

**Barry County Planning Commission
Meeting Minutes
July 22, 2019**

The meeting was called to order at 7:00 p.m. by Robert Vanderboegh in the Community Room of the Tyden Center located at 121 South Church Street in Hastings. The Planning Commission members in attendance included: Vanderboegh, John LaForge, Jack Miner, Joyce Snow, Ben Geiger, and Jack Nadwornik. Clyde Morgan was absent. Others in attendance included Barry County Planning Director James McManus, Wally Haley, Nathan Mesecar, Cassidy Saurman, Aaron Hartman, and many other interested people.

The Planning Commission reviewed the agenda. Vanderboegh suggested that the Election of Officers be postponed until a full commission was available. Motion by Miner to remove the Election of Officers and approve the agenda as amended. Support by Snow. All ayes - motion carried.

The minutes of May 28th, 2019 were reviewed by the Planning Commission. Motion by Geiger to approve the Minutes as printed. Support by LaForge. All ayes - motion carried.

BUSINESS

Text Amendment

Case No. A-1-2019

Article FIFTEEN, Mixed Use (MU)

Vanderboegh recessed the Planning Commission, opened the public hearing, and asked for a staff report.

McManus noted the request is to strike the section that requires public sewer and water for new commercial uses in the Mixed Use district. He noted there has not been an expansion of public utilities that was anticipated, so many Mixed Use areas are not served by public utilities. He also noted that several projects had been approved in the MU district without utilities. He noted the Health Department will still have to review commercial projects for on-site well and septic.

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

Vanderboegh asked if anyone was opposed. There was no response.

Vanderboegh closed the public hearing and reconvened the Planning Commission.

Motion by Geiger to recommend approval of Case No. A-1-2019 to the Barry County Board of Commissioners. Support by LaForge.

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

Special Uses

TABLED Case No. SP-3-2019

**AT&T Mobility (Applicant)
John Deason (Property Owner)**

Vanderboegh recessed the Planning Commission, opened the public hearing, and asked AT&T to present the request.

Wally Haley, representing AT&T, noted he had initially presented the request in February as a special use and site plan approval. He summarized the request by indicating it will be a 195 ft monopole tower that will have capacity for three carriers. He said the tower is not required to have lighting. He noted the location exceeds the ordinance requirements.

Haley noted that they did look at the neighboring tower, and the engineer has submitted an affidavit saying it does not work for coverage. He also noted the tower has reached its load capacity. Haley said environmental issues cannot be discussed as they are a province of the federal government.

Haley continued that the coverage maps on the internet give an overview of general coverage, not specific coverage areas. He also noted they only look at outdoor coverage.

Haley noted property value impacts are not verifiable. He noted he looked at the RR classification and he said a tower is a relatively minor use. Haley concluded by reviewing the standards of the ordinance.

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

Vanderboegh asked if anyone was opposed.

Roger Smith questioned the legitimacy of the contract with John Deason. He asked that the contract be verified. He noted there have been many complaints in Kalamazoo about AT&T. He questioned the co-location data and noted the data is from 2006. He questioned the accuracy of the survey and noted the aerial photography shows a potential encroachment.

Christyl Burnett noted she owns the pottery store next to the site. She noted the natural character is valued and is an economic benefit. She noted the tower will lessen the charm of the area. She noted the DEQ had tried to obtain the property prior to Deason's purchase, and the Land Conservancy has also expressed interest. She cited a 2018 Fish & Wildlife report suggesting towers not be near wetlands. She asked that the request be denied due to negative impacts.

Victoria Smith said that they did not receive a notification of a survey. She noted they were doing soil testing on the property on June 12th. She said she felt disrespected.

Mike Evans asked if the Commissioners had visited the site. He went through the ordinance and noted users are intended to be protected. He noted towers should be designed and constructed to match the essential character of the neighborhood. He noted all of the neighboring properties look similar; Deason's is the anomaly. He noted the application does not discuss essential character of the area. He noted economic impact will occur; Deason's driveway and garbage will turn people away; he noted Deason had a garbage burning fire that went out of control. He said the tower will negatively impact his pottery and nursery business as the use is hazardous and disturbing. He said the public cost will be the negative impact on economic development. He asked that the use be denied.

Warren Kidder noted the FCC regulations require an environmental review and said he cannot find any documentation for this project online. He asked if the NEPA review was completed.

Haley rebutted by saying the NEPA review is not completed. He noted if the NEPA review results in failure for this site, the tower project will not be done. He said he could forward a copy of the report when it is completed.

Haley continued that he did not think it will be an issue as the tower is not in a wetland and the road access will not go through the wetland. He noted that tourists use phones and they need service. He noted they used the standards in the ordinance to design the site.

Vanderboegh closed the public hearing and reconvened the Planning Commission.

LaForge asked if 5G service would be added. Haley said yes.

LaForge noted there was new legislation requiring adjustments to 5G service and noted some people may have to have boxes in their yards. Haley said he was aware of the legislation but said rural areas are less likely to need boxes. He noted the upgrades are in the chips and transmitters.

Miner verified the NEPA report had not been completed. Haley agreed.

Miner asked if the tower could start before it was completed. Haley said no.

Snow questioned the report and noted it was from Canada. She asked if it was applicable to the U.S. Haley said yes and noted he picked it because it had a good discussion of the issue. He noted he was not aware of any property value adjustments due to towers.

Snow noted towers are not essential services and should be located in non-residential areas. She noted the ordinance promotes the joint use of towers. She said she was not sold that the neighboring tower could not be used.

Haley commented that the neighboring tower does not meet AT&T objectives because it does not fill the whole of service. He said there were no alternatives for the site. He noted the company did its due diligence in selecting the site.

Snow asked if AT&T would rent space to other carriers. Haley said yes.

Geiger asked that Haley confirm that existing towers were evaluated for use. Haley said yes.

Motion by Geiger to approve Case No. SP-3-2019 per Section 2302. 1.-7. of the Barry County Zoning Ordinance of 2008, as amended. Support by Miner.

Roll call vote taken: 4 ayes - Geiger, LaForge, Miner, Vanderboegh - 2 nays - Nadwornik, Snow - motion carried. Special Use Approved.

Case No. SP-9-2019

**Aaron Hartman (Applicant)
Timothy & Linda Weingartz (Property Owners)**

Vanderboegh recessed the Planning Commission, opened the public hearing, and asked Hartman to present his request.

Hartman said he is building a home and a pole barn, and he would like to have a mother-in-law apartment in the pole barn.

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

Vanderboegh asked if anyone was opposed. There was no response.

McManus read a letter from Weingartz in support of the request.

Vanderboegh closed the public hearing and reconvened the Planning Commission.

Nadwornik asked if it would eventually become a rental property. Hartman said they have no interest in renting. He said it will be converted into a man cave.

Snow asked if the 10x14 space would be a garage. The Hartman's said that area was the bedroom. Mrs. Hartman described the interior plans for the structure.

Miner asked if this was an enforcement issue. McManus said no.

LaForge asked if the Hartman's had children. Hartman said yes. LaForge said they could use it.

Motion by LaForge to approve Case No. SP-9-2019 per Section 2302 1.-7. of the Barry County Zoning Ordinance of 2008, as amended. Support by Nadwornik.

Roll call vote taken: 6 ayes - 0 nays - motion carried. Special Use Approved.

Case No. SP-10-2019

Nathan L. Mesecar (Property Owner)

Vanderboegh recessed the Planning Commission, opened the public hearing, and asked Mesecar to present his request.

Mesecar said he wants to operate an auto repair facility as a home occupation.

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

Vern Jackson said the place is kept clean.

Vanderboegh asked if anyone wished to speak in opposition.

Buffy Myers was concerned about the environmental impacts. She hoped that her land would be kept pristine.

McManus read a letter from Kirt Peterson in favor of the request.

Vanderboegh closed the public hearing and reconvened the Planning Commission.

LaForge asked if Mesecar would have any restrooms. Mesecar said he has one in his home.

LaForge asked if he has state inspections of the site. Mesecar said yes.

LaForge questioned the address. McManus noted they used the house address because it is a home occupation. McManus also noted he does not assign addresses for Woodland Township.

Miner asked if there would be any fuel on site. Mesecar said no but he will have (2) 55-gallon drums for oil.

Miner asked if the drums had secondary containment. Mesecar said yes.

Miner asked if he would have any employees. Mesecar said no.

Miner asked about signage. Mesecar said he would have one plus an off-premise sign on his neighbor's lot.

Snow asked if there were any other hazardous materials,. Mesecar said no.

Snow asked of the oil would be properly disposed. Mesecar said yes.

Snow asked if the signs would be lit. Mesecar said no.

Snow asked how many vehicles would be on site. Mesecar said five to seven.

Snow asked about the hours of operation. Mesecar said 9-5 for three days a week. Mesecar said he would start as a part-time business.

Snow asked about parking. Mesecar noted parking will be next to the side door of the building.

Snow asked about large trucks. Mesecar said there should not be any.

Geiger noted it was in a good spot right off M-50. He asked if Mesecar would be a good environmental steward. Mesecar said he contains and recycles the oil and he recycles the batteries in Lake Odessa.

Geiger asked if he would have any junk cars. Mesecar said no.

Geiger asked if he would start a wrecker service. Mesecar said he was not sure.

Nadwornik asked if Mesecar would be doing mechanical work. Mesecar said yes.
Nadwornik asked about body work. Mesecar said no.
Nadwornik asked if the site would have any additional lighting. Mesecar said no.

Vanderboegh asked if Mesecar was aware of the sign ordinance. Mesecar said yes.

Miner asked if this was an enforcement issue. McManus said partially and noted Mesecar was sent a notice for junk vehicles.

Miner asked how many cars would be stored outside. Mesecar said five at most.

Motion by Snow to approve Case No. SP-10-2019 per Section 2302 1.-7. of the Barry County Zoning Ordinance of 2008, as amended. Support by LaForge.

Roll call vote taken: 6 ayes - 0 nays - motion carried. Special Use Approved.

Site Plan Review

Case No. PR-1-2019

**Kassidy Saurman (Applicant)
Jacob & Kassidy Saurman (Property Owners)**

Vanderboegh recessed the Planning Commission, opened the public hearing, and asked Saurman to present the plan.

Saurman noted she was adding an accessory building for her doggy daycare. She said she has a 10-dog limit, and she indicated she will not be boarding any animals. She said she will have hours of 7-6 Monday-Friday, but she would like to increase the number of dogs to 20.

There were no public comments regarding the site plan.

Vanderboegh closed the public hearing and reconvened the Planning Commission.

LaForge thought there might be an issue with traffic, but he noted the property is along a flat section of M-43.

Miner asked if she would have any other employees. Saurman said no.

Snow asked if there would be dog runs. Saurman said no; the dogs will be allowed to run in the yard.

Snow asked about a dumpster. Saurman said the dumpster will be by the house. She noted her dog waste will be thrown in the dumpster.

Snow asked if the site would have lighting. Saurman said yes.

Geiger asked about ventilation and climate control. McManus noted it was up to Animal Control. Saurman said they leave the doors open, but they will have heating and cooling in the barn.

Vanderboegh asked about training of animals. Saurman said she only has one being trained.

Motion by LaForge to approve Case No. PR-1-2019 with a stipulation of a maximum of 20 dogs. Support by Geiger.

Roll call vote taken: 6 ayes - 0 nays - motion carried. Site Plan Approved with Stipulation.

Farmland Agreements

#19-1

Dennis DeYoung/DeYoung Farmland LLC

McManus noted the property was planned and zoned Rural Residential, which allows agricultural use by Right. He noted the property was small but eight of the ten acres were tillable.

Motion by Geiger to recommend approval of #19-1 to the Board of Commissioners. Support by Snow. All ayes - motion carried.

#19-2

Michael Buehler/Bradley Buehler

McManus noted the property is planned and zoned Rural Residential, which allows agricultural use by Right. He noted the size of the property is 20 acres.

Motion by Geiger to recommend approval of #19-2 to the Barry County Board of Commissioners. Support by Snow. All ayes - motion carried.

Motion by Geiger to adjourn the meeting. Support by LaForge. All ayes - motion carried.

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce Snow". The signature is written in black ink and is positioned above the printed name.

Joyce Snow, Secretary