materials or equipment shall be ordered until reviewed by the Engineer and/or Architect.
- E. When submitted for the Engineer and/or Architect's review, shop drawing shall bear the Contractor's certification that they have reviewed, checked and approved the Shop Drawings, that they are in harmony with the requirements of the Project and with the provisions of the Contract Documents and that they have verified all field measurements and construction criteria, materials, catalog number and similar data. Contractor shall also certify that the work represented by the Shop Drawings is recommended by the Contractor and the Contractor's guarantee will fully apply.
- F. All Contractors submitting proposals for this Work shall be first examine the Site and all conditions therein. All proposals shall take into consideration all such conditions as may affect the Work under Contract. The submitting of a bid automatically implies that this examination of Site has been done.
- G. Contractor shall verify location of utilities and note conditions which would affect the Work. All discrepancies shall then be reported prior to construction.

1.4 TESTING SERVICES

- A. Testing services shall be performed by an independent testing agency selected by the General Contractor. Testing Agency Qualifications:
1. Approved by authorities having jurisdiction.
 2. Agency whose primary business is materials and construction testing.
 3. Objective, competent and independent from the Contractor performing the work to be inspected.
 4. Having adequate equipment, periodically calibrated as required, to perform the special inspections.
 5. Employing experienced personnel educated in conducting, supervising and evaluating special inspections similar in complexity to that required for the Project.
- B. Testing services are required to verify compliance with requirements specified or indicated. These services do not relieve Contractor of responsibility for verification of compliance with Contract Document requirements.

- C. General Contractor to coordinate and schedule the work of the independent testing agency. Notify the independent testing agency 48 hours prior to the expected time when testing services will be required. Establish schedule by advance discussion with the independent testing agency, determine the time required to perform tests and to issue findings.

- D. Testing Agency to provide the General Contractor's superintendent with a draft copy of the daily report prior to leaving the Project Site each day. Provide typed copies of testing agency reports, inspections, and certifications within 5 business days to the Architect/Engineer's Office and General Contractor's Office by email.

1.5 TESTING REQUIREMENTS

- A. Fine and Coarse Aggregates, Bedding and Backfilling Materials:
1. Sieve test to ensure compliance with the material's specifications.
 2. Provide 1 test for each source of imported materials as directed by the Engineer.
- B. Soil Compaction:
1. Minimum Frequency of Testing:
 - a. Within the Building Footprint: Four tests of subgrade for each layer of fill
 - b. Outside a Building Footprint: One test per 2,500 square feet of subgrade for each layer of fill
 - c. Utility Trenches: One test for every 50 linear feet of trench length at each lift.
 - d. Curb and Gutter: One test for every 100 linear feet.
 - e. Pavement Subgrade, Base Grade: One test for every 2,500 square feet for parking lot construction. One test at every driveway or curb out location.
 2. Predominantly Granular Soils:
 - a. Perform necessary laboratory and field testing required to verify compaction of fill, bedding, trench backfill and structure backfill in accordance with ASTM D1557.
 - b. Verify the compaction of the first 12 inches of the existing subgrade below structures, utility structures, paved areas, and areas to be filled in accordance with ASTM D1557.
 3. Predominantly Cohesive Soils:
 - a. Perform necessary laboratory and field testing required to verify compaction of fill trench backfill and structure backfill in accordance with ASTM D698.
 - b. Verify the compaction of the first 12 inches of the existing subgrade below structures, utility structures, paved areas, and areas to be filled in accordance with ASTM D698.
 4. Place no additional fill in areas where compaction results do not meet Specification requirements.

- C. Bituminous Pavement Testing:
1. The Contractor shall have the testing agency's density technician and a density gage available whenever paving is occurring. This technician and gage shall monitor placement and compaction of asphalt to verify the maximum density possible is being achieved.
 2. The testing agency shall take 1 core of new parking lot in a location to be determined by the General Contractor. The daily average in place density shall be 95.0% of the mixture's TMD or greater with a minimum density of 93% of TMD. Areas that are not compacted to the specified daily average will be evaluated by the GC and may either be removed or subject to a price reduction.

3. Thickness: In place compaction thickness tested in accordance with ASTM D3549.
4. Surface Smoothness: Test finished surface of each hot mix asphalt course for smoothness, using 10 foot straightedge applied parallel with and at right angles to centerline of paved area, or by measuring depths of bird bores immediately after a rain.
5. Workmanship: Finished Surfaces, Especially in High Visibility Areas: Smooth, free of cracks, raveling or spalling holes, rakes or roller marks and depressions, or bird baths. Problem Areas Identified: Correct by removing, paving or re-heating and re-rolling if possible.
6. Bird baths exceeding 1/4 inch deep and 10 sft shall be remedied by the Contractor.

- D. Concrete Testing:
1. Point of sampling and the method of securing the Samples to be determined by the independent testing agency in accordance with ASTM C172.
 2. Perform 1 slump test in accordance with ASTM C143 for each truckload of concrete.
 3. Perform 1 air-entraining test in accordance with ASTM C231 or C173 for each truckload of concrete.
 4. Test the concrete unit weight in accordance with ASTM C138 or C567, as applicable.
 5. Test the air content and fresh concrete temperature of each set of concrete cylinders.
 - a. Concrete Cylinder Testing to be in accordance with ASTM C301 and C39. Perform one test for each 150 cubic yards (or fraction thereof) of each class of concrete placed each day.
 - b. Concrete Cylinder shall consist of 4 inch standard cylinders.
 - c. Test one of the cylinders at 7 days and second cylinders at 28 days. Save third cylinder as a spare if needed.
 6. Workmanship: Finished surface free of cracks, stone holes, chips, footprints, graffiti, animal tracks or bird baths.

PART 2 - EARTHWORK

2.1 Imported Materials

- A. Imported Subbase:
1. MDOT 902 Granular Fill Class II
 2. Exclusive of rubble of gray or blue clay, peat, organic matter, frozen lumps, stone due, limestone, or slag.
 3. Have a moisture content such that material is capable of being compacted to 95% maximum density.
- B. Imported Aggregate Base Course:
1. MDOT 21AA aggregate
 2. Have a moisture content such that material is capable of being compacted to 95% maximum density.
- C. Imported Drainage Stone:
3. Clean stone with 100% passing a 3/8" sieve and 100% being retained on a No. 8 sieve.
- D. Imported Fill, Bedding, and Trench Backfill:
1. MDOT 902 Granular Fill Class II
 2. Exclusive of rubble of gray or blue clay, peat, organic matter, frozen lumps, stone due, limestone, or slag.
 3. Have a moisture content such that material is capable of being compacted to 95% maximum density.
- E. Native material used as fill, bedding, or trench backfill.
1. Exclusive of rubble of gray or blue clay, peat, organic matter, frozen lumps, stone due, limestone, or slag.
 2. Have a moisture content such that material is capable of being compacted to 95% maximum density.
 3. No rocks or lumps over 2 inch in greatest dimension.
- F. Imported top soil:
1. Topsoil shall consist of friable surface soil reasonably free of grass, roots, weeds, sticks, stones, or other foreign materials.
 2. The topsoil shall consist of sandy loam, with soil particles within the following percentages: clay; 0–25; silt; 25–50; sand; 50–70; decomposed organic matter; 5–10.
 3. The clay content is optional.
 4. The soil shall have a soil acidity range between a pH 5.0 to pH 7.0. The soil salinity shall not exceed 3 millimhos per centimeter at 25oC (as described by USDA Circular No. 982).

PART 3 - UTILITIES

3.1 WATER SERVICE MATERIALS

- A. Pipe: Copper:
1. B 88, Type K, soft-temper.
 2. Lay water service below local frost depth (if applicable).

3.2 STORM SEWER PIPE MATERIALS

- A. Concrete Pipe (RCP):
1. Reinforced concrete: ASTM C76, Class III (unless otherwise indicated on Drawings).
 2. Manufacturers: DOT approved manufacturer.
 3. Joints: Rubber gasket, ASTM C443.
- B. PVC Profile (corrugated PVC):
1. PVC ASTM F949 and F794.
 2. Manufacturers: Contec, A–2000; or approved equal.
 3. Joints: ASTM F477 double gasket, ASTM D3212.
- C. PVC Closed Profile:
1. PVC ASTM F1804.
 2. Manufacturers: Vylon pipe; or approved equal.
 3. Joints: ASTM F477 gasket, ASTM D3212.
- D. Corrugated Polyethylene (HDPE):
1. Pipe shall have smooth interior, annular exterior corrugations, per AASHTO M294, Type S.
 2. Virgin pipe resin, cell classification 424420C or 435420C per ASTM D3350.
 3. Joints shall be water tight per ASTM D3212 and ASTM F1417.
 4. Gaskets shall be polyisoprene per ASTM F477.
 5. Fittings shall conform to ASTM F2306 N–12 Mega Green WT 1B.
 6. Manufacturers: Advanced Drainage Systems, Inc.; or Hanco-Blue seal WT 1B.
- E. Aluminized Steel, Type 2 (Aluminum):
1. Aluminized Steel, Type 2 (Aluminum):
 2. Aluminum material ASTM A929, ASTM B745, ASTM B790.
 3. 16 gage (18 to 30 inch diameter); Asphalt-coated.
 4. Manufacturers: CONTEC ULTRA FLOW; or approved equal.
 5. Joints: Bell and spigot, gasketed joint, QUICK STAB.

- F. Transition Fittings:
1. Duplex adapter and ring similar to Certainteed Catalog No. 58433 or approved equal.
 2. Rubber or elastomeric sleeve and stainless steel band assembly fabricated to match outside diameters of pipes to be joined. Sleeves for cast iron pipe shall conform to ASTM C564. Sleeves for PVC pipe shall conform to ASTM C443.

3.3 SANITARY SEWER PIPE

- A. Polyvinyl Chloride (PVC), Schedule 40 in conformance with ASTM D1785. Pipe joints shall be the same as the sewer. Service lead connections shall incorporate the use of "wye" branches. Tee branches are not permitted for onsite service leads.
- B. Cleanouts: Provide cast iron ferrule and countersunk brass cleanout plug, with round cast iron access frame and heavy duty, secured, scribed cast iron cover. Pipe to be schedule 40 PVC.

3.4 MANHOLES

- A. Precast Concrete reinforced concrete in conformance with ASTM C478. Joints shall be rubber gasket per ASTM C443. Base Section: 6–inch minimum thickness for floor slab and 5–inch minimum thickness for walls and base riser section. Base section may be separate or integral with side walls. Riser Sections to be 5–inch minimum wall thickness, minimum 48–inch diameter, and lengths to provide depth indicated. Top Section to be eccentric cone type, unless concentric cone or flat top is indicated. Top of cone to match grade ring diameter. Grade Rings to be minimum thickness of 4 inches with minimum 24–inch internal diameter to match frame and cover. Steps to be modular iron reinforced polyurethane or aluminum and integrally cast into base, riser, and top sections. Sidelwall at intervals in conformance with OSHA requirements. Frames and Covers to be ASTM A48–83, Class 35, heavy-duty, gray iron, 24–inch inside diameter by 7 to 9 inch riser with 4–inch minimum width flange, in compliance with local agency requirements or as indicated on Drawings.

3.5 CATCH BASIN AND CURB INLETS

- A. Precast reinforced concrete shall conform to the requirements specified for manholes, depth as indicated on Drawings.

PART 4 - PAVING

4.1 ASPHALT MATERIALS

- A. Supplied by a DOT Approved supplier.
- B. All mixtures to be:
1. DOT approved mix designs for 20–year, 300,000 ESAL's (equivalent single axle load) design.
 2. Utilize a minimum of 50% crushed stone.
 3. Aggregate gradation requirements:
- | Sieve Size | Total % Passing |
|------------|-----------------|
| 3/4 inch | 100% |
| 1/2 inch | 75 – 95% |
| 3/8 inch | 60 – 90% |
| #4 | 45 – 80% |
| #8 | 30 – 60% |
| #16 | 20 – 50% |
| #30 | 15 – 40% |
| #50 | 10 – 25% |
| #100 | 5 – 15% |
| #200 | 3 – 6% |

4. Air voids modified to 4% using regression for light traffic applications (if necessary).
5. Asphalt Cement: 5.5% to 6.5%.
6. PG: DOT approved for geographic region of project
7. Reclaimed Asphalt Pavement (RAP) as percent of total weight of the mixture:
 - a. HMA Base: Maximum 35%, State DOT blending requirements; AASHTO M323.
 - b. HMA Binder/Leveling: Maximum 25%. Use virgin binder one grade softer, for both high and low temperature, than specified if RAP greater than 20%.
 - c. HMA Surface: Maximum 20%. No change in binder selection.
 - d. HMA Mixtures with Polymer Asphalt: Maximum 10%.
 - e. Greater than 25% RAP or Combination: Use virgin asphalt binder grade in accordance with State DOT blending requirements and AASHTO M 323.
8. Bond Coat: RS–2.

4.2 CONCRETE MATERIALS

- A. Concrete: Ready Mix Concrete conforming to ASTM C–94.
1. Design mix to project normal-weight concrete consisting of Portland cement, aggregate, air entraining admixture and water to produce the following properties:
 2. Compressive Strength: 3,500 psi, minimum at 28 days, unless otherwise indicated.
 3. Air Content: 6 percent ±1 percent.
 4. Slump: 1–4 inch maximum.
 5. Water/Cement Ratio: 0.5 maximum.
- B. Portland Cement: ASTM C 150, Type I.: Use same brand of cement throughout project.
- C. Fly Ash: ASTM C618, Type F.
- D. Aggregates: Grade aggregates according to ASTM C136 Class M, Exposure 4:
1. Coarse aggregate ASTM C33–55, Number 57.
 2. Fine aggregate ASTM C33.
- E. Water: Potable.
- F. Admixtures:
1. Air Entraining Admixture: ASTM C 260, certified by manufacturer to be compatible with other required admixtures.
 2. Calcium Chloride: Do not use calcium chloride in concrete. Do not use admixtures containing calcium chloride in concrete mixes.

G. Fiber:

1. Polypropylene, ASTM C1116 Type III.
2. Fiber mesh 300 #3, or equal.
3. Graded Length (3/4" ± 1/2").
4. 1.5 lbs per cubic yard in dumpster pad slab area.

- H. Expansion Joint Materials: Joint Filler: Shall be a preformed fiber joint material composed of blended, bonded, flexible and waterproof fiber meeting the requirements of AASHTO M213, or approved equal.

- I. Liquid–Membrane Forming Curing Compound: Complying with ASTM C 309, Type I, Class A. Moisture loss not more than 0.055 gr./sq. cm. when applied at 200 square feet per gallon. Color shall be Clear or White.

- J. Bonding Compound: Acrylic base, rewettable type.

1. Dayton Superior: Product – Superior Concrete Bonder (J–41).
2. Euclid Chemical: Product – Euco-Weld.
3. L & M Chemicals: Product – Everweld.

- K. Joint Sealant Materials: Joint sealant shall be a gray elastomeric silicone or polyurethane sealant designed for concrete expansion and control joints conforming to ASTM C920, or approved equal.

- L. Concrete Sealer: 'Scaffold' cementone clear sealer. Apply per manufacturer's recommendations.

- M. Optional Concrete Color Hardener: 'Scaffold' Lithochrome, A33 "Classic Grey", apply per manufacturer's recommendations.

4.3 PAVEMENT MARKINGS

- H. Marking paint shall meet Federal Specification GSA–FSSIT–P–115E Type 1.

- I. Size and Color: 4–inch width, white, yellow, blue or other color depending on intended use. Color as indicated on the Drawings.

- J. Traffic paint shall be spray type for stripe marking. Contractor may use one of the following:
1. Repcoite 47610 Traffic Marking Paint: – white and 47660 Traffic Marking Paint – yellow.
 2. Sherwin-Williams – Selfast Low VOC Acrylic Traffic Marking Point TM 5623 (White), TM 5627 (Yellow).
 3. See site plan and details for specific colors for different elements.

- K. Thermoplastic Marking system: 90 mil thickness (minimum), continuous heat applied, double drop reflective media, 3M (or approved equal) All Weather.

4.4 ADA TRUNCATED DOMES

- A. Install at all sidewalk ramps in public right of way, or as required by municipality. Materials shall comply with current ADA accessibility guidelines specifications.

B. Approved manufacturers:

1. Armor–tile, vitrified polymer composite (VPC).
2. East Jordan Iron Works (EJIW), Series 7005 cast–iron warning plate. Color: Brick Red, Federal Color No. Z2144.
3. ADA Solutions, Inc. tactile warning surface, glass and carbons reinforced composite.
4. Duralast, detectable warning, cast iron plates.

PART 5 - LANDSCAPING MATERIALS

- 5.1 Plant Materials: Certified by state Department of Agriculture, described by ANSI Z60.1, and free of disease or hazardous insects. Nursery stock shall meet the USA Standards of Nursery Stock (USA Standard Z60.1, latest edition) as published by the American Association of Nurserymen.

5.2 MISCELLANEOUS LANDSCAPE MATERIALS

- A. Slow Release Fertilizer for Trees and Shrubs: Slow release plant food tablets with a guaranteed analysis of 14–3–3, 17 grams with a 2 to 3 year duration, Woodace Briquets as manufactured by Vigoro Industries, Fairview Heights, IL, or approved equal, install at rate of 6 tablets per 1–inch caliper of trunk. Install for shrubs per manufacturer's recommendations.

- B. Wrapping Materials: Burlap or arboricultural tree wrapping paper of 40–pound weight or greater with crepe surface. Wrap shall be secured with twine or weather–tolerant tape or equal as approved by Civil Engineer.

- C. Stakes: New 2 inch by 2–inch hardwood lumber stakes, cedar or galvanized steel posts, 6 feet in length minimum, pointed end. Only 1 type, wood or metal, shall be used.

- D. Tree Supports: Noncorrosive, of sufficient strength to withstand wind pressure and resultant movement of plant life, minimum 12–gauge wire or flexible 2 to 3–inch–wide nylon or plastic straps.

- E. Plant Protectors: Rubber sleeves of suitable length over cable to protect plant stems, trunks, and branches to be 1/2 inch inside diameter reinforced rubber hose. All sleeves shall be uniform in color.

- F. Anti–Desiccant: An emulsion, which provides a protective film over plant surfaces, sufficiently permeable to permit transpiration. Delivered in containers of the manufacturer; they must be mixed in accordance with his directions. "Dow Wax" by Dow Chemical Company, and Wilt Proof by Nursery Specialty Products, Inc., Graton Falls, New York, or approved equals acceptable.

- G. Tree, Shrub, and Parking Lot Island Mulch: Mulch shall be double shredded, non–dyed, hardwood free from deleterious materials and fine dust, suitable for top dressing of trees, shrubs, or plants. Shredded redwood bark (gorilla hair) or other materials susceptible to igniting shall not be used.

- H. Weed Barrier Fabric: Polypropylene or polyester geotextile separation fabric, 3 oz./sq. yd. (101g/sq. m) minimum, composed of fibers formed into a stable network so that fibers retain their relative position. Fabric shall be inert to biological degradation and resist naturally encountered chemicals, alkalis, and acids.

- I. Pre–Emergent Herbicide (Selective and Nonselective): Effective for controlling the germination or growth of weeds within planted areas at the soil level directly below the mulch layer.

- J. Post–Emergent Herbicide (Selective and Nonselective): Effective for controlling weed growth that has already germinated.

5.3 MAINTENANCE

- A. Maintenance shall be the responsibility of the Contractor throughout the warranty period until Final Acceptance.
1. Final Acceptance for Plantings: Certificate of Final Acceptance shall be executed after landscape plantings are reviewed by the Construction Manager, Civil Engineer, and Owner, one year from Substantial Completion, and have determined that the nature and species of the plantings have been satisfactorily performed. Following Final Acceptance, maintenance will be considered the responsibility of the Owner.
 2. Maintenance by the Contractor shall include:
 - a. Supplying necessary labor and equipment.
 - b. Performing necessary watering, cultivation, weeding, pruning, wound dressing, disease and insect pest control, protective spraying, replacement of unacceptable material, straightening plants that lean or sag, adjustment of plants that settle or are planted too low, and any other procedure consistent with good horticultural practice necessary to insure normal, vigorous, and healthy growth of all Work under this Contract.
 - c. Visits to perform the foregoing Work shall be as necessary as the weather may require.
 - d. Disease and Insect Pest Control: Inspect all plant materials as necessary to locate any disease or insect pest infestations. Upon the discovery of any disease or insect pest infestation, identify, or have identified, the nature and species of the infestation or insect, and the method of control to the Construction Manager for approval prior to application of control measures.
 - e. Removal of all support stakes and wrapping.

5.4 WARRANTY

- A. Warranty all plant materials against defects, including unsatisfactory growth and death. This warranty does not include plantings damaged by others, or unusual phenomena or incidents that are beyond the Contractor's control.
1. At the end of the warranty period, all plants shall be alive and growing in a healthy, vigorous manner.
 2. The Owner reserves the right to reject any plant materials that have lost major mature branches prior to final acceptance; and, therefore, no longer meet the specifications for quality as specified.

PART 6 - ELECTRICAL

6.1 COMMON WORK RESULTS FOR ELECTRICAL

- A. Provide all materials and equipment and perform all labor required to install new complete electrical system as indicated on Drawings, as required by code and as specified herein.
1. Temporary service as required.
 2. Primary distribution by electric company.
 3. Secondary service and metering installation by contractor.
 4. Telephone system conduit and cables as shown on the drawings.
 5. Exterior lighting fixtures and lamps, installation and wiring.
- B. This Contractor shall furnish all labor, materials and equipment necessary to install all of the 208/120–volt electrical service from the utility company transformer to the service entrance equipment, including cables, conduit, pull wire, and ground rod and sleeve. Contractor shall coordinate installation of the main electrical disconnect with this Work.

- C. Electrical equipment furnished by other trades or by this Contractor and specified in or indicated on Contract Documents shall be installed and connected by this Contractor, except as otherwise noted. Provide branch circuit connections to electrically operated equipment furnished by others as specified in or indicated on the Contract Documents. Temporary wiring for other Contractors shall be furnished and installed by this Contractor who shall be entirely responsible for the safe and satisfactory operation of said temporary wiring. Comply with latest requirements of Occupational Safety and Health Act (OSHA). Provide personnel ground fault protection on all temporary power and lighting circuits 30 amperes or less. Ground fault circuit interrupters on construction circuits are not required where circuit is a permanent circuit to be a part of the completed building. However, Contractor shall provide approved cord sets incorporating GFCI protection for personnel. Refer to the National Electrical Code (NEC).

- D. All Work shall be done in accordance with:
1. NEC.
 2. Codes: state, city and county building codes and ordinances.
 3. National board of fire underwriters.
 4. Certain codes and standards as set up by various technical societies such as UL, NEMA,
 5. NECA, IEEE, ASTM, IES, IPCEA, and ANSI.
 6. This Work shall be governed also by local inspector's requirements.
 7. Federal occupational safety and health act standards.
 8. Americans with Disabilities Act.

- E. All permits required by laws, ordinances and building codes having jurisdiction shall be obtained at proper time by and at the expense of this Contractor.
- F. All electrical work shall be inspected by the governmental agency having jurisdiction, including local inspection authorities.

- G. Owner reserves the right to direct removal and replacement of any item which do not present an orderly or reasonably neat or workmanlike appearance, provided that such item can be properly installed in such orderly way by methods usual in such work, additionally, owner will direct removal and replacement of any item which does not comply with Contract Drawings or Specifications, such removals or replacements shall be at the sole discretion of the Owner and shall be done by Contractor, at the Contractor's expense, when so directed in writing by the Owner.

- H. Electrical Contractor shall guarantee his workmanship and material for a period of one year from date of substantial completion and leave his work in perfect order at completion.

- I. Should defects develop within guarantee period, this contractor shall, upon notice of same, remedy defects and have damages to other work or furnishings caused by defects or work or correcting same repaired and/or replaced at his expense to condition before such damage.

- J. Within 90 days after the date of system acceptance, record drawings of the actual installation shall be provided to the building Owner. record Drawings shall include as a minimum the location and rating of each piece of equipment, general configuration of wire and conduits including sizes and routing, etc.

6.2 LOW–VOLTAGE ELECTRICAL POWER CONDUCTORS AND CABLES

- A. Conductors shall be copper, unless noted otherwise on the drawings, the minimum copper wire sizes for wet and dry areas as defined by the NEC shall be as follows:
1. 20 AMP CKT BKR OR FUSE = #12 AWG, THHN/THWN.
 3. 20 AMP CKT BKR OR FUSE = #10 AWG, THHN/THWN.
 3. 40 AMP CKT BKR OR FUSE = #8 AWG, THHN/THWN.
 4. 50 AMP CKT BKR OR FUSE = #8 AWG, THHN/THWN.
 5. 100 AMP CKT BKR OR FUSE = #3 AWG, THHN/THWN.
 6. 125 AMP CKT BKR OR FUSE = #1 AWG, THHN/THWN.
 7. 200 AMP CKT BKR OR FUSE = #3/0 AWG, THHN/THWN.

- B. The following color code shall be used:

208/120 Volt	
Phase A	Black
Phase B	Red
Phase C	Blue
Neutral	White
Ground	Green
Isolated Ground Green/Yellow Tracer	

6.3 RACEWAYS AND BOXES

- A. Raceway and enclosure sizes shall be as shown on drawings or, if not shown, shall be sized to comply with NEC fill requirements for conductors enclosed.
- B. Pull or junction boxes shall be provided in all raceway systems at maximum of 100–foot intervals and where required to avoid excessive number of bends, to facilitate wire pulling or to provide access to raceway system.
- C. PVC schedule 80 conduit with rigid galvanized steel elbows may be used under floor slab. minimum conduit size shall be 3/4".
- D. PVC conduit used under floor slabs shall have rigid galvanized steel ells and metallic conduit above floor slab.

6.4 ELECTRICAL SERVICE AND METERING

- A. Metering equipment shall be furnished by electrical utility company and installed by this Contractor. coordinate with electric company. equipment shall be installed as indicated in one–line diagram on the Drawings.

6.5 IT INSTALLATION

- A. The Contractor is responsible for reviewing and understanding Wendy's requirements and forms to ensure a timely installation of it equipment. the contractor shall complete, sign, and return the it readiness form as required.

- B. The following are the Site readiness minimum requirements:

1. The installation of all kitchen equipment is complete.
2. The building has permanent power.
3. All isolated ground (IG receptacles) are installed and energized.
4. The front counters are complete and energized.
5. Interior walls are completed for kiosks. electrical equip is installed and operational.
6. Electrical is installed and energized and walls are completed and ready for queuing boards.
7. Drive–thru loops are installed to HME's specifications.
8. Bun warmers are installed.
9. MWS cart is onsite.
10. HME loops (drive thru loops) are visible.

PART 7 - SOIL EROSION AND SEDIMENTATION

6.1 SOIL EROSION AND SEDIMENTATION CONTROL MATERIALS

- A. Stabilized Construction Entrance:
1. Stabilize a pad of clean crushed stone located at points where traffic will be accessing a construction site. Minimize construction access points to locations as indicated on the Drawings.
 2. Stone Size – Use ASTM C33, size No. 2 (2–1/2–inch to 1–1/2–inch) or 3 (2 inch to 1 inch). Use clean crushed angular stone. Crushed concrete of similar size may be substituted but will require more frequent upgrading and maintenance.
 3. Place on woven geotextile fabric if underlying soils are soft. TerraTex GS, or equal.
 4. Thickness: Not less than 6 inches.
 5. Width: Not less than full width of points of ingress or egress or a minimum of 20 feet.
 6. Length: 50 feet minimum where the soils are coarse grained (sands or gravels) or 100 feet minimum where soils are fine grained (clays or silts), except where the traveled length is less than 50–feet or 100 feet respectively. These lengths may be increased where field conditions dictate. Stormwater from up–slope areas shall be diverted away from the stabilized pad where the slope of the access road exceeds 5%, a stabilized base of Hot Mix Asphalt Base Course.

- B. Mulch Blanket:
1. 4H1V: Straw; North American Green S–75; LANDLOK S1; or equal.
 2. 3H1V: Straw; North American Green S–150; LANDLOK S2; or equal.
 3. North American Green Bio–Stake blanket pins at least 6 inches long or equal.
 4. Steel anchoring pins are not allowed without written permission of the Engineer.
- C. Hydro–Mulch:
1. Biodegradable, Hydraulic Mulch (HM) composed of 100% recycled cellulose fibers and a tackifier.
 2. Terra–Mulch Cellulose with Tacking Agent 3.
 3. 30 lbs/acre.

D. Silt Guard:

1. Above Ground Filters:
 - a. Frame and Filter Assembly: Silt Saver, Inc.; or equal.
 - b. Nonwoven polypropylene filter with needle punched holes.
 - c. High density polyethylene frame.
 - d. 60–inch frame, high flow filter.
 - e. Filter Material: 120 gpm/sft (min).
 - f. Apparent Opening Size (AOS): 40 US Std. Sieve.
 - g. Tensile Strength (ASTM D4632): 410/300 (min).
2. Inlet Protection (Catch Basins):
 - a. Siltask; by ACF Environmental, Inlet Pro Sediment Bag High Flow; by Hanes Geo Components; or equal.
 - b. Geotextile fabric silt sump.
 - c. Grab Tensile strength: 250 to 275 pounds in accordance with ASTM D4632 (min).
 - d. Zero gallons per minute per square foot (GPM/SF), water flow rate in accordance with ASTM D4491 (min).
 - e. Apparent Opening Size (AOS): 40 US Sieve.
 - f. Manufactured to meet size of inlet.

<