

**CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
August 17, 2016**

Acting Chairperson Vogel called the August 17, 2016, regular meeting of the Planning Commission to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Sue Bean, Jennifer Cochran, Paul Jackson, John Schmidt, Tim Vogel,

EXCUSED Renato Cerdena

ABSENT

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

There were 3 people in the audience.

APPROVAL OF MINUTES

Motion was made by Sue Bean, seconded by Jennifer Cochran, to approve the minutes of the July 20, 2016, Meeting of the Planning Commission as presented.

Motion passed unanimously with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

None

PUBLIC HEARINGS

Recommendation on the Conditional Use Permit Application to allow a Home Occupation (Private Counseling Service) at 219 Marion Avenue.

Acting Chairperson Vogel reviewed the Public Hearing procedure for the audience.

Acting Chairperson Vogel opened the Public Hearing for Conditional Use Permit at 6:32 p.m.

Sweppenheiser introduced the request saying that Terry Ruelle, 219 Marion Avenue, is requesting a Conditional Use Permit for a Home Occupation to allow a Private Counseling

Service. A Home Occupation is permitted as a Conditional Use in the R-1 zone subject to the Conditions of Section 11.1:10 of the Zoning Ordinance:

1. No stock in trade may be kept or articles sold or offered for sale in the dwelling except such as are produced by such home occupation.
2. No display of goods or signs pertaining to such use are visible from the street and that no persons are employed other than the dwelling occupants.
3. The principal structure for which the Conditional Use is requested must be the residence of the applicant. No such home occupation may be conducted in any accessory building.
4. No such home occupation shall require interior or exterior alterations, or use of mechanical equipment, not customary for housekeeping.
5. No clients or customers may visit on a regular basis to conduct business with the home occupation, and the home occupation shall not generate more than ten (10) business related vehicle trips in any one (1) day period.

Sweppenheiser noted that in the past we have approved the following requests for Conditional Use Permits to allow Home Occupations: a single-chair hair salon, tax preparer, therapy business, bookkeeping, pet grooming, nail salon, and psychotherapeutic service. Several of these business models require repeat customers on a fairly consistent basis. He discussed this condition with City Attorney Eric Williams who recommends moving forward as the Planning Commission has approved other Home Occupations in the past. Williams suggested a text change that would eliminate that portion of Condition #5 that does not allow regular visits to the home. The 10 business related vehicle trips in any day would remain.

6. Parking for the home occupation shall be accommodated in the driveway or along the curb adjacent to the property.
7. No more than twenty-five percent of the floor area of the ground floor of the principal structure may be devoted to the home occupation.
8. The home occupation shall not require exterior alterations that change the residential character of the dwelling (this statement shall not be construed so as to prohibit alterations necessary to comply with the Americans with Disabilities Act).
9. In no case shall the home occupation be open to the public at times earlier than 7:00 a.m. or later than 9:00 p.m.

Sweppenheiser also reviewed the Standards to be used by the Planning Commission in making the decision to recommend the request per Section 10.3:8 Standards:

No conditional use shall be recommended by the Planning Commission unless such board shall find:

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish and impair property values within its neighborhoods.
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and necessary facilities have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. That the conditional use shall, in all other respects conform to the applicable regulations of the district in which it is located, any specific requirements established for that use in Article 11 and to any additional conditions or procedures as specified in Section 10.4.

Recommendation:

Staff feels the request meets all criteria and would support a recommendation for approval of the Conditional Use Permit to operate a Private Counseling Service as a Home Occupation at 219 Marion Avenue.

Applicant Statement

Applicant Terry Ruelle, 219 Marion Avenue, stated that as a transition to retirement, she would like to operate a part-time private counseling service out of her home. She stated that she has been counseling since 1988 and has had a private practice since 1996. She would like to be able to hold sessions for 5 to 7 hours, 3 days per week. She would leave ½ hour between sessions so that sessions wouldn't overlap and no more than one session would be in progress at any given time.

Those Who Spoke in Favor: None

Those Who Spoke in Opposition: None

Written or Telephonic Communication Received by Staff: None

Acting Chairperson Vogel closed the Public Comment portion of the Hearing at 6:47 p.m. and the Planning Commission entered into Fact Finding.

Schmidt wondered if the City Attorney had any back ground to the reasoning behind the aforementioned Condition #5 not allowing clients or customers on a regular basis. Sweppenheiser said that perhaps it was a fragment of a previous condition. Perhaps it was targeting non-professional occupations. Sweppenheiser again said the City Attorney recommends a text change. Schmidt agreed that the language was ambiguous and supports a text change.

Cochran asked how long the sessions normally run and Ruelle said the standard is 50 minutes but no more than an hour. She would expect to see between 5 to 7 clients per day, 3 days per week.

Ms. Ruelle stated that she lives at 219 Marion.

The Commission would like to make sure the counseling appointments are staggered so that no more than one client would be on the property at any one given time.

MOTION

Motion was made by John Schmidt, seconded by Paul Jackson, that the application for Conditional Use Permit for Home Occupation (Private Counseling Sessions) at 219 Marion Avenue be recommended to the City Commission for approval subject to Conditional Use Permit Ordinance Requirements and Restrictions and to allow no more than one counseling session at a time.

Motion passed with Sue Bean, Jennifer Cochran, Paul Jackson, John Schmidt and Tim Vogel in favor.

GENERAL BUSINESS

Master Plan Focus Area

Sweppenheiser spoke about the need to address one of the Focus Areas of the Master Plan. The Master Plan is due to be updated starting in the fall and he would like to address one of the focus

areas before the Plan is changed. He asked the Commission to take a look at them and decide which Focus Area they would like to work on.

When asked for a suggestion, Sweppenheiser said that Focus Area #2 would be appropriate as both parcels are currently owned by the Housing Commission. Their plan for the property would be to develop single family affordable housing. They would like to increase their housing over a larger area and include the undeveloped parcel to the west. The area would need to be rezoned from R-3 to R-1. This idea would require 2 separate Public Hearings, one to review the Focus Area and another if it is decided the undeveloped parcel to the west should be included.

Schmidt suggested the Planning Commission should develop a schedule to look at all the Focus Areas one at a time. Sweppenheiser stated that most Focus Areas are identified for the purpose of re-zoning.

Sweppenheiser added that the Master Plan update is an 8-month process and the City will retain the services of Dave Bee from the West Michigan Regional Planning Commission. He will be able to start in October. Updating the Master Plan is a requirement to be eligible as a Redevelopment Ready Community with the Michigan Economic Development Corporation.

Schmidt asked if there are any other areas outside of the Focus Area that need to be looked at. Sweppenheiser said there could be but these were identified for a reason. None of the areas are of an urgent nature. He added that Focus Area #1 could be developed. Currently it is zoned R-2 and it could be R-1 Single Family.

Schmidt suggested that the Airport should be in the Master Plan. Vogel added that the City's well-head is also out there and should be in the Master Plan.

Chamber of Commerce

The new Mecosta County Chamber of Commerce building is to be located on State Street. The site plan will come before the Planning Commission eventually.

Bus Stop

Jackson noted that there is a sign on US-131 for a Bus Stop in Big Rapids. It is currently located in the Save-A-Lot parking lot. Ferris will probably provide the bus ride from FSU to Grand Rapids again this year. It is for students and faculty use.

Social Security Administration

It has been reported that the Social Security Administration will relocate to the old Pioneer building on State Street. Half the building will be torn down and they will provide a parking area.

Auto Parts Store

The new auto parts store on State Street is still moving ahead.

JoAnn Fabrics

JoAnn Fabrics proposed location at the old K-Mart store is still in review. There is room for 3 store fronts there.

There being no further business, Acting Chairperson Vogel closed the Planning Commission meeting at 7:24 p.m. with all in favor.

Respectfully submitted,

Cynthia J. Plautz
Planning Commission Secretary