

**Barry County Planning Commission
Minutes
January 22, 2018**

The meeting was called to order at 8:38 p.m. by Clyde Morgan at the Barry County Commission on Aging located at 320 West Woodlawn Avenue in Hastings, Michigan. The Planning Commission members in attendance included: Morgan, Michael Barney, Levi Bolthouse, Ben Geiger, Robert Vanderboegh, and Jack Nadwornik. Jack Miner was absent. Others in attendance included: Barry County Planning Director James McManus, Lucas Spoor, Cliff Bloom, and many other (nearly 100) interested people.

Motion by Geiger to approve the agenda as printed. Support by Bolthouse. All ayes - motion carried.

Rezoning

A-1-2018

Mixed Use Text Amendment

Morgan recessed the Planning Commission, opened the public hearing, and asked Spoor to present his request.

Spoor said he was interested in a text amendment to include a marina in the Mixed Use district, but he noted he will no longer be pursuing a full service marina, so he could withdraw his request. He noted he was concerned about adversely affecting other businesses. Spoor read the definition of marina and asked if the other properties on Marsh Road would be considered marinas?

Geiger clarified who Spoor was asking. Spoor said he was asking the Planning Commission.

Nadwornik said legal research would need to be done.

Bolthouse said the Planning Commission would not be classifying anything this evening. Spoor noted Matteson Marine could certainly be impacted so he will continue with the request.

Spoor noted the request covers the entire county. He asked if there were other marinas and docks within the county. He noted the DEQ has its own definition and permitting process. He said that some of the uses are grandfathered but he noted marinas are not allowed in the Mixed Use class.

Spoor cited Section 1100 and the purpose of the Recreational Lake district. He also cited the Mixed Use ordinance and read its purpose.

Spoor said it makes sense to consider a marina in the Mixed Use class. He read the definition of commercial activity and cited Section 301 of MNREPA regarding marinas needing a permit. He noted the text amendment will not create a marina or guarantee a marina needs to be approved. He also noted the request is not for a specific property.

Morgan asked if anyone was opposed to the request.

Ron Knoll questioned why the hearing was being held.

Cliff Bloom, representing the Gun Lake Protective Association (GLPA), noted the association opposes the request and called the request special interest legislation. He noted Spoor was the one who applied for the amendment and noted the other uses are lawful non-conforming.

Bloom cited the letter sent in by Williams & Works, and the resolutions by Orangeville Township and Yankee Springs Township, and noted that they believe Spoor's marina is not lawful and that enforcement is ongoing. He said Spoor has changed his plan numerous times and commented that the possible withdraw and plan changes are a waste of time. He noted that the Planning Commission cannot interpret the ordinance, and asked the Planning Commission to deny the request.

Rob Heethuis, president of the GLPA, noted many people were opposed to the request and asked the audience who was opposed. Nearly everyone raised their hands. Heethuis said the request would open Pandora's Box, and noted Spoor has thrown other businesses under the bus. He noted the township opposed the request.

Larry Knowles questioned why the DEQ approval had to come first.

LeAnn Neal noted she waited 50 years to buy a home on Gun Lake which is a large financial investment. She said a marina would cause financial devastation.

Sarah Holroyd said the whole request is for business, money, and profit. She said Gun Lake is a tourist destination.

Joel Kapteyn questioned why Spoor would do this for other lakes and businesses and why Spoor would withdraw the request if he received the Commissioner's approval.

Robert Perino, Orangeville Township Trustee, said Spoor had been to the township meeting and decided against township input once he realized that there would be a resolution against the request.

Jim Deters questioned if Spoor was setting up a lawsuit with his line of questioning.

Sandy Knoll noted enforcement has been ongoing for two years, but the DEQ gave him a permit. She noted he can park boats anywhere, and Spoor still wants 54 slips. She asked that McManus do his job.

Jim Riehl questioned if the Commission was being baited. He asked if the DEQ worked with the county and was there a violation of local ordinances. He questioned if the DEQ should have approved a permit.

McManus read the resolution from Orangeville Township.

Spoor rebutted by saying he will not be operating a full service marina. He noted the proposed amendments will only affect marinas. He noted McManus suggested he apply for the amendment and noted Matteson Marine could be affected if it is not approved.

Holroyd asked why he is trying so hard for the request. Spoor noted he had already paid the fee and done the research.

Neal questioned if the amendment should be passed.

Bloom noted the interpretation of the ordinance is up to McManus, and if someone disagrees, they can go to the Zoning Board of Appeals (ZBA). He noted the definition can be fixed separately.

Kapteyn said Spoor could change his mind again.

Morgan closed the public hearing and reconvened the Planning Commission.

Geiger noted Spoor only answered the seven questions on the application with ten words. He asked about the response to #3 regarding any negative impacts to adjacent properties.

Barney felt something needed to be done about the definition of a marina.

Morgan asked about the process. McManus noted this is the public hearing for a submitted request. He noted the Planning Commission will make a recommendation that will be forwarded to the Board of Commissioners.

Geiger said the application lacks substance and he was concerned with question #3. Spoor noted the answer applied to all Mixed Use districts.

Bloom noted the burden of proof is on the applicant and Spoor has not met the criteria.

Geiger asked how many properties could be affected by the text amendment. McManus noted hundreds of properties are zoned MU-Mixed Use, and he listed several notable locations including Dowling, Delton, and Orangeville.

Nadwornik suggested recommending denial of the request and doing more research on the definition and other legal issues.

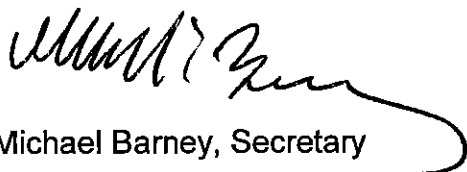
Barney noted the public was informed and against the project.

Motion by Nadwornik to recommend denial of Case No. A-1-2018. Support by Vanderboegh. Roll call vote taken: 6 ayes - 0 nays - motion carried.

Motion by Vanderboegh to adjourn. Support by Bolthouse. All ayes – motion carried.

Meeting adjourned at 9:36 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Barney", with a long, sweeping underline that extends to the right.

Michael Barney, Secretary