

**CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
May 17, 2017**

Vice-Chairperson Cochran called the May 17, 2017, regular meeting of the Planning Commission to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Sue Bean, Renato Cerdena, Jennifer Cochran, Paul Jackson, Tim Vogel, Bill Yontz

EXCUSED John Schmidt

ABSENT

ALSO PRESENT Mark Sweppenheiser, Neighborhood Services Director
Cindy Plautz, Neighborhood Services Coordinator

There were 5 people in the audience.

APPROVAL OF MINUTES

Motion was made by Tim Vogel, seconded by Paul Jackson, to approve the minutes of the April 19, 2017, meeting of the Planning Commission as presented.

Motion passed unanimously with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

None heard.

PUBLIC HEARINGS

Zone Change Request from C-2 to R-P for 202 S Warren, 216 S Warren, 218 S Warren, 220 S Warren, 226 S Warren and 228 S Warren.

After Vice-Chairperson Cochran explained the Public Hearing procedure, Sweppenheiser introduced the request by saying that Jack Frizzell, the applicant and owner of 218 S Warren, would like to create a ground level residential dwelling in the west portion of the building. The east portion would remain professional office space. Currently, the C-2 zone does not allow new residential use on the main or basement levels.

The parcels to be considered include a parking lot, an office building and residential buildings. The applicant requested a variance from Section 3.10:2(5) before the Zoning Board of Appeals in January and was denied.

The Planning Commission is to consider the following in making a decision on the request:

1. The use requested shall be consistent with and promote the intent and purpose of the 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.
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.

Staff recommends approval of the zoning request to the City Commission.

Vice-Chairperson Cochran opened the Public Hearing at 6:36 P.M.

Applicant Statement

Jack Frizzell, 128 S Warren, stated that as a realtor, he is aware of the housing needs in the area and there is a lack of decent housing for professional people. He believes that there is adequate office space available. The building is already split in half with separate utilities in each. He wishes to create an apartment in the back and keep the office space in the front. This use is consistent with the R/P zone.

Those Who Spoke in Favor:

Tom Sage, 220 S Warren, stated that he supports the request to change the zoning to R/P as his office building may be able to be used as residential in the future if the zoning is changed.

Those Who Spoke in Opposition:

Sue Glatz, 17810 205th Avenue, Big Rapids, MI, stated that she is here on behalf of the owner, Nitkin Kohli, who lives in Canada. Kohli owns 228 S Warren and it is a 3-unit rental with one unit on the main floor, one in the basement and one to the rear on the main floor. She is wondering if the change will influence the use of this property - would this use still be allowed and would the owner be able to switch the use back and forth if he ever went to commercial use. Sweppenheiser said one unit could be commercial but if there would be 50% damage to the property, the office would have to go back to single family use.

Sue said that in that case, she would be against the re-zoning and would like the property to retain its current use. Sweppenheiser said that the owner could ask for a Class A Use that would allow for non-conforming use. Vogel said that even under the C-2, if 51% of the property were to be damaged, the same rule would apply. The Class A designation would allow for the non-conforming use. The C-2 zone doesn't regulate single family use.

Written or Telephonic Correspondence:

Rex Schuberg stated that he was in favor of the zone change.

Applicant Rebuttal:

Frizzell stated that the change might enhance the property rather than be detrimental.

Sweppenheiser said that if the property would remain non-conforming C-2, the use of student rental could be continued. A change to R/P would allow commercial use. The properties to the east and south are currently zoned R/P, while the properties to the north and west are zoned C-2.

Vice-Chairperson Cochran closed the Public Hearing at 6:48 and the Planning Commission entered into Fact Finding.

Cochran asked what the down-side would be to making the change to which Sweppenheiser said that in the C-2 zone, residents can use municipal parking. Residential property owners would have to provide onsite parking but there would be a grandfather component - if allowed to use municipal parking now, that use could continue. But, Frizzell would have to meet parking requirements if he makes changes to the property.

Bean wondered if there have been others that have asked for zoning changes. Yes, the property owners to the east of the ISD asked for a re-zoning and it wasn't granted.

This could be a focus area of the Master Plan in the future but only if there is interest in making a zoning change. It would increase the option for non-student residences. The area could still be used for parking for the theater if changed to R/P.

Vogel asked if property in the C-2 is more valuable than in the R/P. He assumes that the parcels could lose value. Also, C-2 is identified in the Master Plan for this area and the Hyatt Palma study did not recommend a change to any other zoning.

Cochran asked what would happen if the zoning is not changed to which Frizzell replied that the property would remain as office space. He believes that the City could use more professional rental properties as compared with office space which is adequate.

Motion

Motion was made by Tim Vogel, seconded by Bill Yontz to recommend to the City Commission that the following properties be rezoned from C-2 to R/P: 202 S Warren, 216 S Warren, 218 S Warren, 220 S Warren, 226 S Warren and 228 S Warren.

Motion was tied with Sue Bean, Jennifer Cochran, and Bill Yontz in favor, and Renato Cerdena, Paul Jackson and Tim Vogel in opposition.

Site Plan Review for a 37 Space Public Parking Lot at 201 N Bronson Avenue (City Owned Property).

Sweppenheiser reviewed his staff report saying that the City is the applicant for this municipal lot. It will serve Big Rapids Products. Big Rapids Products previously purchased residential property to the south of their building for future parking use. By paving this municipal lot for their use, it will protect the residential area to the south. The storm water and landscaping plans are adequate.

Vice-Chairperson Cochran opened the Public Hearing at 7:10 P.M.

Applicant Statement:

The City of Big Rapids is the applicant. Todd Richter, Fleis and VandenBrink engineer, added that the parking lot will consist of 37 spaces now in order to provide an ADA compliant space.

Those Who Spoke in Favor:

None heard.

Those Who Spoke in Opposition:

None heard.

Written or Telephonic Correspondence Received by Staff:

None

Vice-Chairperson Cochran closed the Public Hearing at 7:13 P.M and the Commission entered into Fact Finding.

Vogel asked about the Landscaping Plan and Richter stated that there are 3 trees to the west, 2 in back and 2 in front. They will be drought resistant maples, pears and ginkgos. The Zoning Ordinance calls for screening but since this is in an industrial area, grasses and perennials are

planned to beautify the entrance. Four lights are planned and we will use extra light fixtures that the City already owns. The lights will be LED.

Vogel was concerned about the curb cut that the City put in years ago, and how it will withstand trucks going in and out of the parking lot. He was concerned for the lack of irrigation for the trees and plantings. Sweppenheiser said that the City can water the trees and plantings. Per the agreement, the City plans on maintaining the lot.

Motion

Motion was made by Bill Yontz, seconded by Tim Vogel to approve the Site Plan for a 37-space parking lot at 201 N Bronson with the following conditions:

- 1. The City will maintain the parking lot.**
- 2. Adequate lighting will be supplied.**

Motion passed with Sue Bean, Renato Cerdena, Jennifer Cochran, Tim Vogel, and Bill Yontz in favor.

Paul Jackson was in opposition.

Public Hearing for Zoning Text Change – Parking Regulations 5.2:1

Sweppenheiser explained that the Planning Commission has talked about this issue several times before. It was prompted by a proposed project at the Hanchett site and the Housing Commission. Currently, Section 5.2:1 of the Zoning Ordinance requires the following off-street parking regulations:

1. Single Family: Two (2) spaces
2. Single Dwelling Unit: One (1) per unit + one (1) per bedroom
3. Duplex: One (1) space per unit + one (1) space per bedroom
4. Multiple Family: Two (2) spaces per unit + one (1) space per bedroom

It is staff's recommendation to require one (1) parking space per bedroom in all Single Dwelling Units, Duplexes, and Multiple Family dwellings.

Vice-Chairperson opened the Public Hearing for Zoning Text Change – Parking Regulations 5.2:1 at 7:38 P.M.

Applicant Statement

The City is the applicant. No further explanation was needed.

Those Who Spoke in Favor:

None heard.

Those Who Spoke in Opposition:

None heard.

Written or Telephonic Correspondence Received by Staff:

None

Vice-Chairperson Cochran closed the Public Hearing at 7:39 P.M. and the Commission entered into Fact Finding.

The Commission agreed that two spaces for a family works well.

Motion

Motion was made by Sue Bean, seconded by Bill Yontz, to recommend to the City Commission, a Zoning Text change to Section 5.2:1 of the City of Big Rapids Zoning Ordinance – Table of Parking Space Requirements, to require one (1) parking space per bedroom in all Single Dwelling Units, Duplexes, and Multiple Family Dwellings.

Motion passed with Sue Bean, Renato Cerdena, Jennifer Cochran, Paul Jackson, Tim Vogel, and Bill Yontz in favor.

GENERAL BUSINESS

Mitchell Creek Park Improvements

Engineer Todd Richter of Fleis and Vandenbrink explained the Mitchell Creek Park Improvement Project saying that the project is made possible with a DNR Passport Grant. The improvements will include a paved parking lot, 8-foot-wide trail, drainage to the river via a bio-swale and rain garden, and LED lighting. By using the filtering system for storm water run-off from the parking lot to Mitchell Creek, the City will not be adding any extra water to the storm sewers.

As the Chamber of Commerce building will be taken down, there will be some sort of restoration to the slope of the hill. The steps will remain as well as the bike shelter.

Some tree removal is planned and the project is in accordance to the Master Plan and has been approved by the Park and Recreation Board. Two handicap parking spaces are planned.

Chickens

Committee members Bill Yontz, Tim Vogel and Mark Sweppenheiser met with City Attorney Eric Williams to discuss the Ordinance language to allow the keeping of chickens within City

limits. Sweppenheiser advised putting the language in the Code of Ordinance instead of the Zoning Ordinance so it isn't subject to variances.

Highlights of the Chicken Committee discussion included the following:

- Slaughter of chickens is prohibited
- Allowance of 3 or 4 chickens
- Permitted in rear yard only
- 2-year temporary permit
- \$25 permit fee, good for 2 years
- Must be kept 10 ft. from lot line, including any byproducts or manure
- Code of Ordinances vs. Zoning Ordinance
- Single residential unit/property only
- Owner of chickens must reside on property
- 40ft. (Lansing Ann Arbor) or 25 feet (TC) for neighboring residential structures
- Fully contained enclosure, no free range
- No Roosters.

It is the Committee's intent to hear additional feedback and have Eric Williams draft legislation for a public hearing in June.

The Planning Commission wants to make sure that no roosters are allowed and will have to make a determination as to the keeping of chickens either 25 or 40 feet from neighboring structures.

Yontz suggested that perhaps the City could develop a compost pile at which residents could dispose of the manure. Vogel noticed that chickens must be kept happy in order for them to lay eggs. He suggested talking to the County Extension to see if they could add anything useful.

He also suggested the number of chickens be kept consistent to other animals allowed in the City. Either three dogs or three cats, or a combination thereof totaling three per property are currently allowed. The number of chickens allowed would be kept at three regardless of the dog and cat limit. Mecosta County has an ordinance for chickens.

Vice-Chairperson Cochran thanked Sue Bean for her service as this is her last meeting.

There being no further business, the meeting was adjourned at 7:55 p.m. with all in favor.

Respectfully submitted,

Cynthia J. Plautz
Planning Commission Secretary