

**Barry County Planning Commission
Special Meeting
Minutes
May 14, 2018**

The meeting was called to order by Clyde Morgan at 6:00 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, Levi Bolthouse, Ben Geiger, Robert Vanderboegh, and Jack Nadwornik. Joyce Snow and Jack Miner were absent. Others in attendance included Michael Powers, Barry County Planning Director James McManus, and many other interested people.

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

BUSINESS

Morgan explained the procedures of a public hearing.

Site Plan Review

TABLED Case No. PR-3-2018

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

Morgan recessed the Planning Commission, opened the public hearing, and asked Powers to present the new information.

Powers noted he had submitted the required documentation to Planning, and it has been distributed to you.

Morgan asked if anyone wished to speak in favor of the request. There was no response.

Morgan asked if anyone was opposed.

Joe Farley noted he had met with Powers, and they have an agreement for the drive, but he is not in favor of the plan.

Joel Kapteyn noted the Planning Commission had flexibility in approving PUD's, but they can also limit the use. He questioned who would get called if there was a problem. He questioned who owns the road and who can use it. He said the use should be on a public road. He asked that the road not be changed.

Elizabeth Bronson noted they have limited access to their home, and she questioned how it would be accessed for fire or medical reasons during the construction. She said safety is not being taken into consideration. She said the 6-foot fence is inadequate.

Steve Huisman likes living on a private road. He noted Powers does not get things done. He noted there are dead trees along his property. He noted the big oak will be removed. He questioned what would happen if Powers tried to access Winchester Drive.

Powers rebutted by stating that he will keep Winchester Drive closed. He said the fence by Bronson's will help significantly. He referenced the agreement with Farley and noted he has taken the neighbors into consideration. He said he will try to be a good neighbor.

Morgan closed the public hearing and reconvened the Planning Commission.

McManus noted Powers was asked to submit proof of the purchase agreement with Johnson's, approval from the Drain Commission for stormwater, a fence along the property line, an agreement with Farley, and a final sidewalk location with a handrail, which cannot be approved.

Morgan summarized the engineer's letter for the stormwater.

Vanderboegh said he wanted a copy of the sealed report. McManus noted that goes to the Drain Commissioner's office.

The Planning Commission discussed whether the sealed report and maintenance agreement needed to be reviewed.

Vanderboegh commented on the crowd control letter and said there were ten items needed. Powers clarified that was for the Gun Lake Live events. Vanderboegh noted the events at the new facility could have large crowds. Powers agreed and noted he follows the guidelines, which allow up to 995 people for Gun Lake Live. Morgan noted the letter does not specify the event. Powers said he has security at every event.

Vanderboegh asked if Powers has purchased Johnson's property. Powers said he has an option to purchase. Vanderboegh asked if Powers has a deed. Powers said he has a deed for an easement.

Geiger cited the six criteria for approval and reviewed them. He noted the purchase agreement requirement has been satisfied. He said the engineer's letter is a recommendation for approval with two stipulations. He noted the fence has been added to the plan. He said there is an agreement with Farley, and the sidewalk has been included.

Powers noted the sidewalk was moved closer to the road per the Road Commission. He said they will not allow a hand rail.

Geiger noted there are two outlying issues and asked if either would change the plan. Vanderboegh questioned what would happen if the engineer did not agree. McManus noted the permits cannot be issued until the stipulations are met.

Vanderboegh asked about moving the road closer to the wetland and asked if there were any DEQ issues. Powers said there would be no fill in the wetland. He noted the road would be moving 11 feet to where it should be in the easement.

Bolthouse asked about the agreement. Powers said there will be a 6-foot separation between the road and Farley's drive.

Morgan asked about the road crossing. Powers said the Road Commission recommended it be left as it is currently.

Morgan asked about the fence. Powers said it would be six feet high and would be 160 feet in length. He noted it would be a white vinyl fence.

Morgan verified it would be a two-sided fence. Powers agreed.

Bolthouse asked how the road would be constructed to allow access. Powers said he needs to get the buildings going, so he estimated it will take one or two days. He said he wanted to time it with the sewer installation.

Vanderboegh questioned the road width. He noted there is a 4-foot stripe. Powers noted the 4-foot area is for walking. Vanderboegh said a 16-foot wide road is a tight squeeze. Powers clarified that the road is 24 feet wide, which includes the 4-foot striped walkway.

Powers noted he was putting a 10 mph-limit on the road, and he would install speed bumps.

Geiger asked if two cars would be able to drive on the road with a walkway. Powers said yes.

Morgan asked how long it would take to complete. Powers said he hoped it would be done by May of 2019.

Morgan asked when the drive would be put in. Powers said the underground work is in Phase I, so the road will be put in early, but it will not have asphalt poured until the end.

Vanderboegh asked if there would be any fill. Powers said no and noted some soil will be removed.

Vanderboegh noted there is a two-foot difference in elevation between the parking area and the wetland. He was concerned that a 72-hour infiltration rate could create issues. Powers said it is the same system that is in use at the hotel.

Powers noted Todd Stuve has sent the certified document to the Drain Commissioner. Jim Dull, Drain Commissioner, acknowledged he had the certificate but not the maintenance agreement. Powers said the site is all sand.

Motion by Geiger to approve PR-3-2018 subject to the verification of the maintenance plan and engineer certificate. Support by Morgan. Roll call vote taken: 4 ayes - Vanderboegh-nay - Site Plan Approved.

Public Comment

Joel Kapteyn questioned why the issue of the private road was not addressed.

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

Meeting adjourned at 6:58 p.m.

Respectfully submitted,


James McManus