

# **MINUTES**

## **BIG RAPIDS CHARTER TOWNSHIP**

### **PLANNING COMMISSION**

**Tuesday, September 11, 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, September 11, 2018 at 7:30 p.m. The Pledge of Allegiance was recited.

**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. OATH OF OFFICE:**

Mrs. Wethington turned the floor over to Township Supervisor Bill Stanek, who administered the oath of office to new Planning Commission member, Bob Hampson.

**IV. 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.

**V. MINUTES:**

Mrs. Wethington asked the Commission to review the minutes of the August 14, 2018 regular meeting. Mr. Bean made a motion to approve the August 14, 2018 minutes as submitted. Mr. Oliver seconded the motion. There was no further discussion. The motion passed unanimously with seven ayes.

**VI. PUBLIC COMMENT:**

There was no public comment.

**VII. SITE PLAN REVIEWS:**

Mr. Mason presented site plan P180135 revised on 7/31/2018 for review. It includes all the changes requested by the BRTFD and Progressive AE. An additional storm water retention/detention pond is shown on the SW corner of the property. The Public sewer connection for the project will be into an extension of the present sewer line that will run across the front of the property. The water line will come in from the west and there will be a branch for a fire hydrant in the front of the building. They have provided for a fire department turn-around area. Light poles are provided with a 20-foot maximum height. Adequate parking is provided. Discussion about approving the plan for both phases resulted in a consensus to approve only Phase 1 at this time. A motion to approve the Big Rapids Assisted Living Site Plan P180135 Phase 1 was made by Mr. Bean, seconded by Mr. Sweppenheiser. Motion was approved unanimously with seven ayes.

Mr. Mason gave background information about the Mini-storage project being proposed for property on 220<sup>th</sup> avenue north of Trigger Time Outfitters. Robin and Eric Goodwell have received approval of SUP16-002 for this use, and are under contract with Ludington Storage LLC to sell the property. Ludington LLC is presenting a site plan for their mini-storage project on that property. Mr. Joe Hayes gave a brief presentation about their Company and the project, hoping to answer any questions the Planning Commission might have. The buildings will be all steel and very modern. The project will be done in six phases. Driveways will be hard surface. Fencing will be provided during phase 2. The Drain Commissioners review of the storm water for this site has not been completed, but is in process and includes a controlled release of the storm water into Winter's Creek at a rate that is no greater than what is occurring on the property right now. Mr. Bean stated that the Planning Commission needs to take into consideration that the Drain Commissioner's review is not complete. Mr. Bean made a motion to approve the Ludington Storage LLC site plan for SUP16-002 contingent on a favorable report from the Drain Commission. Mrs. Davis seconded the motion. The motion passed unanimously with seven ayes.

### **VIII. ZOA 18-002:**

Mr. Mason advised the Commission about the proposed changes regarding the typographical errors that were missed in the proof-reading of the most recent version of the Zoning Ordinance. He was able to find 12 other occurrences of the word "zoning board" that also needed to be replaced with "planning commission." Mr. Mason apologized to the Planning Commission Members that he was not able to get the Public Hearing Scheduled in a timely manner and that he did not get a full copy of the proposed language changes out to the members. Mr. Mason presented the entire ordinance and the proposed changes. The remaining changes are outlined in the minutes of the last meeting. Mr. Mason also will continue to look for any other unintentional errors in the ordinance and attempt to make suggestions for corrections prior to the public hearing. A final copy of proposed language will be sent out before the next meeting so that the members can review those changes and be prepared to take action on them after the Public Hearing, which will be scheduled for next month's meeting.

Mrs. Wethington requested that a time for the Public Hearing be set. Mr. Mason suggested that it be set for as close to the beginning of the meeting as practical. Mr. Bean made a motion to set the Public Hearing for ZOA18-002 Text changes to the Zoning Ordinance for the regular October Meeting of the Planning Commission. Mr. Hampson supported the motion. The motion was approved unanimously with 7 ayes.

### **IX. OTHER BUSINESS:**

Mr. Stanek asked to address the Planning Commission. He wanted to share information that the Aldi Grocery store on Perry Avenue is looking to expand in the near future. This will include additional store area, possibly starting next spring and providing for additional parking, which would occur a few years down the line. They wish to have one site plan review done for both phases. Mr. Stanek wanted the Commission to be aware that this submittal could be coming in the next few months. The members discussed that the site seems to be pretty tight right now, but no one is sure where the property line is to the west. Mr. Stanek did mention that they want to add 16 feet to the building on the west side, which would get pretty close to the existing retention pond. These changes most likely will require a larger retention pond and they would like the engineering for these

additions to be done at the same time. Mr. Sweppenheiser asked if the additional parking would be necessary to meet the parking requirements for the building addition. Mr. Mason mentioned that they will have to meet minimum parking requirements for the building based on square footage and use. If the addition is to the storeroom, the parking requirement increase will be minimal, but retail floor space will require more parking spaces.

Mr. Bean asked about the tower language changes and the definition of an "aggrieved party." Mr. Mason was not able to find a definition for an aggrieved party. Mr. Bean believes that the determination for who is aggrieved should be done by the Board of Trustees. The rest of the process would continue as it currently laid out. Mrs. Davis suggested that the language presented by Mr. Bean, "under statutes granting a right of appeal to the party aggrieved by inordinate judgement, a party aggrieved is one who's pecuniary interest is directly affected by the adjudication, one who's right of property may be established or divested thereby, or one against whom error has been committed" should be the basis for the determination. Mrs. Davis and Mr. Bean continued the discussion reiterating that the determination process for an aggrieved party should be with the Board of Trustees. This process will still need to be worked out as to whether it should be part of the Zoning Ordinance or a policy and procedure. Mr. Mason wondered what this extra step might do to the time frame for the appeals process. Mr. Bean stated that the Board of Trustees' next meeting is usually three weeks after the Planning Commission meets. Mr. Bean stated that the timeframe for an appeal is not defined in our ordinance now. Mrs. Wethington asked if the Planning Commission needed to take any action on this item. Mr. Bean requested that this item be presented at the next meeting for action so that it can be presented to the board for final approval.

Mr. Mason updated the members about the property at 22420 Woodward. Mr. Mason gave an overview of the enforcement actions that have been taken to this point. Today Mr. Mason and Attorney Brad Fowler were present in 77<sup>th</sup> District Court at 11:00 am for the formal hearing of Big Rapids Township v. Nicholas Dakota Warren. Mr. Warren arrived at 11:15. Prior to the hearing, Mr. Fowler and Mr. Warren came to an agreement that would require Mr. Warren to clean-up the property by the end of September. The clean-up has to be satisfactory to the Township, or Mr. Warren will be responsible for additional costs and could face contempt of court charges. Mr. Warren waived his right to a hearing, and pleaded responsible to the charges. The Court ordered the property be cleaned up to the satisfaction of the township, Mr. Warren was fined \$300.00 and could face an additional \$500.00 for costs and if the clean-up is not completed by September 30, the township will have the right to clean up the property and place the costs onto the property taxes if the owners/occupants will not pay. The Court could choose to take further action against Mr. Warren and the Court is not pleased that this is the second court order for Mr. Warren to clean up the property. On October 1, Mr. Mason will talk to Bill Schriver and will go to the property and make sure it is cleaned up to the satisfaction of all parties. If it is not cleaned up to our satisfaction, Mr. Mason will contact our attorney, Mr. Fowler, and he will file a motion of contempt, and it can be cleaned up by the township with the costs being attached to the property taxes based on the fact that the clean-up has been ordered by the court.

**X. ADJOURNMENT:**

Hearing no further business for the Planning Commission, Mrs. Wethington adjourned the meeting at 8:33 p.m.

Motion to approve the Planning Commission minutes of September 11, 2018 by: Mr. Bean. Seconded by: Mrs. Davis. Roll call vote carried with seven ayes.

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Brent R. Mason, Recording Secretary  
BIG RAPIDS CHARTER TOWNSHIP  
PLANNING COMMISSION

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October 9, 2018  
Date Approved