

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
July 19, 2017  
UNAPPROVED**

Chairperson Schmidt called the July 19, 2017, regular meeting of the Planning Commission to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Jennifer Cochran, Paul Jackson, Chris Jane, John Schmidt, Tim Vogel, Bill Yontz

**EXCUSED** Renato Cerdena

**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 June 21, 2017, meeting of the Planning Commission with the following corrections:

- Change all spelling of “coup” to “coop”.

Motion passed unanimously with all in favor.

**PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA**

None heard.

**PUBLIC HEARINGS**

**Request to Rezone the East Half Block of N. State Street Between East Bellevue Street and Hemlock Street From C-3 to RP or RR**

Chairperson Schmidt opened the Public Hearing at 6:32 p.m.

Sweppenheiser explained that this request was referred by the City Commission to the Planning Commission. He explained that the owners of 416 N. State Street, Mark and Johanna McDonough, have asked for a rezoning to allow residential use of the property. This would

constitute a spot re-zoning which is not consistent with the Master Plan. Staff has recommended that the east side of north State from Bellevue Street to Hemlock Street (400 N. State Street, 414 N. State Street, 416 N. State Street, 418 N. State Street, 420 N. State Street, 430 N. State Street, 438 N. State Street, 440 N. State Street, 442 N. State Street), be considered for rezoning from C-3 to RP or RR. In 2015, the owners requested a variance to allow residential use on the main floor. The request was denied by the Zoning Board of Appeals for not meeting all 4 of the requirements showing unnecessary hardship. The owners changed the use of the property from residential to a hair salon decades ago.

Sweppenheiser stated that in order to grant the zoning request, the following standards outlined in Section 14.2:4 of the Zoning Ordinance must be met:

1. The use requested shall be consistent with and promote the intent and purpose of this Ordinance.
2. The proposed use will ensure 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.

Currently, these properties are a mix of residential and commercial. Across State Street, the property is zoned R/R. Any properties zoned R/P are quite far away. Changing the property to R/R is not in the Master Plan and does not match the City vision. Staff does not support the request to rezone.

### **Applicant's Statement**

Gary Cook, Greenridge Realty Oakmont, represented the property owners. He stated that they have been trying to sell the property as commercial for 2 years with no luck. One problem is there is not a lot of parking space available for commercial use. The property is 48 feet wide. Sale of this property would benefit both the City and the owner as it has sat vacant for 2 years.

### **Those Who Spoke in Favor**

None

### **Those Who Spoke in Opposition**

Jerry Garner, 105 Linden, stated that he is trying to sell a commercial property a few doors away. He believes that changing the zoning to R/R would hinder its sale. He is against the rezoning.

Jim Addington, 430 N. State Street, stated that he owns the property at 430 N. State Street and it is used as a commercial business. When the business was formed, all the regulations had to be followed. He said that the east side of State is all commercial except for the 400 block. He believes no one is buying here for residential use and he would take a loss if the zoning were changed to R/R.

Cheryl Stein, 440 N. State, stated that they bought 440 and 442 N. State Street for business purposes. Their plans fell through, but they would still like to open a business there. She is not in favor of the rezoning to R/R. She feels that it is too loud, noisy and dirty to attract residential buyers.

### **Written or Telephonic Correspondence Received by Staff**

None

Chairperson Schmidt closed the Public Hearing at 6:45 p.m. and the Commission entered into Fact Finding.

Jackson stated that he was on the ZBA when the property owners asked for the property to go to residential and was denied. Originally the property was used as residential but the owners changed it to a commercial use for the hair salon. Alterations had already been made to turn the property into residential when they came to the ZBA to ask for a variance to use as a residential property. This violated the current zoning and that is one reason the request was denied.

It was clarified that the R/R district allows residential use and student rentals, but it also allows business. The R/P allows single family use and professional office space.

Vogel stated that if you read the Master Plan, it identifies commercial business as the intended use of the 131 corridor. It is the same for both sides of the corridor. The current use is consistent with the Master Plan and he feels it should remain commercial.

Cochran stated that she is unclear as to how the zone change would benefit the City. It is not consistent with the Master Plan. She feels that if granted, it might set a precedence for those that want to sell their property. She stated that rezoning is a big deal.

Schmidt added that the City has spent a long time on the Master Plan – it is a complicated issue.

### **Motion**

**Motion was made by Jennifer Cochran, seconded by Chris Jane, to recommend approval of the request to rezone 400 N. State Street, 414 N. State Street, 416 N. State Street, 418 N. State Street, 420 N. State Street, 430 N. State Street, 438 N. State Street, 440 N. State Street, and 442 N. State Street from C-3 to R/R or R/P.**

**Motion failed with Jennifer Cochran, Paul Jackson, Chris Jane, John Schmidt, Tim Vogel and Bill Yontz in opposition.**

**Recommendation to City Commission Concerning Gift to the City of 804 N. State Street by DiAnn Godbold**

Chairperson Schmidt opened the Public Hearing at 6:55 p.m.

Sweppenheiser introduced the topic saying that the property was formerly the El Burrito Restaurant and the owner, not being able to sell the property for the last couple of years, would like to gift it to the City. The issue before the Commission is a recommendation to the City Commission as to whether it is in the City's best interest to accept it. It is currently vacant. If accepted, it would probably be labeled as surplus property as the City does not see a use for it at this time.

The building on the property has had two additions and has a newer roof. The inside has been stripped. (See full report by Aaron Holsworth, Mecosta County Building Inspector, attached). It has been said that long ago there was a gas station located at the site. There was no response from Simmons when they were contacted about the opportunity. They have shown no interest in relocation since the City bought the Hanchett property. We wouldn't want this property to sit here vacant for the next 10 years.

It was asked that if the City were to take over the property, would it be renovated. Sweppenheiser said we could offer a Brown Field opportunity or an OPRA to a developer. It is unclear if the City would raze the building. Current true cash value is around \$180,000.

According to the Master Plan, future land use is Commercial. The property to the north at 818 N. State Street is a residence.

**Applicant Statement**

DiAnn Godbold, 400 N. Kalamazoo, Marshall, MI, stated that the property has been owned by her family for many years. Decades ago it was a gas station but the tanks were taken out. Other uses have been a shoe store, Kentucky Fried Chicken, Mexican restaurant, and an adult education center. They have had no luck in trying to sell the property. She would be happy to give it to the City if there is interest. She stated that the wall that was mentioned in the report has been braced. It is a good-sized building and it has a lot of parking. They would be proud to see the property look nice and be made into something again.

The Commission thanked Ms Godbold for her donation.

**Those Who Spoke in Favor of the Request**

None

**Those Who Spoke in Opposition of the Request**

None

**Written or Telephonic Correspondence Received by Staff**

None

Chairperson Schmidt closed the Public Hearing at 7:07 p.m. and the Commission entered into Fact Finding.

Vogel was in favor of accepting the donation. If accepted by the City, he would like to see a quick turnaround. Jackson agreed with Vogel but added that if it doesn't sell within a short time, the building should be razed. It was estimated that it may cost \$25,000 to raze the building. The owner added that the property has been empty for 5 years. Schmidt thought the money it would cost the City to raze the building would be an investment for a future sale. He believes it would be easier to sell. Jane added that the property is valuable and he is hopeful for someone with a vision to develop it. He added that it is a nice gift!

**Motion**

**Motion was made by Chris Jane, seconded by Bill Yontz, to recommend to the City Commission that the property at 804 N State Street be accepted by the City as a gift.**

**Motion passed with Jennifer Cochran, Chris Jane, John Schmidt, Tim Vogel, and Bill Yontz in favor.**

**Paul Jackson was opposed.**

**Recommendation on 246 N. State Street, Chamber of Commerce and CVB Former Building.**

Chairperson Schmidt opened the Public Hearing at 7:15 p.m.

**Applicant Statement**

As the City is the applicant, Sweppenheiser spoke for the request. The former occupants, the Chamber of Commerce and Convention and Visitor's Bureau, have built another building and

have moved, their lease is terminated and the property is now the City's responsibility as it sits on park land. Currently, the City has plans to improve the parking lot and Mitchell Creek Park. There is a need to decide what to do with the building before the proposed work is started. The Park and Recreation Board have recommended demolition of the building. City staff also recommends demolition.

When asked by Jane if the City had a vision for the property, Sweppenheiser said there is a grade issue there that makes it difficult to build on. It may be graded and landscaped as a part of the park.

Jerry Garner asked if the owners of the ice cream shop next door had any interest in purchasing for their parking. They do not.

**Those Who Spoke in Favor**

None

**Those Who Spoke in Opposition**

None

**Written or Telephonic Correspondence**

None

**Applicant Rebuttal**

None

**Chairperson Schmidt closed the Public Hearing at 7:17 p.m. and the Planning Commission entered into Fact Finding.**

Jackson stated that there is no reason not to demolish the building. He sees no viable use.

Yontz added that the building is not ADA compliant and can't be used. He would rather see it as part of the park.

**Motion**

**Motion was made by Paul Jackson, seconded by Jennifer Cochran to recommend to the City Commission that the building at 246 N. State Street be demolished.**

**Motion passed with Jennifer Cochran, Paul Jackson, Chris Jane, John Schmidt, Tim Vogel and Bill Yontz in favor.**

**GENERAL BUSINESS**

Sweppenheiser stated that City Attorney Eric Williams has drafted some language for a change in text for Surplus Property designation. This will be presented at next month's meeting.

Cochran stated that the FSU group she is working with has scheduled an alley way clean-up for September 9, 2017 from 11:00 a.m. to 2:00 p.m. Volunteers are welcome!

Yontz had an idea to raise some money for charity through a fundraiser centered around the demolition of the old Chamber/CVB building.

There being no further business, Chairperson Schmidt closed the meeting at 7:20p.m. with all in favor.

Respectfully submitted,

Cynthia J. Plautz  
Planning Commission Secretary