

**Barry County Planning Commission
Special Meeting Minutes
June 28, 2021**

The meeting was called to order by Chairperson Clyde Morgan at 7:00 p.m. in the Leason Sharpe Hall located at 231 South Broadway in Hastings. The Planning Commission members in attendance included: Morgan, Vivian Conner, John LaForge, Jack Miner, Joyce Snow, and Robert Vanderboegh. Jack Nadwornik was absent. Those also in attendance included Mike Powers, David Tripp, Barry County Planning Director James McManus, and many other interested people.

Motion by Morgan to excuse Nadwornik. Support by Vanderboegh. All ayes - motion carried.

Motion by Conner to approve the agenda as printed. Support by Snow. All ayes - motion carried.

Motion by LaForge to approve the minutes of May 24, 2021 as written. Support by Miner. All ayes - motion carried.

BUSINESS

Morgan explained the procedures of a public hearing and noted any comments regarding both requests should be done during the public hearing.

Rezoning & Site Plan Review

**Case No. A-2-2021
Case No. PR-3-2021**

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

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

Powers noted the hotel handles 100,000 guests annually of which 50% are part of wedding ceremonies. He said the guests generate 1,000-1,500 pounds of laundry per day which equates to about 30,000 pounds of laundry per month. He said he has one machine to wash towels, sheets, rags, and other items, and each cycle takes 1 1/2 hours to complete. He noted he cannot process his daily laundry with one machine, as he can only do laundry during the daytime. He noted the accumulated laundry stacks to the ceiling. He said it can be unsanitary, and it is difficult to store clean linens.

Powers noted the occupancy of the hotels and facilities is between 75% and 100%, and he needs a new laundry facility. He said he adjusted the previous plan by reducing the size of the building from 38 ft to 36 ft wide, and he moved it 8 ft off of the property line. He noted he repositioned the building so the handicapped spaces would not be removed. He also noted the cupola was removed from the design so it would not be so high. He said the building would have room for ice and vending machines. He noted the proposed building will be next to the turnaround and 10 ft from the ADA cottage.

Powers said the new building is imperative for the operation. He said there are 114 beds on the campus which allows for 223 guests. He noted the staff makes 20 trips per day from the main building to the Woods to service the buildings.

For the rezoning, Powers noted the surrounding properties are zoned MU (Mixed Use) and he noted the properties are in the urban planning area. He said he would like to rezone two parcels from RR (Rural Residential) to MU (Mixed Use) for future lodging considerations. He said the request blends with existing zoning, and he has much support for the request. He noted Bay Pointe employs between 125-150 employees and pays over 2 million dollars in payroll, and he will be adding 10-12 more jobs. He noted Bay Pointe pays over 20,000 dollars in taxes and 130,000 dollars in sales tax. He said he uses and supports local businesses, and his guests spend money in the area as well. He noted the facility hosts over 200 weddings per year as well as 200 corporate events per year. He said he does not have enough rooms, so he has filled area hotels and VRBO's with his overflow of guests. He noted there is a lodging shortage in the Gun Lake Area, so he wants to add cottages to the campus. He said no infrastructure improvements will be required for the new cottages.

Morgan asked if anyone wished to speak in favor of the request.

Bob Perino, a Gun Lake resident, described the history of Bay Pointe from a small venue to the current campus. He noted it is a Top 10 location in the state and Powers has met all of the conditions imposed by the Planning Commission. He noted Bay Pointe is managing the noise concerns by having curfews on events.

Rick Buller, who works for Edward Jones, noted he has hosted corporate events at Bay Pointe, and people from across the state go to the Bay Pointe. He noted sprawl is coming to Barry County and there is a need to update the infrastructure. He said increasing the tax base will help that.

Wade Poland, a local business owner who handles all the security for Bay Pointe, noted Powers goes for quality. He said he has heard lots of Thank You for having security on site.

Julie Fox, who owns Curley Cone, noted she employs 40 people in the summer and 30 in the winter. She stated that Bay Pointe is pivotal to the area, and she called it a destination location. She said the community needs businesses that can be relied on.

Jim Fox noted he takes his family and friends to the Bay Pointe. He noted the younger employees learn good skill sets to be good employees and to fulfill their dreams in the future. He noted Powers serves as a mentor to the younger generation.

David Tripp, who is a Gun Lake resident, said the Bay Pointe is a first-class facility, but a laundry room is needed. He noted sewer and water is not an issue, and Powers has worked to retain the existing handicapped spaces, and he has moved the building away from the fence. He noted the proposed building is consistent with the PUD plan. He said the building will lessen the traffic on Marsh Road.

Tripp continued and noted the rezoning from RR to MU is appropriate for the area. He submitted a zoning map for the Orangeville area and noted the Urban Planning area extends to Wildwood Road and includes some of the protesters' homes. He said economic impact is a variable that needs to be considered.

Tripp concluded by stating the gas, power, and sewer lines are close to the proposed laundry location.

Benjamin El Grabli, the General Manager of Bay Pointe, noted he has helped with the laundry, and he noted doing laundry is a necessity for the hotel. He said it will not add any issues to Bay Pointe Woods.

Morgan asked if anyone was opposed.

Joel Kapteyn, a neighbor, noted Powers creates problems and tries to solve them after-the-fact. He noted parking was first, and now laundry needs a solution. He said the township only cares about the tax revenue. He noted Bay Pointe has lots of noise issues, and it often goes beyond the normal hours of operation.

Kapteyn continued that Winchester Drive should not be zoned Mixed Use, and he noted the rezoning and laundry would be detrimental to the neighbors. He noted that the Boathouse disconnected from White Oak Drive.

Kapteyn acknowledged the proposal will be an improvement, but he suggested the laundry be moved to the other side of the property, and a vending machine can be placed inside a building.

Kapteyn concluded that the noise is only controlled when Powers needs to get something.

Linda Ribble, a neighbor, noted the properties to the East and South of the rezoning request are zoned RR. She said Powers has presented no evidence of a need for more housing, and the casino is planning an expansive new hotel. She noted Powers plans on buying more properties and adding to the complex. She noted the area will convert to outsiders. She asked the Planning Commission to protect the integrity of the neighborhood.

Ribble noted there have been two fights during the Wednesday live parties. She said the events need more security. She was concerned about traffic issues on Marsh Road and the Gun Lake Protective Association is concerned about the overuse of Gun Lake. She noted more buildings mean more congestion. She also noted there is a wetland on the property.

Elizabeth Bronson, a neighbor, noted noise will be an issue. She was concerned about the fumes from the laundry facility. She suggested the building be moved to the west side of the property.

Bronson noted the rezoning request is absurd. She said Powers wants to add (5) cottages and parking spaces near Oarie Drive. She said the cottages have views of the other homes. She noted Powers wants to clean the wetland and remove the vegetative shield from her home. She noted they were there first, and she commented that the casino is adding a hotel.

Bronson questioned what would happen in 20 years when weddings change. She was concerned about access onto Oarie Drive and noted people will back into the road. She cited Section 101 of the ordinance and noted the area should stay residential. She stated that approving the rezoning request will render the zoning ordinance pointless. She asked the Planning Commission to draw the line.

McManus cited and read letters of support from Sherry Hummel, Jessica Kraai, Richard Johnson, Tim Brom, Kimberly Bedford, Brian Marcukaitis, and Jim Riehl.

Powers rebutted by saying there have been no noise complaints filed since 2011. He noted the individuals involved in the fight either had been arrested or soon would be. Powers said he was not aware of any traffic incidents in the past 18 years. Powers noted the existing laundry facility is 20 ft from the patio, and no one complains about noise or fumes. He noted the proposed laundry building will be 150 ft from the nearest home. He noted he does not have to clean up the pond/wetland, and he would need a permit to start. He noted he intends to build a sidewalk from the new cottages to the Bay Pointe Woods parking area.

Tripp commented that a Circuit Court order between Kapteyn and Bay Pointe included an agreement to separate Oarie Drive from Winchester Drive.

Powers added the guests are required to sign a contract form which included noise provisions, and he has evicted people who have violated the contract.

Morgan closed the public hearing and gave the Planning Commission a break at 8:15 p.m.

Morgan reconvened the Planning Commission at 8:20 p.m.

Site Plan Review

Case No. PR-3-2021

LaForge noted he preferred to see the laundry moved to the other side of the property, but he noted that he could accept the proposed location because of the smaller size, increased setback, and preservation of the handicapped parking spaces.

Miner asked about the existing laundry and why it only runs during the daytime. Powers noted the laundry is on a 12 inch slab, and the spin cycle creates a vibration. He noted the existing laundry sits below two guest rooms.

Miner said he was concerned about the location and suggested the new building should be next to the shed.

Conner noted the properties around the building are zoned RR. She suggested the new building be placed on the back side of the parking lot. She said noise could be a nuisance.

Powers noted there are lights in the entire parking area. He said the well in that space is a fire protection-well only. He noted there are no utilities on the west side of the lot, and noted that the suggested location will be 450 ft from the ADA cottage.

Conner asked about moving the laundry closer to the cottage. Powers noted that is the ceremony area and there would be no vehicle access there. He said the proposed location is the only viable location.

LaForge suggested a shelter could be used for pop and ice vending. Powers said that would not be convenient.

Conner asked how many machines would be in the building. Powers said one pop machine and one ice machine.

Conner asked if the laundry facility could support the new expansion. Powers agreed.

Powers noted the cottages are currently served from the main building, so the house keepers have to go back and forth.

Conner asked about the ceremony location. Powers noted the ceremonies are held outside, and the receptions are held inside.

Snow also stated the building should be moved to the west side of the property and that a small shed be used for pop and ice. Powers noted the vending machines need to be in an enclosed building.

Snow noted the laundry should have been planned for. Powers admitted that detail was missed when the Woods was considered.

Vanderboegh asked what the cost of a commercial laundry service would be. Powers noted CLS does not offer daily service and will not do laundry of other vendors.

Vanderboegh commented that the handicapped basis is not sufficient enough to approve the building location. He said the neighbors need to be considered as they have already been impacted.

Powers noted moving the building across the property is not practical.

Snow noted the utilities were not on site when the project was begun.

Powers noted all of the utilities are in the area of the proposed building, and there is an 8 ft fence between the building and the neighbors. He stated the new building will not be disruptive.

Morgan noted the cost to move the building is too great, and the impact on the neighbors will be minimal. He also noted the changes from the first submittal.

LaForge suggested that businesses need to protect surrounding neighborhoods. He asked if the new cottages would require another laundry facility. Powers noted the proposed laundry would be able to service the additional cottages.

LaForge asked if that could be put in writing. Powers hesitated but said yes.

Conner asked how long the Bay Pointe Woods kitchen operated. Powers said more than 10 hours per day.

Conner asked about the laundry hours. Powers said it would operate for eight hours per day. Conner asked about the comment Powers made at the Orangeville Township meeting that the Planning Commission erred. Powers said he felt the laundry facility building should have been approved.

Snow asked if there were any other commercial options. Powers said no and noted they have to separate the bedding.

Miner asked if Bay Pointe would do any other hotel's laundry. Powers said no.

Miner noted Bay Pointe will be doubling their laundry capacity. Powers agreed.

Miner asked about adding another laundry building. Powers noted the new cottages will be accommodated by the new facility.

Motion by LaForge to approve Case No. PR-3-2021. Support by Morgan.

Roll call vote taken: LaForge, Morgan-aye - Conner, Miner, Snow, Vanderboegh-nay - motion denied.

Motion by Miner to deny Case No. PR-3-2021. Support by Vanderboegh.

Roll call vote taken: Conner, Miner, Vanderboegh-aye - LaForge, Morgan, Snow-nay - motion did not pass.

Conner suggested tabling the request.

Morgan asked Powers if he would move the building to the west side of the parcel. Powers said that was impractical.

LaForge noted if the majority of the Commission wants the building moved, tabling the request is not practical.

Snow noted Powers planned for the laundry in the wrong way.

Miner noted the west side of the property is adjacent to vacant land, so if anyone wants to build there, they will know the laundry is in place. He said the proposed location is a surprise to the neighbors.

Morgan noted the entire development surprised people, and the Planning Commission has already approved the development. He felt the proposed location is ideal.

Conner said she was concerned about the surrounding properties being zoned RR. She did not think the neighbors are exaggerating, and she said the laundry will add to the existing noise.

Snow asked what Powers would do if the building was denied. Powers said he might have to file a lawsuit.

Vanderboegh suggested Powers use directional drilling to move the infrastructure to the west side of the property. He noted Powers may get more support from the neighbors.

Powers said it would cost between 150,000 – 200,00 dollars extra to do that.

Motion by LaForge to approve Case No. PR-3-2021. Support by Morgan.

Roll call vote taken: LaForge, Morgan, Snow—aye - Conner, Miner, Vanderboegh—nay - motion did not pass.

Motion by Conner to table Case No. PR-3-2021 until the July meeting so the full Planning Commission can vote. Support by Snow.

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

Morgan recessed the Planning Commission at 9:11 p.m.

Morgan reconvened the Planning Commission at 9:16 p.m.

Rezoning

A-2-2021

Miner disagreed that the property requested for rezoning is in the plan. He noted the plan calls for maintaining a rural aesthetic. He said the commercial area has to stop somewhere. He noted the wetland area is a concern, so the property should remain RR.

Snow commented that Mixed Use zoning allows for many different uses. She suggested waiting until the new master plan is completed.

Conner noted monies have been allocated for an update to the plan.

Vanderboegh felt it was prudent to wait for an updated plan.

LaForge felt the request was a major change, and it can wait for the new plan.

Morgan noted Master Plans are not simple deals and it may take a while to get done.

Motion by LaForge to recommend denial of A-2-2021 to the Board of Commissioners.
Support by Snow.

Roll call vote taken: 6 ayes – 0 nays - motion carried.

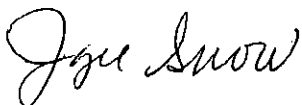
PUBLIC COMMENT

Kapteyn asked when the rezoning would be presented to the Board of Commissioners.
McManus said it would likely be presented at the Committee of the Whole meeting on July 20th, 2021.

Motion by Vanderboegh to adjourn. Support by LaForge. All ayes - motion carried.

Meeting adjourned at 9:27 p.m.

Respectfully submitted,



Joyce Snow, Secretary