

## **AMENDED**

### **Barry County Planning Commission Minutes April 10, 2018**

The meeting was called to order at 6:30 p.m. by Clyde Morgan 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, Levi Bolthouse, Jack Miner, Robert Vanderboegh, and Jack Nadwornik. Michael Barney and Ben Geiger were absent. Others in attendance included Michael Powers, Barry County Planning Director James McManus, and several other interested people.

Motion by Miner to approve the agenda as printed. Support by Vanderboegh. All ayes - motion carried.

The minutes of March 26<sup>th</sup>, 2018 were reviewed by the Planning Commission. Motion by Vanderboegh to approve the minutes as printed. Support by Nadwornik. All ayes - motion carried.

## **BUSINESS**

### **Site Plan Review**

**Case No. PR-3-2018**

**Michael Powers (Applicant)  
Bay Corp, Inc. (Property Owner)**

Morgan asked Powers to present his plan.

Powers noted he had Peter Baldwin, Todd Stuve, and Jim Alden with him to answer questions. Powers said that he was proposing to build a conference center with a parking lot and five lodging locations on the property. He distributed updated plans to the Planning Commission.

Alden thanked Morgan for his 25 years of service on the Planning Commission.

Bolthouse asked about the stormwater management. Stuve noted the water drains to the center of the property and percs into the ground. He noted they will be held to a zero runoff level. He said they are proposing an underground system below the parking lot. He said there will be elliptical chambers filled with gravel that will collect water and allow infiltration. He noted the storage system will be approved by the Barry County Drain Commissioner.

Powers noted the system will be similar to the one in use at the hotel.

Bolthouse asked if there would be an issue with freezing and a heavy rain. Stuve said the base will be five feet below the surface so it should not freeze.

Bolthouse asked about the concrete curbs. Stuve noted the lot will drain away from the perimeter to the center of the property.

Bolthouse asked how the impacts of the development will be minimized on the neighboring properties. Powers noted they are planning extensive landscaping, and they will build a berm next to Bronson's home. Her said the berm will be landscaped with trees, and he said numerous trees will be planted.

Bolthouse asked about the impacts on the Johnson property. Powers said he will eventually own it, and he has a deposit on the property.

Bolthouse asked if the trees along the north border would be retained. Powers agreed.

Bolthouse asked about tying the area to the current Bay Pointe. Powers noted he used the property in 2017 for overflow parking. He said the parking lot will be paved and have lighting. Powers noted that the site will be an event location and noted the Bay Pointe had over 300 events in 2017.

Bolthouse asked how many events would be held in the new center. Powers said up to 50 in the first year and around 100 in future years.

Miner asked about Winchester/Oarie Drive. Powers said it is a private road. Miner said he felt the road should be a public road. He suggested the review be tabled for legal advice.

Morgan asked if the road was a 66 feet easement. Stuve noted Winchester Drive had a 66 feet easement, and it remains. He noted the road was dedicated as a private road. Powers said he would prefer to retain private ownership. He said the road will be widened to 24 feet wide; it is currently 16 feet wide.

Miner said he felt the road should be a public road.

Vanderboegh said that parking must be on the same property or within 300 feet of the property and that using the proposed parking lot could be a violation. He cited Section 527 A.4 of the Zoning Ordinance and noted the adjacent properties are zoned residential.

Powers noted they used the lot for parking because parking on Marsh Road was risky. Stuive questioned if the driveway was zoned.

Vanderboegh asked who owned Oarie Drive. Stuive said the plat owners and adjacent property owners.

Vanderboegh asked if the cottages were two-story buildings. Powers said yes.

Vanderboegh asked how high the berm was. Powers said five feet, but they would be planting trees on the top of the berm.

Vanderboegh asked what the red lines were on the landscaping plan. Stuive said they were the easements.

Geiger entered the meeting at 7:00 p.m.

Vanderboegh asked if Powers had a purchase agreement document. Powers said yes but not with him. Vanderboegh said he would like to see it. Vanderboegh noted a traffic study may be required for projects. He said he would ask for one to be completed.

Vanderboegh suggested the proposed sidewalk be screened from the traffic lane, and he was concerned people would move from the sidewalk onto Farley's property. Powers said he would put a fence between Oarie Drive and Farley's property.

Morgan asked what would be done with Johnson's property. Powers said he would continue to use it as a rental. He said he may remove the home and make the property a park.

Geiger asked if any funerals would be held on site. Powers said not the actual funeral, but life celebrations could be held.

Geiger noted the parking in the turnaround will cause the headlights to shine toward the Bronson's home. Powers said they could plant a line of trees along the line.

Geiger asked about snow plowing. Powers said they would pile the snow up in the parking lot, and he will plow and maintain Oarie Drive.

Morgan asked about the large tree. Powers said it will have to be removed. Alden noted Powers will use part of the tree in the building design.

Nadwornik noted Farley currently has access to Oarie Drive. Powers noted the access is proposed to be removed. Nadwornik questioned if Farley agreed. It was noted that the traffic on Oarie Drive could hinder Farley's access to his house.

Bolthouse asked about the sidewalk location. Powers noted it was suggested by the Road Commission.

Bolthouse asked about the noise. Powers said it should not be an issue as the building is an indoor facility.

Powers noted he has addressed the noise issues on the other properties by changing the contracted requirements and requiring sound checks before receptions. He noted subwoofers were no longer permitted, and he hired security.

Bolthouse noted the striped walkway along the road stops at the parking lot. He suggested that it be extended to the building. He noted it would be for foot traffic between the facilities. Powers said it would only be needed for Gun Lake Live. Powers noted he has golf carts to help with the guests.

Morgan asked for clarification of Oarie Drive/Winchester. Stuive said the plat dedication is it is a private road for use by the plat owners and adjacent properties.

Miner asked if it could be made into a public road. Powers said the county does not want it as a public road.

Geiger asked how the road would impact the Farley property. Powers said it did not matter to him if there were multiple ingresses, but it is more logical to have one ingress instead of two.

Vanderboegh was still concerned about the parking. McManus noted the Planning Commission approved the Planned Unit Development, so the Commission has discretion and flexibility with the ordinances.

Vanderboegh suggested a decorative 4-foot wall along the turnaround and parking area to stop the light.

Vanderboegh said he wanted a traffic study completed.

Vanderboegh said he was concerned about the noise impacts to the neighboring properties.

Vanderboegh said he would like to see a copy of the purchase agreement with the neighboring property.

Vanderboegh noted the Farley property needs to be screened from Oarie Drive. Geiger questioned how the screening would be done.

Vanderboegh suggested that Powers work with Farley. Powers said he agreed to put a fence along the drive. Vanderboegh noted it needs to be on a drawing.

Vanderboegh asked if the road would be widened when Powers obtains the Johnson property. Stuive said the road is proposed to be 24 feet wide, which is the standard width.

Miner asked if the road would become a public road after 2019. Powers said no. Miner asked if it would ever be a public road. Powers said no.

Morgan asked if there would be lights on Oarie Drive. Stuive said there were four lights proposed on the drawing.

Nadwornik asked about the security. Powers said there would be two security agents on site. Nadwornik said he would likely need more.

Powers responded to Vanderboegh's request for a wall and said he would like to install a white vinyl fence.

McManus noted there may be other areas that need to be reviewed. He noted the proposed berm next to the Bronson's home is in the easement and not on the PUD property. He suggested the buildings could be shifted, and the berm could be placed on the PUD property. He noted the parking is excessive for the use and could be lessened. He noted the spaces near the Bronson's home and along the west line could be removed without impacting the use which would create a buffer. He noted Powers owns the property across Marsh Road and asked if the sidewalk could be moved across the road. He also noted that the Planning Commission had not discussed the design of the buildings.

Powers said he would eliminate the berm and install a fence. He said he needed all 185 parking spaces, and he noted the spaces near the building were for the cottages as well as ADA compliance. He noted he would not be opposed to the sidewalk going across the street.

Vanderboegh noted the parking lot is over 300 feet from the hotel, and a sidewalk would encourage its use for hotel events.

Nadwornik asked about the number of spaces. Powers said he would use the parking lot for overflow, which would be 14 days in the year.

Morgan recessed the Planning Commission for five minutes at 7:55 p.m.  
Morgan reconvened the Planning Commission at 8:00 p.m.

Miner expressed concern about the west side of the parking lot. He said the parking spaces could be removed so the neighboring property could be shielded. Morgan suggested a line of trees. Alden suggested stipulating a fence if development were to occur on the neighboring property. Geiger commented that a fence would impact picture opportunities. Miner questioned if there were issues with the ordinance.

McManus commented that a PUD is a two-edged sword. He said it allows flexibility when reviewing the ordinance, but every detail must be on the drawing.

Miner asked if the Planning Commission was concerned about the road. Bolthouse said he was concerned about the legal issues of the private road. Vanderboegh noted if improvements were required, they must be done. Miner suggested that they work with an attorney. Stuive said the road will be designed to meet the private road standards.

Miner commented that once the PUD is approved, the ordinance has no validity. Nadwornik noted a PUD allows a planning commission flexibility. Geiger noted the plan shows there is a way to widen the road.

Geiger said he did not see a need for a fence on the west line.

Nadwornik questioned the parking lot numbers. Morgan asked why the spaces were nine foot wide. Stuive said that is the standard width. Morgan noted the water runoff has been designed to be managed on site.

Morgan questioned what would happen if Winchester wanted to be part of the improved road. Powers said that is not an issue as they are not planning on using it.

Morgan noted the impacts on Farley's property would be minimized if the sidewalk could go across the road. Powers said the location of the sidewalk was based on the Road Commission approval.

Morgan asked if the traffic study required a light, would Powers pay for it. Powers said he did not think there would be enough traffic to warrant a study. Morgan said the crosswalk would be necessary.

Vanderboegh agreed that a 6-foot white vinyl fence could be used in place of the berm. He noted it should run from the edge of the woods to the end of the parking area.

Morgan asked if there would be lights in the parking area. Stuive said they are on the islands.

Geiger asked if there would be light or flagpole on the island in the turnaround. Stuive said both.

Geiger asked about the garbage cans. Powers said he would have a pick up twice a week from the enclosed area.

Geiger asked about the outdoor wedding area, and asked if the chairs would be set up in the grid area on the plan. Powers agreed and noted they will be stored in the storage building.

Bolthouse asked how large the shed was. Powers said 16x25 feet. Powers noted it will match the other structure.

Morgan asked if there would be a natural gas generator. Powers said yes but did not know if it would be connected to the gas line. Morgan asked about the wells. Powers said he would have two wells, and they would be tied to the generator.

Geiger asked about smoking in the facility. Powers said there would be no smoking in any of the buildings.

Nadwornik asked if Powers had a liquor license. Powers said yes. Nadwornik asked if they would extend the license from the Bay Pointe. Powers said he did not know but said he holds multiple licenses. He said it is good to have friends in high places.

Vanderboegh asked what the significance for the site was for the development versus another location on the lake. Powers said it was critical due to staffing, security, and guest management.

Morgan asked how many golf carts would be available. Powers said two.

Geiger asked about moving the sidewalk across the road. Bolthouse noted there is a hill on the east side of Marsh Road. Morgan noted the Road Commission preferred the west side. It was noted that if it was moved to the east side of the road, it would have to hug the roadway.

Vanderboegh noted the proposed location of the sidewalk allows usage of the lot for activities at the Bay Pointe. Powers noted the Road Commission recommended the location.

Geiger said safety is a concern.

Miner said the sidewalk needs to be buffered.

Vanderboegh said a barrier could be placed along the edge of the sidewalk and right-of-way.

Powers said he will have his staff monitor the drive and sidewalk.

Vanderboegh suggested a written agreement between Farley and Bay Corp, Inc.

Nadwornik noted that would give too much control to Farley. Miner said they could set for an agreement a time limit until the next meeting.

Bolthouse said he would not need a traffic study. Vanderboegh noted many people were concerned about traffic. Alden noted the other PUD the county approved, the Gilmore Car Museum, has more traffic and was not required to have a traffic study.

Motion by Bolthouse to table Case No. PR-3-2018 until the following items are addressed on the drawing: a fence on the east line from the woods to the end of the parking near the buildings, a noise chart showing that decibel readings will not reach 55 decibels at the property line. Support by Geiger.

Discussion. Vanderboegh asked to include a copy of the purchase agreement between Powers and Johnson, that an agreement for screening of Farley's property from Oarie Drive be completed by the next meeting, and that a handrail for the sidewalk be installed along the edge of the sidewalk. Bolthouse agreed to amend the motion for the additional stipulations. Geiger supported.

Roll call vote taken: 6 ayes - 0 nays - motion carried. Site Plan tabled.

### **Public Comment**

Joe Farley noted the neighbors who signed the petition against the development are the most affected. He asked if Powers would use the parking lot before the building is complete. He noted the easement was for residential use. He cited Section 527A.4. and noted easements cannot be used for uses that were not contemplated. He said people are leasing the Johnson's house. He questioned whether the case met the intent of the Master Plan. He noted his driveway will be impacted by the road, and he discussed the location of the sidewalk.



Elizabeth Bronson said the public health, safety, and welfare should be promoted. She noted she has installed no trespassing signs around her property. She suggested the traffic analysis be completed. She noted the road is the only access to the home, and she said she will be impacted by the sewer installation. She noted the road is being moved closer to the pond.

Joel Kapteyn noted the Drain Commissioner suggested in a letter that approval be withheld until the review was completed. He questioned the ownership of the parcel and suggested the original application was invalid. He noted data is required with approval of special use and questioned what the data was. He said the Planning Commission has to cite the reasons in approving requests and questioned the Planning Commission procedures. He said the other businesses in the area have direct access to Marsh Road. He said there are no specifics in the decision and said their job is to protect the neighbors.

Jeff Schmidt said he is frustrated with the process and said they should go by the book. He said he did not necessarily want a fence along his line. He questioned whether he would be impacted by the water runoff. He said he wants to do a food plot, and he was worried about trespassing.

Motion by Geiger to adjourn. Support by Miner. All ayes - motion carried.

Meeting adjourned at 9:45 p.m.

Respectfully submitted,



James McManus