

MINUTES BIG RAPIDS CHARTER TOWNSHIP PLANNING COMMISSION

Tuesday, June 14, 2016 --- 7:30 p.m.

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

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

Chairman Philip Keating called the regular meeting of the Big Rapids Charter Township Planning Commission to order at the township hall on Tuesday, June 14, 2016 at 7:30 p.m.

II. ROLL CALL:

Present: Carman Bean, Philip Keating, Jim Shane, Mark Sweppenheiser, Michael Hults, Gordon Oliver and David Hamelund. The record shows a quorum is present. Also Present: Zoning Administrator William Stanek and Brent Mason, Recording Secretary.

III. CONFLICTS OF INTEREST:

Mr. Keating 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 there were any conflicts of interest.

IV. APPROVAL OF MINUTES:

The minutes of the May 10, 2016 regular meeting were reviewed. Mr. Hults made the motion to approve the minutes, seconded by Mr. Bean. The motion carried unanimously with 7 yeas.

V. PUBLIC COMMENT:

None

VI. PUBLIC HEARING for SUP16-002:

At 7:33 p.m. Mr. Keating called the Public Hearing for SUP16-002 to Order. Robin and Eric Goodwell are requesting a special use permit for 7.3 acres of property on the east side of 220th Avenue across the street from their business to operate a storage facility. Mrs. Goodwell presented a 2.63 acre plan to the Commission, but stated they are not completely sure where the buildings would be sited on the 7.3 acre parcel, because the engineers wanted the use to be approved first. Mr. Shane requested information about where the project would be located on the property, and Mrs. Goodwell stated that it hasn't been finalized yet because there is water on the property that needs to be worked around. Mr. Shane advised that the SUP would be granted for a specific piece of property and that the SUP runs with the property. There was a clarification on the parcel dimensions 464' x 688' the southernmost 7.3 acres. Mr. Bean asked for more info about the location and was advised that this property is just north of Trigger Time Outfitters, across the street from Goodwell Auto Service. Mr. Hults expressed concern about moving forward with the request when a thorough site plan hasn't been provided. Mr. Hults stated that he is not opposed to the request. He continued by stating that the plan might not be acceptable to the commission. He went on to explain the importance of the site plan in identifying all the requirements for the project in order for the Commission to

act upon it. Further discussion with the Goodwells continued about the site plan and its importance in the decision making process. Mr. Shane reiterated that one of the issues that need to be resolved is a property description in order for the SUP to be approved. Mr. Shane continued about a previous request for a similar use on this same parcel, and how as time has gone on, the intent of the highway interchange district has been slowly eroded. Discussion revolved around providing utility service to the west side of the expressway in order to attract commercial enterprises that would cater to the traveling public. Mark Wentland, the realtor representing the sellers and the Goodwells, requested to know if the Goodwells should come back to the Planning Commission with a site plan at another time or if it would just be a waste of their time. Mr. Shane advised he did not speak for the whole commission, but he is not in favor of this use based on the long term outlook for the district. Mr. Hults stated that he did not see any reason that it wouldn't be approved. Mr. Keating opened up the floor to public comment on the request. Don Walcheski stated that he is indifferent to the project, but would welcome sewer and water on the west side of the expressway.

Mr. Stanek read a letter from Brandon Jurries from Trigger Time Outfitters:

Planning Commission Members:

I am writing you today to express our concern with the Planning Commission's review of Special Use Permit SUP16-002, a request to change the zoning within our highway Interchange District. After some consideration, unfortunately we must strongly object with the issuance of SUP16-002. This zoning variance would allow the building of a storage facility on properties within our Highway Interchange District.

As a current retail manager and the legal representative of the owners/tax payers, we relied upon the current zoning of this property; commercial retail, in our decision to build and operate within the Highway Interchange District. While we would welcome any new **retail** construction, as it might enhance, or at the least help maintain, the value of our investment. Should a variance of the proposed type, be allowed. We feel it would substantially decrease our current value and future diminish expansion of the retail district. An action that would most certainly result in a request by us for a tax base reduction.

In summation, we would like to note that a similar request was denied less than 3 years ago. We strongly suggest that his request be denied as well. If you would like to discuss this further with us or our legal representation please contact us at the above.

Thank you,
Signed Brandon Jurries
Operation Manager, Trigger Time Outfitters

Mr. Keating asked if there were other comments from the public. Mr. Stanek said that Trigger Time called to say they were sending the letter, and that was the only other comment. Mr. Keating asked if the Planning Commissioners had any other comments. Mr. Hamelund asked a question. He wanted to know how PT Plus and the Pain Center on the corner of 220th and 15 Mile Road fit in the Highway Interchange District. Mr. Shane stated that the PT Plus building was there first, before the Highway Interchange District. It originated as a teen dance club. No one recalls how the pain center got to be approved for that location. Mr. Hamelund asked if this would be the first time the Planning Commission approved a special use permit in the Highway Interchange District. Mr. Shane said the church was the first approved SUP. Mr. Mason advised the Pain

Clinic did have an approved SUP. Mr. Walcheski stated that he had to get an SUP for his business at that time because of the wording in the ordinance. He believed that Trigger Time should have had to get an SUP also. Mr. Goodwell mentioned that the storage units would be sized for motorcycle, small RV and boat storage. Mr. Hults and Mr. Shane shared some perspective with the Goodwells on preparation for the next meeting, specifying how the property is being used. Mr. Keating said that the Planning Commission is willing to entertain their request. The Goodwells advised that they would like more time to prepare a full site plan and that they will return for review later. Mr. Keating closed the Public hearing at 8:09 p.m.

VII. Site Plan Review: The Hills Site Condominiums

Terry Weaver presented a concept for Rolling Hills Lane that would reduce the number of units from 44 townhouse units to 15 single family and duplex site condos. Public utilities are currently provided by the City of Big Rapids for water and Big Rapids Township sewer. Electrical service would still have to be provided. Mr. Weaver told the Commission that the requested setbacks would be less than are provided for in the zoning ordinance, but are consistent with the rest of The Hills of Mitchell Creek Subdivision, at 30 feet front and 25' rear. Mr. Weaver told the Commission that the roadway was constructed to county standards but that it still needs to be deeded over to the county. Mr. Shane asked questions about the master deed and covenants. Mr. Weaver said that they have to be on file with the State and the Register of Deeds. Mr. Weaver was asked how many of each type of unit he anticipated, and he stated that he did not know, but was hoping for about a 50/50 split, however the market will drive that. Mr. Hults asked what the common element area would be used for. Mr. Weaver said that those areas house the Township sewer easement and lift station on the north side and the City's water booster pump on the south side with a storm water retention pond also in that area. The minimum required square footage for each dwelling unit will be 1,000 sq. ft. on the main level. The Purchasers of the site will be able to build their own structure. Mr. Keating asked if the duplexes were going to be owner occupied. Mr. Weaver did not believe that would be the case. Mr. Keating read from the A-Residential District language in the ordinance, specifically about the permitted accessory use of the keeping of not more than one tenant in each dwelling unit. There was discussion about the intent of the ordinance language, and Sue Glatz spoke to the need she has heard for duplexes for older women in particular that wish to be in a duplex with somebody next door, and be able to have all living areas all on one level. Mr. Keating wanted to make sure that the language was presented and that the commission is on the same page with their interpretation. Mr. Bean made a motion to approve the site plan as submitted. Mr. Hults seconded the motion. Mr. Keating asked for any other questions or comments. Mr. Hamelund asked "Is it a family or is it a person? Or doesn't it make any difference?" Mr. Sweppenheiser stated that he is not the Zoning Administrator, but he stated that he would read the language that it has to allow families. Mr. Mason agreed. He believes the intention when the language was written had to allow families to occupy rental dwellings, and the possibility of one additional unrelated person per dwelling. Mr. Hults asked about the reduced front set back. Mr. Weaver said that the reason was because the lots are relatively narrow (130 -140 ft. deep) and also to allow for lower cost for the utility connections due to the decreased distance the sewer and water lines have to travel. Mr. Bean requested to make his motion contingent on modifying the drawings to show the 30' front setback, Mr. Hults seconded the contingency. Mr. Keating asked about the

difference between a site condominium and a condominium. Mr. Weaver explained that the property is part of the site condominium and it is not with a regular condominium, but that there could be an owners association with both. Mr. Keating called for the motion, and it was approved unanimously with 7 yeas.

Mr. Keating raised the issue of permitted accessory uses in the A-Residential District, specifically the keeping of not more than one person as a tenant in each dwelling unit because the language was not clear and his interpretation was different than the way others are interpreting it tonight. Mr. Keating stated that if he is having trouble understanding the intent of the language, then we need to take steps to make sure it is clear. He would like an attorney's opinion. Mr. Mason stated that the next step in the process would be the Zoning Board of Appeals for a clarification of the language. Mr. Bean suggested that we should review the ordinances regularly to help make sure the language is clear and understandable.

Mr. Stanek brought up a request for a multi-family residential use in the Highway Interchange District and is concerned that a use of that type would be contrary to the intent of the district, but residential uses are listed under uses by special permit.

VIII. OTHER BUSINESS:

Mr. Stanek discussed the new Township Ordinance Book, and the Trustees requested that the Planning Commission review the Zoning Section of the new ordinance. The discussion came to the conclusion that since a committee has already reviewed the changes, that the Board of Trustees should accept the recommendation of the committee. Mr. Shane asked how the known errors will get fixed. Mr. Stanek stated that there will continue to be errors found and changes that will need to be made. Mr. Shane made a motion to accept the committee's recommendation. It was seconded by Mr. Bean. Mr. Keating asked for any further comment. No one had any further comment. The motion passed unanimously with 7 yeas.

Mr. Stanek advised the Planning Commission that Mr. Mason is now the Zoning Administrator.

IX. ADJOURNMENT:

Mr. Keating entertained a motion to adjourn at 8:54 p.m. The motion was made by Mr. Bean and seconded by Mr. Oliver. Motion carried with 7 yeas.

Motion to approve the Planning Commission minutes of June 14, 2016 by: Mr. Hults, Seconded by: Mr. Oliver. Roll call vote carried with 5 yeas:

Philip Keating, Chairman
BIG RAPIDS CHARTER TOWNSHIP
PLANNING COMMISSION

Date Approved