

**Barry County Planning Commission
Minutes
February 26, 2018**

The meeting was called to order by Clyde Morgan at 7:00 p.m. in the Community Room of the Tyden Building located at 121 South Church Street in Hastings, Michigan. The Planning Commission members in attendance included: Morgan, Jack Miner, Michael Barney, Ben Geiger, Robert Vanderboegh, and Jack Nadwornik. Levi Bolthouse was absent. Also in attendance were Barry County Planning Director James McManus, Mike Powers, and approximately 75 other interested people.

For the agenda, McManus asked to strike the 2017 year-end report. Morgan noted public comments would be limited to three minutes. Motion by Barney to approve the agenda as amended. Support by Geiger. All ayes - motion carried.

The minutes of the first meeting of January 22, 2018 were reviewed. Motion by Nadwornik to approve the minutes as written. Support by Vanderboegh. All ayes - motion carried.

The minutes of the second meeting of January 22, 2018 were reviewed. Motion by Vanderboegh to approve the minutes as written. Support by Geiger. All ayes - motion carried.

BUSINESS

Morgan explained the procedures of a public hearing.

Special Uses

TABLED Case No. SP-3-2018

Bay Corp, Inc.

Motion by Barney to take Case No. SP-3-2018 off of the table. Support by Nadwornik. All ayes - motion carried.

Morgan recessed the Planning Commission, opened the public hearing, and asked those who wished to speak in favor and had not spoken at the previous meeting to come forward.

David Tripp, a resident in the area since 1974, noted he had been a business owner in the area, and he has known the Powers for years. He said they would not do things that would harm the community. He acknowledged that he had worked with Powers as Power's attorney in obtaining a liquor license.

Tripp continued that Gun Lake is an active all sports lake, and it is noisy all day. He noted Bay Pointe is active from noon until 11:00 p.m., and he said the activities have expanded. He noted the new facility will move some of the activities away from the lake.

Tripp continued and noted Bay Pointe Woods would be screened and it will be a paved drive. He said the parking lot will have lighting. He noted the events will be indoors. He summarized by saying the owners will follow the rules, and it will be a good addition to the area.

Tom May said he has been a lifelong resident of Gun Lake, and his children have been employed by Bay Pointe. He noted the new facility will be an indoor reception hall, so the sound will be lessened. He noted winter activities will bring business to other businesses in the area.

Jim Weatherhead noted he had been a lake resident since the 1970's. He said that people have walked along the lakeshore in front of his home for years. He noted people are looking for venues for corporate events and similar activities.

Sharon Jaqua said she has been a resident on the lake for 76 years, said the Bay Pointe is a wonderful destination, and the new building will be good for receptions. She said more people in the area means more money.

Dave Mehney has been a 70-year resident of the area and noted he had given an easement to Bay Pointe for the electric service. He said he was an investor in the project, and he believes Powers is a credible person.

Jennifer Buller said she was a 20-year lake resident. She said that people can choose the lake experience they want. She said the project will be good for the community tax base. She said her children are employed there.

Travis Alden, representing the Barry County Chamber of Commerce and the Barry County Economic Development Alliance, said he had submitted two letters to the Planning Commission in support of the project. He noted Bay Pointe puts Barry County on the map. He also said it is rare to have significant private capital investment in a rural community.

Chelsey Foster, who is on the Barry County EDA, said more events would come to Barry County. He noted Rotary needs a larger venue for its events. He said the area around Gun Lake has had over 100 years of gatherings.

Morgan asked if anyone who was opposed who had not spoken at the first meeting would like to address the Planning Commission.

Amy Schmidt, a neighbor, said the proposed site is between personal residences. She noted that when they bought the property, they found stolen cars on their property. She said they have installed cables and fencing. She said they want to live on a country property. She said safety is an issue.

Joyce Katsma, who owns property on Winchester, said the area is residential. She asked if Winchester Drive would become an access or a public road. She said Oarie Drive cannot support the traffic. She said the use should go to an existing commercial area such as Sam's Joint. She said it will make it bad year round.

Melissa Prough showed a picture of the area that illustrated the location of where the support is coming from and where the opposition is coming from. She noted Powers had spent time reaching out to the other areas of the lake, but not to the neighbors. She asked who gets to decide what a neighbor is.

Dave Caldon, an attorney representing some of the neighbors, noted he had submitted a letter to the Planning Commission in opposition to the request. He noted the ordinance requires access to the development. He noted Oarie Drive is the only access, and it was previously platted as Winchester Drive, which is dedicated as a private road. He said the easement cannot be used for uses not contemplated when it was created, and it was created for residential use. He said the proposed use will be illegal.

Diane Farley said they are not against Bay Pointe, but they are against Bay Pointe Woods. She noted there are many intoxicated people, and there have been lots of near misses of accidents. She said they made a mistake selling the property for a parking lot. She said they should not have to deal with rude people. She said the drunk people trespass into the yard. She was concerned for the safety of her family.

Terri Huisman, who lives on Winchester Drive, noted Powers had planted trees between the parking lot and her home, but they died, and they had to put up a fence. She noted they fenced off Winchester Drive to protect families. She questioned where people would go after the events.

McManus read letters of correspondence in favor of the request from Lynn Denton, Rick Snyder, Denise Behm, Greg Flaska, Rick Buller, Brent Kerstetter, Brian Marcukaitis, and Jerry Schauer.

McManus read letters of opposition from Patricia Hale, John Prough, Marjorie McAuliffe, and Ron Knoll.

McManus read a letter from Orangeville Township in regards to the project.

Powers rebutted and noted he has heard what the neighbors have said, and he has enacted new policies and procedures especially for noise and activities. He said he has moved the speakers away from the property line. He said he has created a 3-step-process that would lead to the removal of the violators.

Powers commented on the proposed parking and pedestrian issues. He noted he used the property for parking last summer. He said he will have five parking attendants and a manager. He noted the lot on Oarie Drive will be the third choice for parking. He noted the road will be widened and lighting will be installed which will improve the safety of the area.

Powers said he has hired a new security company who will be at all events. They will police the music level, and they can enforce the contract policies. He noted the two-direction road will make a significant improvement as it will be 24 ft wide. He noted he had talked to the fire chief who said a wider road will be better for fire response. He said he has an option on the Johnson's house.

Powers said the Road Commission had suggested placing the cross walk near the existing parking lot and to install a sidewalk on the west side of Marsh Road in the easement. He questioned the statement the property values would decrease. He noted a neighboring property just sold for more than it was purchased for.

Powers said the site has an extensive landscaping package, and they would also build a berm to mitigate the issues for the Bronson's. He said they will be planting 200 trees around the site. He noted there is really only one house around the property. He said woods are around the other sides.

Powers continued that the security team would have radios so he can respond to the neighbors' concerns. Powers noted he has to lay off 40% of the staff in the winter, and it is hard to keep them. He said the new facility will increase revenue as it will allow year-round use.

Powers said they will try to keep the historic oak tree with board approval. He said he will put up a fence at the south end of the existing parking area. He noted they do not intend to use Winchester Drive; he would keep it status quo.

Powers noted there have been no arrests and no alcohol violations. He said the parking complaint was the only valid concern. He said he has had over 2,000 events without one alcohol issue. He said he has addressed the issues related to sound, safety, and noise.

Morgan closed the public hearing and ordered a break at 8:35 p.m.

Morgan reconvened the Planning Commission at 8:40 p.m. and asked the Planning Commission if they had any questions.

Miner asked about the ownership structure. Powers said it was a corporation. He asked how the parcel was owned. Powers said himself. Miner asked how many parcels were owned. Powers showed Miner which ones were owned and which one he had an option on.

Miner asked about public water. Powers said he would have two wells. Miner noted the use would change the neighborhood.

Barney asked if there were any concerns. McManus said the Planning Commission needed to base the decision on Section 2302A parts 1-7.

Barney asked if the parcels would be under one ownership. Powers agreed and noted it would roll into Bay Corp, Inc.

Barney asked if the building would be connected to Gun Lake Sewer. Powers agreed. Barney asked if public water was available. Powers said no.

Barney asked about phone, cable, and electric utilities. Powers said they would all be underground.

Barney verified all of the power would be conventional. Powers agreed.

Barney asked if the large oak tree could stay. Powers said they could curve the road around the tree.

Barney asked if there would be any habitat changes. Powers said they were next to other open space.

Barney asked how long the Bay Pointe had been open. Powers said 15 years.

Barney asked how long it had been open before Powers purchased it. Powers said 20 years.

Barney noted Bay Pointe had been a neighbor for 35 years.

Barney asked how the impacts would be lessened on the neighboring properties. Powers said he would have a berm with trees between the building and Bronson's home. He noted there would be bushes and flowers as well, and he could landscape to fit Bronson's requests. He said the McAuliffe property is quite a ways away, and the Schmidt's home is on Wildwood Road. He noted Farley is already using the easement that would be paved and widened. He suggested that Farley may cut off his drive and use Oarie Drive. He noted the sidewalk would be placed within the right-of-way.

Powers continued that they would monitor the late night crossing of the street and noted Gun Lake Live usually ends between 10 p.m. and 10:30 p.m. He said people who will be using the new reception hall could stay in the proposed cottages, which can house between 60 and 80 people. He noted neighbors will be able to call the desk to get security.

Barney asked about the lighting on the road. Powers said he would have pole lights with a shoebox cover.

Barney noted the south side of Gun Lake is already a combination of commercial and residential uses. He noted the other areas are zoned Mixed Use. He asked Orangeville Township Trustee Robert Perino about the township's view. Perino said he understands the concerns, but he also has a fiduciary responsibility to the township. He noted the letter submitted by Supervisor Tom Rook addresses the safety concerns. He agreed it would improve business in the winter.

Barney asked if the proposed site was consistent with the Barry County Master Plan. McManus said the property is included in the Gun Lake Development Area.

Geiger asked how the patrons drinking would be mitigated. Powers said the new site will be adequately landscaped and bermed.

Geiger asked about the circulation between the buildings. Powers said he would have employees on golf carts.

Geiger asked if the berms and landscaping would limit the noise. Powers said most of the events would be indoors.

Geiger asked if there would be a sidewalk on Oarie Drive. Powers said no, but he was proposing to widen the road.

Vanderboegh noted the property is zoned Rural Residential, and Planned Unit Developments and Places of Public Assembly are both listed as special uses. He noted the Planning Commission must follow Section 2302A parts 1-7, and he read the parts. He questioned if part 4 was met because Oarie Drive was a private road.

Geiger asked what the issue was. Vanderboegh said having adequate access to the property. Powers said he owned the back section.

Vanderboegh noted Farley would access the easement.

Vanderboegh questioned if the private road met the requirement.

Geiger asked if adequately paving the road satisfied the requirement.

Miner asked how the road gets to public status.

Barney suggested stipulating a public road.

Vanderboegh read Section 2302, part B.

Morgan asked if there was one owner on the private road. It was noted there was more than one.

Geiger said he thinks the adequate provisions clause of part 4 has been met.

Morgan asked who owned the road. Powers said he owned part of it.

Nadwornik said the road will have to have further review and discussion.

Nadwornik asked who was hired as security. Powers said Trinity.

Nadwornik asked how many security officers would be at an event. Powers said two.

Nadwornik questioned the number of officers and proposed a scenario where more officers would be needed. Powers said he could add security as necessary.

Nadwornik asked how many parking attendants there were. Powers said five.

Morgan asked if there were lights along Marsh Road. Powers said not in the area.

Morgan said he was concerned about adding lights along the private road.

Morgan asked if parking spaces would be taken up by snowmobiles and quads in the winter. Powers said only rarely.

Morgan asked how long the apartments would be rented for. Powers said they would be nightly rentals corresponding with events.

Geiger said the Planning Commission should try to come to a decision at the meeting.

Barney noted all of the public facilities are at the property and claimed it met the conditions for part 4.

Vanderboegh asked about the impacts on the neighbors and cited 2302A part 2. Barney questioned how far the neighborhood extended.

Barney started to ask about the design of the site. McManus suggested that a decision regarding the special use needed to be processed first. He noted a concept plan had been submitted, a private road was planned to be enlarged, and there had been lots of comments.

Motion by Geiger to approve Case No. SP-3-2018. Support by Barney. The Planning Commission started to discuss stipulations, but Geiger withdrew the motion and Barney withdrew the support.

Motion by Geiger to approve Case No. SP-3-2018 per Section 2302A parts 1-7 of the Barry County Zoning Ordinance. Support by Barney. Miner asked if there would be future meetings to discuss the project. McManus said yes, the Planning Commission would have to go over the design specifics.

Roll call vote taken: 5 ayes - Vanderboegh-nay - motion carried. Special Use Approved.

Farmland Agreements

Jeffrey & Stacey Morton

17-15

McManus noted the property was planned as Agricultural and currently zoned Agricultural. He noted it was more than 50% tillable.

Motion by Geiger to recommend approval of 17-15 to the Board of Commissioners. Support by Nadwornik. All ayes - motion carried.

Robin Flessner

18-1, 18-2, 18-3, 18-4, 18-5

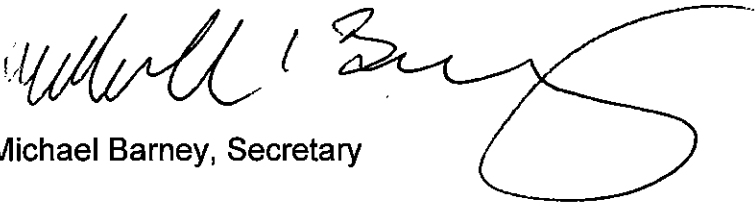
McManus noted all five applications were for property in Woodland Township, and many of them border the Village of Woodland. He noted they are all planned as Agricultural, and they are currently zoned Agricultural.

Motion by Vanderboegh to recommend approval of 18-1 through 18-5 to the Board of Commissioners. Support by Miner. All ayes - motion carried.

Motion by Vanderboegh to adjourn the meeting. Support by Nadwornik. All ayes - motion carried.

Meeting adjourned at 9:55 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Barney". The signature is fluid and cursive, with a large, sweeping loop at the end.

Michael Barney, Secretary