

MINUTES
BIG RAPIDS CHARTER TOWNSHIP
PLANNING COMMISSION

Tuesday, October 9, 2018 --- 7:30 p.m.

Big Rapids Township Hall, 14212 Northland Drive, Big Rapids, MI 49307

I. CALL TO ORDER: 7:30 P.M.

Chairman Amanda Wethington called the regular meeting of the Big Rapids Charter Township Planning Commission to order at the township hall on Tuesday, October 9, 2018 at 7:30 p.m.

II. ROLL CALL:

Present: Zach Cook, Mary Davis, Bob Hampson, Gordon Oliver, Mark Sweppenheiser, Carman Bean and Amanda Wethington. The record shows a quorum is present.
Also Present: Zoning Administrator and Recording Secretary, Brent Mason.

III. CONFLICTS OF INTEREST:

Mrs. Wethington asked if any of the Commission members had known conflicts of interest with any item on the agenda for this meeting. No one indicated that a conflict of interest existed.

IV. MINUTES:

Mrs. Wethington asked the Commission to review the minutes of the September 11, 2018 regular meeting. Mr. Bean made a motion to approve the September 11, 2018 minutes as submitted. Mrs. Davis seconded the motion. There was no further discussion. The motion passed unanimously with seven ayes.

V. PUBLIC COMMENT:

There was no public comment.

VI. ADDITIONAL LANGUAGE FOR ZOA 18-002:

Mrs. Wethington asked Mr. Bean to present his proposed additional language regarding the appeal of a Special Use Permit decision. Mr. Bean said he was directed to come up with language so people could appeal decisions to the Board of Trustees. Mr. Bean acknowledged that the word denial should be removed from the language. Mr. Bean also included the legal definition of an aggrieved party that has been forwarded from the Board of Trustees. Mr. Bean feels that the Board of Trustees should determine if a party has a right to appeal, if they meet the definition of an aggrieved party or not. Mr. Hampson asked if an appeal gets filed to the Planning Commission. Mr. Bean explained that the appeal application goes to Mr. Mason, and then he would forward it to the Board of Trustees for their determination on whether the applicant meets the definition of an aggrieved party. The Commission members and Mr. Mason discussed the language and prepared final copy as follows:

153.130 (F)(4) The applicant or any aggrieved party may appeal a decision to the Township Board of Trustees. The application for an appeal will be delivered to the Zoning Administrator within 21 days of the approval of the minutes for the meeting in which the decision was made.

Mrs. Wethington asked if the anyone had any other comments on the language. Hearing none, she moved on to the scheduled public hearing.

VII. PUBLIC HEARING ON ZOA 18-002: Proposed Language Changes.

Mrs. Wethington called the Public Hearing to order at 7:47 p.m. for ZOA 18-002, the proposed language changes to the Title 15 Chapter 153 Zoning. Mr. Mason reiterated that the hearing is for the public to comment on any of the proposed language changes.

Mr. David Hamelund of 18256 Taft Road was recognized by Mrs. Wethington. He said, having sat on both sides of the table for some time, the Township does need to recognize the adjacent property owner's rights as much as the property owners/applicants who are pursuing a Special Use Permit. He has seen many times over the years where it appears that the applicants seem to have more rights than the adjacent property owners, when it was the applicant that moved into the area, and there was little to no remedy for the adjacent property owners. He continued by saying that he was glad to see that the language for the SUP appeals process allowed for other aggrieved parties to be heard.

Mr. Bean replied by saying he likes that it gives the Planning Commission and the Board of Trustee some time to take pause and consider the matter a little further, no matter what the issue. It's not like we're saying you're going to eat this and you're going to like it. Mr. Sweppenheiser said that this is all part of the process. Mr. Bean agreed. He continued by repeating what Trustee Tony Geib said during a Board of Trustees meeting, even the worst criminals in the world have the opportunity to appeal. Mr. Bean said that we were directed to figure out how to put some language in that would allow for that, so here we are. He continued by saying he doesn't know how to make it any simpler. Mrs. Wethington said she thinks it sounds good. She continued by asking if everyone had a chance to look over the proposed changes. Mr. Bean commented on the number of changes that replaced "Zoning Board" with "Planning Commission." Mr. Mason agreed.

Mrs. Wethington asked if there were any other comments for the Public Hearing. There was no indication that anyone wanted to make any further comments, so the public hearing was closed at 7:53 p.m.

VIII. ACTION ON ZOA 18-002:

Mr. Bean made a motion to accept the proposed changes to the Zoning Ordinance language as set out in ZOA 18-002. Mr. Hampson seconded the motion. There was no further discussion. Mrs. Wethington called the question, and roll call vote passed unanimously with seven ayes.

IX. OTHER BUSINESS:

Mr. Mason updated the members about the property at 22420 Woodward. He visited the property on October 1, 2018, and determined that very little had changed on the parcel. He walked the perimeter of the property and photographed the trash including the boat hull, the pile of old pallets and the old hot-tub. Mrs. Wethington asked if anything had been cleaned up. Mr. Mason did acknowledge that some of the trash/rubbish that was in the walk-out basement area appears to have been cleaned up, and there is evidence that some illegal burning has been taking place on the property. He has asked the Sheriff's office and the Michigan State Police to patrol in the evening hours in an effort to catch them in the act of burning illegally. Mr. Mason contacted our attorney, Mr. Brad Fowler, and requested that he file a motion of contempt against Mr. Warren. Then the Township can move ahead with the clean-up, with the costs being attached to the property taxes if Mr. Warren refuses to pay. The Township Board discussed having specifications written for the clean-up, and letting the project out to bid. Mrs. Davis asked about having more junk reappear after the specifications are written. Mr. Mason said that even if the clean-up were totally completed, no one knows when it might return to a similar state. Mr. Mason advised that he will not have any direct contact with the occupants

until he writes a letter advising them when the clean-up will occur, so that they have the opportunity to remove any items they believe are valuable from the yard/exterior of the house.

Mrs. Davis asked about whether the property on 14 Mile Road is staying clean, and Mrs. Wethington said that it wasn't. Mr. Mason advised that the Volkswagen car is a challenge because it doesn't belong to the Freibergs, but the owner still hasn't removed it from their property. Mr. Mason had requested that the combine be moved behind the outbuilding, but that did not happen either.

Mr. Mason told the Planning Commission members that Rieth-Riley delivered the Application to mine gravel on the 40 acres parcel they own @ 18220 Taft road earlier in the day. He shared the application, site plan drawings and other paperwork with the members, and said he would email the documents out to them tomorrow morning so that they would have ample time to review the paperwork before the next meeting.

Mr. Mason and Mr. Stanek also met with the Aldi Grocery store representatives today. He reviewed their proposed site plan and since they won't meet the setback requirements for the district, he directed them to apply for a dimensional variance with the ZBA before their site plan review is undertaken by the Planning Commission. They do wish to have only one site plan review done for both phases and appreciated that information.

Mr. Hamelund asked Mrs. Wethington if there was going to be another public comment period during the meeting, and Mrs. Wethington allowed him to make another comment. Mr. Hamelund said that he wanted the planning commission to consider that mining of gravel is a use by right in Mecosta County just across the Colfax township line (to the east of the proposed parcel). Mr. Mason advised that Mecosta County does have districts where gravel mining is a use by right, but he doesn't know what the zoning of this particular area is. Mr. Hamelund asked that if the Mining SUP is approved, the Planning Commission consider a committee made up of PC members, trustees from both townships, adjacent property owners and Rieth-Riley, to talk as things go on, to keep the lines of communications open so that the people can know what is happening. He knows that some of his neighbors will be coming to the next meeting to find out about the mining proposal. He believes that it would be easier for those neighbors if a decision weren't made at the next meeting. He asked whether it would make any difference to Rieth-Riley if a decision were made in December as opposed to November. He stated that those were just his thoughts, and thanked the Commission for listening. Mrs. Wethington thanked him for his comments.

X. ADJOURNMENT:

Hearing no further business for the Planning Commission, Mrs. Wethington entertained a motion to adjourn. Mr. Sweppenheiser made the motion, seconded by Mr. Cook and the commission voted unanimously to adjourn the meeting at 8:05 p.m.

Motion to approve the Planning Commission minutes of October 9, 2018 by: Mr. _____
Seconded by: Mr. _____. Roll call vote carried with _____ eyes.

Brent R. Mason, Recording Secretary
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Date Approved