

**MINUTES
BIG RAPIDS CHARTER TOWNSHIP
PLANNING COMMISSION**

Tuesday, April 9, 2024 --- 7:00 p.m.

Big Rapids Township Hall, 14230 Northland Drive, Big Rapids, MI 49307

I. CALL TO ORDER: 7:00 P.M.

Chairperson Amanda Wethington called the regular meeting of the Big Rapids Charter Township Planning Commission to order at the township hall on Tuesday, April 9, 2024 at 7:00 p.m.

II. ROLL CALL:

Present: Zach Cook, Jerry Everett, Gordon Oliver, Jeff Oosterhouse, Mark Sweppenheiser and Amanda Wethington. Mary Davis was absent. The record shows there is a quorum. Also present: Timothy Kleinheksel, Zoning Administrator and Recording Secretary.

III. CONFLICTS OF INTEREST:

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

IV. MINUTES:

Mrs. Wethington asked the Commission members to review the minutes of the March 12, 2024 meeting. Mr. Cook made a motion to approve the March 12, 2024 minutes as submitted. Mr. Oliver supported the motion. There was no further discussion. The motion passed unanimously with six ayes.

V. PUBLIC HEARING SUP24-001 RIETH-RILEY:

Mrs. Wethington opened the public hearing at 7:01 p.m. Mr. Gary Schenk, attorney for Rieth-Riley, introduced the mining project stating the 20-acre parcel is directly North of the existing Taft pit. Highlights of the project: excavation planned for 12 acres of the parcel, no additional truck traffic, entrance will be off the existing paved road on the Southeast corner of the parcel, the entrance off 16 Mile Road will be gated and will not be used for truck traffic. Mr. Chad Waldo, manager for Rieth-Riley and Dean Geers, Associate Director for Atwell Engineering presented further details of the project from the site plan drawings. Two options of the site plan were displayed and detailed – Plan A having barrier berms on three sides of the property while Plan B has berms on the East and West sides with natural barrier of forest and vegetation on the North boarder of the property. Other features and details of the project were highlighted during the presentation.

Mr. Jerry Boman, homeowner adjacent to the North property line of the site, stated he would be in favor of Plan B as it provides a natural buffer to his property. Mr. David Hamelund, homeowner adjacent to the West property line of the existing Taft Pit, stated if a gravel pit is operating next to his property, he would want it to be operated by Chad Waldo and Rieth-Riley. He added that if the addition of the new pit will move material out faster, he is all for it. Mr. Hamelund suggested that the Township consider increasing the special use permit notification of property owners from 300' to possibly $\frac{1}{4}$ to $\frac{1}{2}$ mile. He also suggested that when a mining permit is renewed every 2 years it would be nice if the Township could notify adjacent property owners. Mr. Leland Carlson, homeowner on 16 Mile Road, stated that the distance from his front door to the proposed excavation would be approximately 250'. Mr. Waldo replied that the majority of the excavation will take place toward the South end of the property. Mr. Carlson stated that his wife works second shift and their quality of life would be affected. He also stated his concern of decreased property values. Mr. Schenk presented a property value study showing that because people will anticipate the development that follows a mining operation, the effect is actually an increase in property values. Mr. Carlson presented photos to the Commission members of his house and land views stating again the proximity to the excavation. Mr. Schenk pointed out that the plans meet the Township's setback requirements and Rieth-Riley will be doing everything necessary to minimize noise. Mr. Carlson inquired about well water being affected. Mr. Hamelund stated that the water quality at his house is fine and has not had any problems.

Mr. Mike Oezer, Senior Civil Engineer with Progressive Engineering, stated that he completed an on-site inspection of the proposed mining parcel on March 21, 2024 along with Rieth-Riley representative Chad Waldo to gain understanding of the application. His report included several recommendations to Rieth-Riley that were satisfactorily answered. He also pointed out that the performance bond in the report was stated incorrectly and should be \$40,000. Mr. Oezer suggested that Rieth-Riley consider a back-up alarm on excavating equipment that is quieter and not so piercing. Mr. Waldo said that there is an alarm on the market that is more of a buzz and not a beep and could be a consideration. Mr. Oezer asked if the berm height could be higher than stated on the drawings. Mr. Waldo stated that the berms in the existing pit are higher than the stated seven foot. Mr. Oosterhouse inquired as to when the berms would be installed, to which Mr. Waldo indicated they would begin as soon as the permit was issued. Hearing no other questions, Mrs. Wethington closed the public hearing at 7:32 p.m.

VI. ACTION ON SUP24-001 RIETH-RILEY:

The Planning Commission members discussed the application including the review of the following standards from the Township ordinances: (1) The nature, location and size of the special use shall not change the essential character of the surroundings area, nor disrupt the orderly and proper development of the district as a whole. The use shall not be in conflict with, or discourage the adjacent or neighboring use of lands or buildings. (2) The special use shall not

diminish the value of the land, buildings or structures in the neighborhood. (3) The special use shall not increase traffic hazards or cause congestion on the public highways or streets of the area. Adequate access to the parcel shall be furnished. (4) The water supply and sewage disposal system shall be adequate for the proposed special use by conforming to State and County Health Department requirements, and the special use shall not over-burden any existing services or facilities. (5) Uses by special permit shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare, lights or disposal of waste than the operation of any principal permitted use, nor shall the special use increase hazards from fire or other dangers to either the property or adjacent property. (6) The Planning Commission may require that the premises be permanently screened from adjoining or contiguous properties by a wall, fence, plant screen and/or other approved enclosure when deemed necessary to buffer the surrounding uses from objectionable noise, light and the like created by the special use. (7) The special use shall be consistent with the intent and purpose of this chapter and with the intent of the land use plan for the township. The special use shall be compatible with the natural environment and shall not inimical to the public health, safety and general welfare.

Hearing no objections to the standards, Mrs. Wethington asked the Planning Commission members for a motion. Mr. Oosterhouse made a motion to approve SUP24-001 Rieth-Riley Construction application for special use with the following stipulations: (1) Variance for setback on North property line be approved by the Zoning Board of Appeals, (2) the berm height be in the 12–14-foot range and (3) that the existing topsoil remain on the site and be used for reclamation at the end of the project. Mr. Oliver supported the motion. The motion unanimously with six ayes via roll call vote.

VII. PUBLIC HEARING SUP24-002 STEVENS:

Mrs. Wethington opened the public hearing at 7:48 p.m. This is an application for a Special Use permit to sell refurbished furniture and antiques from the existing property at 21590 Woodward Avenue in Big Rapids Township. The property, parcel number 5405 016 010 002, is a 3-acre parcel located in the Agricultural (AG) Zoning District. Mrs. Deborah Stevens introduced her request for special use by stating she has regular garage sales and would like to expand the sales to include selling refurbished furniture and antique items utilizing the existing garage building. They have a u-shaped drive and parallel parking for 5 vehicles. Mr. Oosterhouse asked if there would be any signage. Mrs. Stevens indicated there would be no permanent signage. Mr. Cook asked what hours they would be open. Mrs. Stevens indicated two to three times per week. Mr. Sweppenheiser asked if a building inspection had been done. Mr. Kleinheksel stated no. Mr. Everett asked about location of any fire extinguishers. Mrs. Stevens said there is a fire extinguisher. Mrs. Wethington closed the public hearing at 7:50 p.m.

VIII. ACTION ON SUP24-002 STEVENS:

After discussion, the Planning Commission members reviewed the following standards from the Township ordinances: (1) The nature, location and size of the special use shall not change the essential character of the surrounding area, nor disrupt the orderly and proper development of the district as a whole. The use shall not be in conflict with, or discourage the adjacent or neighboring use of lands or buildings. (2) The special use shall not diminish the value of the land, buildings or structures in the neighborhood. (3) The special use shall not increase traffic hazards or cause congestion on the public highways or streets of the area. Adequate access to the parcel shall be furnished. (4) The water supply and sewage disposal system shall be adequate for the proposed special use by conforming to State and County Health Department requirements, and the special use shall not over-burden any existing services or facilities. (5) Uses by special permit shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare, lights or disposal of waste than the operation of any principal permitted use, nor shall the special use increase hazards from fire or other dangers to either the property or adjacent property. (6) The Planning Commission may require that the premises be permanently screened from adjoining or contiguous properties by a wall, fence, plant screen and/or other approved enclosure when deemed necessary to buffer the surrounding uses from objectionable noise, light and the like created by the special use. (7) The special use shall be consistent with the intent and purpose of this chapter and with the intent of the land use plan for the township. The special use shall be compatible with the natural environment and shall not inimical to the public health, safety and general welfare.

Hearing no objections to the standards, Mrs. Wethington asked the Planning Commission members for a motion. Mr. Oliver made a motion to approve SUP24-002 with stipulation that a building inspection would be completed. Mr. Everett supported the motion. The motion passed five to one via roll call vote with Mr. Sweppenheiser voting no.

IX. SITE PLAN REVIEW – PZ24-0004 BV MANAGEMENT:

Mr. Brad Vanatter, owner of Crusted Creations at 13452 Northland Drive, introduced the site plan to add a drive-up window to the South end of the existing building. The window frame already exists, it will need to have the siding removed to expose it. Mrs. Wethington inquired about excavating. Mr. Vanatter stated the grass would be removed from a 23' x 60' area and replaced with pavement. Mr. Sweppenheiser pointed out that no stormwater review was presented. After Discussion, Mr. Oliver made a motion to accept PZ24-0004 site plan. Mr. Everett supported the motion. The motion passed five to one via roll call vote with Mr. Sweppenheiser voting no.

X. PUBLIC COMMENT:

There was no additional public comment.

XI. ADJOURNMENT:

Mrs. Wethington adjourned the meeting at 8:43pm.