

Barry County Planning Commission
Meeting Minutes
July 27, 2020

The meeting was called to order at 7:00 p.m. by Chairperson Clyde Morgan in the Community Room of the Tyden Center located at 121 South Church Street in Hastings. The Planning Commission members in attendance included: Morgan, John LaForge, Jack Miner, Joyce Snow, Robert Vanderboegh, and Jack Nadwornik. Ben Geiger was absent. Those also in attendance included Barry County Planning Director James McManus, Brandon Orman, Jon Raymond, and other interested people.

The Planning Commission reviewed the agenda. Miner made the motion to add a public comment section before the agenda items. Support by Snow. Miner noted people should be given the chance to speak. McManus noted that motion would require an amendment to the by-laws. He also noted public comments should not influence a decision prior to an applicant's statement. Vanderboegh noted people should have a choice to speak. LaForge noted the public did and suggested letting McManus research the by-law amendment.

Miner withdrew the motion. Snow withdrew the support.

Morgan asked to add Charlton Park Appointment to the end of the agenda. Motion by Vanderboegh to approve the agenda as amended. Support by LaForge. All ayes - motion carried.

Election of Officers

Chair - Miner nominated Morgan to serve as chair. Support by Vanderboegh. All ayes - motion carried.

Vice Chair - Vanderboegh nominated LaForge to serve as a vice chair. Support by Morgan. Snow nominated Vanderboegh. There was no support.

Vote for LaForge. All ayes - motion carried.

Secretary - Miner nominated Snow to serve as secretary. Support by Morgan. All ayes - motion carried.

BUSINESS

Morgan explained the procedures of a public hearing.

Special Uses

TABLED Case No. SP-1-2020

**Brandon Orman (Applicant)
Randy Ellwood (Property Owner)**

Motion by Nadwornik to take Case No. SP-1-2020 off of the table. Support by LaForge. All ayes - motion carried.

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

Orman noted that he is trying to operate a salvage yard, but he is still waiting on paperwork from the owner. He noted the husband died creating some legal issues with the neighbors.

Nadwornik asked how long it would be to finish the paperwork. Orman said it should be done within a week.

Orman noted the property will still not be (2) acres in size, but he will be able to lease the neighbors'.

McManus noted the notice would have to be re-evaluated if another property is being included.

Motion by LaForge to deny Case No. SP-1-2020. Support by Nadwornik.

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

Case No. SP-2-2020

**Jon Raymond (Applicant)
Kay D Development LLC (Property Owner)**

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

Jared Halverson, an engineer working with Raymond, noted they are requesting a land division on a private road. He said he is allowed (7) and, with a private road, (2) bonus divisions to make (9) parcels. He said the road has been constructed. He noted (7) parcels on a private road is allowed by right, but they would like to use the (9) allowed by state law. He noted all of the parcels will be in compliance with the ordinance requirements.

Halverson continued and noted the area is rural. He said the adjacent neighbors had large parcels, and the proposed parcels will be between 2.75 and 10 acres. He said the parcels will have a minimum of 200 feet of road frontage. He said the road is gently curved along the edge of the wetland. He reviewed a photo of the site.

Morgan asked if anyone wished to speak in regards to the request.

Neil Brundage summarized a letter he sent in and noted the area is wooded and he promised not to develop his acreage. He noted he was offered the subject property but was unable to buy it.

McManus noted letters from Egolf and Mulder were also submitted in opposition to the request.

Halverson rebutted by noting change is hard, but there needs to be a balance between change and property rights. He noted one entrance lessens the impact on neighboring properties and traffic. He said there is an 800 ft space of buffer between the neighbors. He said they cleared 50-60 feet of trees for the road construction. He said they will try to minimize tree removal.

LaForge asked if they would set up a Homeowners Association. Raymond said yes. LaForge suggested prohibiting tree removal to keep it natural. Raymond noted that people who move into the woods like to keep their trees.

Miner asked what the process was. McManus noted Raymond is allowed (7) parcels on a private road by right. To ask for (9) requires a special use permit. He said the road must be constructed to the private road standard before permits are released.

Miner asked if he could review a layout of the seven parcels. Halverson showed a layout and explained how the lots would be merged to make (7) parcels.

Snow asked if the extra lots were simply to add to Raymond's profit. Halverson said the bonus divisions are part of the state law and many areas allow the bonus divisions by right. He noted that all of the parcels are larger than the minimum requirements, and he said not allowing bonus divisions may impact the growth of an area.

McManus commented on the basis of the private road ordinance and noted that (7) splits was the number permitted on 40 acres. He also noted the length of a private road was based on 40 acres. He noted the private road ordinance predated the bonus split provision of the Land Division Act.

Vanderboegh asked about the approval process. McManus said he can approve up to (7) administratively, but a split of (9) needs to be approved as a special use. He noted the road has to be approved as well.

Vanderboegh asked about the unmarked lot on the survey. Halverson said it will be combined with Parcel 2 or Parcel 3. He noted it is currently with Lot 3.

Vanderboegh questioned the taxes. Halverson said the unmarked area is unbuildable and will be a drainage easement. He said he was trying to make Parcel 3 larger.

McManus noted they could adjust the lot lines if they chose.

Raymond noted Parcel 3 still exceeds the minimum requirements.

Vanderboegh questioned the value of the wetland area as a natural area. Raymond noted it could be combined with either Lot 1 or Lot 2.

Nadwornik suggested it be a dedicated green space.

Vanderboegh asked if the Homeowners Association would be responsible for maintaining the road. Raymond noted members are appointed to a board.

Vanderboegh asked if the board requirements were written. Raymond said yes and it is part of the deed.

Snow questioned how a neighboring parcel was divided. McManus noted Knoll Drive was approved prior to the ordinance.

Morgan asked if the parcel was ever farmed. Raymond said maybe 60 years ago. Morgan noted it would not be good for farming.

Morgan questioned the size of the cul-de-sac. Halverson said it meets the ordinance requirement, but he noted urban areas have a large radius requirement.

Nadwornik asked about any housing restrictions. Raymond said there will be a 1400 sq ft minimum and 1850 sq ft for 2-story houses. He said outbuildings will be required to match the home.

LaForge asked about septic and water. Raymond said every site has had a site evaluation within the last year.

Vanderboegh asked about any lighting. Raymond said there would be none.

Motion by LaForge to approve Case No. SP-2-2020. There was no support for the motion.

Motion by Snow to deny Case No. SP-2-2020 per Article 23, Section 2302.A.2. of the Barry County Zoning Ordinance of 2008, as amended. Support by Vanderboegh.

Vanderboegh verified Raymond would still get (7) parcels. McManus agreed.

Roll call vote taken on the motion: 4 ayes – Miner, Morgan, Snow, and Vanderboegh -- 2 nays - LaForge and Nadwornik -- motion carried. Special Use Denied.

Case No. SP-3-2020

**Jon Raymond (Applicant)
Kay D Development LLC (Property Owner)**

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

Halverson noted the request was to create (9) parcels on a private road. He said the property overlooks the Thornapple River and is in a more developed area. He said the road has been constructed and is a winding road.

Vanderboegh asked who designed the sign. Raymond said he did.

Halverson continued and noted the lots are wide and deep to the river, and there are no neighbors to the south. He said the site is pure sand which will allow septic systems. He said there is no opposition to the (9) parcels. He noted the road will be paved. He distributed a drawing of (7) parcels and noted the adjustment will be to enlarge the lots on the north side of the road.

Nadwornik asked about the home site locations. Halverson noted he lays out the lots based on a home location that he envisions, but people can build where they want. Nadwornik asked if there would be building restrictions. Raymond said yes.

Vanderboegh asked if each lot was usable. Halverson said yes, but he noted there is a floodplain on the river front lots.

Snow suggested (8) parcels. Raymond said he preferred (9) and noted he opted against doing a site condominium which could have allowed more lots.

Miner asked about the floodplain. Halverson said it is along the edge of the river, and he said each house is required to be 2 feet above the flood elevation.

Raymond commented that people are looking for bigger lots to build on.

Morgan asked if there would be any lighting. Raymond said no.

Nadwornik asked if this property would have a Homeowners Association. Raymond said yes. Nadwornik suggested including down lighting requirements in the by-laws.

Motion by Nadwornik to approve Case No. SP-3-2020 per Article 23, Section 2302.A.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.

Farmland Agreements

#20-01
#20-02
#20-03

Archie Jennings

McManus noted Jennings has quite a bit of farmland. He said all of the proposed parcels are planned and zoned Agricultural.

Motion by LaForge to recommend Farmland Agreements #20-01, #20-02, and #20-03 to the Barry County Board of Commissioners. Support by Nadwornik. All ayes - motion carried.

Charlton Park Appointment

Miner indicated he can no longer serve as a member of the Parks & Recreation committee.

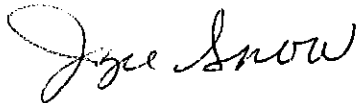
Vanderboegh said he had a conflict of interest.
Snow said she would be willing to serve.

Morgan appointed Snow to serve on the Parks & Recreation Commission.

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

Meeting adjourned at 8:36 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce Snow".

Joyce Snow, Secretary