

AMENDED
Barry County Planning Commission
Meeting Minutes
August 23, 2021

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, Vivian Conner, John LaForge, Jack Miner, Jack Nadwornik, Joyce Snow, and Robert Vanderboegh. Those also in attendance included: Mike Powers, David Tripp, Daniel Boik, Candra Boik, Dana Jones, Barry County Planning Director James McManus, and many other interested people.

The Planning Commission reviewed the proposed agenda. Conner asked if any of the Commissioners felt the need to go into closed session to discuss the letter from the attorney. No one replied yes.

Motion by Vanderboegh to approve the agenda as written. Support by LaForge. All ayes - motion carried.

Motion by LaForge to approve the minutes of July 26, 2021 as written. Support by Vanderboegh. All ayes - motion carried.

BUSINESS

Morgan explained the procedures of a public hearing.

Site Plan Review

TABLED Case No. PR-3-2021

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

Motion by Vanderboegh to remove Case No. PR-3-2021 off of the table. Support by LaForge. All ayes - motion carried.

McManus noted the case was tabled at the motion phase. He noted documentation has been submitted from Powers and from our attorney regarding the request.

Motion by LaForge to deny Case No. PR-3-2021 as presented. Support by Snow.

Discussion on the motion:

Morgan asked what the basis was for the denial. LaForge noted the request was originally denied and the Planning Commission suggested the building be moved to the other side of the property. He noted the new plan is not sufficient, and Power's only basis for not moving the building was cost.

Morgan noted noise was also cited as a reason for the shift. LaForge agreed.

Vanderboegh suggested approving the plan with a stipulation to move the building subject to administrative review. He noted the design was acceptable, but the location could be moved to the west side of the PUD.

Nadwornik suggested that the stipulations be specific.

LaForge rescinded his motion. Snow rescinded the support.

Motion by LaForge to approve Case No. PR-3-2021 with the stipulation that the laundry building be moved to the west side of the parking lot subject to administrative review. Support by Snow.

Discussion on the motion:

Morgan thought the plan should be approved as submitted. He did not feel the laundry work would be an issue to neighboring properties.

Snow commented that the costs to have the building on the west side of the property were not as high as originally noted.

Roll call vote taken on the motion: 6 ayes-Conner, LaForge, Miner, Nadwornik, Snow, Vanderboegh - 1 nay-Morgan - motion carried. Site Plan Approved with Stipulation.

Special Uses

Case No. SP-8-2021

Daniel & Candra Boik (Property Owners)

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

Candra Boik said they would like to build a new building that would be used for storage and an apartment for her mother. She noted the apartment would be 512 square feet.

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

Sean McLaughlin supported the request and noted it could be an intergenerational dwelling.

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

Morgan closed the public hearing and reconvened the Planning Commission.

Miner asked what would happen to the apartment in the future. Boik said it would be used as a guest house or it would be used when the kids visit.

Miner asked if the Boik's would be okay with a stipulation that it could not be rented. Boik agreed.

Snow noted the request meets all of the criteria of Section 2305.

Morgan was concerned about setting a precedent and questioned how the rent stipulation would be enforced.

Miner said enforcement would commence when a complaint was filed.

Morgan asked if they would use the existing drive for the new structure. Boik said yes. Morgan asked how high the building would be. Boik said he would have a 9 ft door, but noted the building will not be much higher than the house.

Boik noted the apartment will be 16x32 and the storage area will be 40x32.

LaForge noted the house has a brick wall foundation which elevates it, so the barn height should be close to the house height.

Morgan asked about the heating system. Boik said they would have radiant heat in the floor.

Motion by Vanderboegh to approve Case No. SP-8-2021 per Article 23, Section 2302.A.1.-7. of the Barry County Zoning Ordinance of 2008, as amended, with the stipulation that the accessory dwelling cannot be rented to non-family members. Support by LaForge.

Roll call vote taken: 7 ayes - 0 nays - motion carried. Special Use Approved.

Case No. SP-10-2021

Dana & Stacey Jones (Property Owners)

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

Jones noted he currently has a federal firearms license and he would like to transfer it to his new home. He noted the pandemic has caused the price for his repair services to go up, but he gives discounts to veterans. He said he was a veteran. He said he would have very little foot traffic on site, maybe one or two per month. He said he usually ships the guns. He said he had a letter from the HOA approving his request.

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

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

Morgan closed the public hearing and reconvened the Planning Commission.

LaForge asked if Jones kept an inventory of guns on site. Jones said he usually has between 15-30 guns on site. LaForge asked how often Jones ships guns out. Jones said 8-10 times per month.

LaForge asked about truck traffic. Jones said he takes the shipments directly to the store.

LaForge asked about security. Jones said he has nine cameras set up on site, and he has a vault where he stores the guns.

LaForge asked about insurance. Jones said it is under his homeowners insurance. LaForge suggested he get a stand-alone insurance plan for the business.

Conner asked if Garbow Road was a seasonal road. McManus said no, it is a year-round road.

Snow asked if there would be any hazardous wastes. Jones said no.
Snow asked if Jones would have any other employees. Jones said no.

Morgan asked if the drive would be paved. Jones said yes and noted he will be trying to get Garbow Road paved.
Morgan asked if he had ammo on site as well. Jones said yes.

Motion by Snow to approve Case No. SP-10-2021 as presented per Article 23, Section 2302.A.1.-7. of the Barry County Zoning Ordinance of 2008, as amended. Support by Conner.

Roll call vote taken: 7 ayes - 0 nays - motion carried. Special Use Approved.

Morgan recessed the Planning Commission at 7:42 p.m.

Morgan reconvened the Planning Commission at 7:48 p.m.

Rezoning

Map Change A-2-2021

Bay Corp, Inc. (Property Owner)

McManus noted the rezoning request was sent back to the Planning Commission from the Board of Commissioners because the basis of using a future land plan was not appropriate. He noted the new public hearing would occur and the Planning Commission would have to base their recommendation on the current plan and site-specific criteria.

Morgan recessed the Planning Commission, opened the public hearing, and asked Bay Corp, Inc. to present the request.

Mike Powers read a prepared statement (see attached), outlining the reasons that the rezoning request should be approved. He noted the area is planned as an Urban Growth area, and the area to the north is zoned Mixed Use, and the property to the west was approved as a PUD.

David Tripp cited the Planners Handbook and noted a zoning decision cannot unreasonably deprive a return on the property. He said the current use of the property is a barn and a double-wide mobile home, and both properties are distressed. He noted the pond is between the Mixed Use area and the properties to the South. He said many of the homes on Winchester Drive are mobile homes and are likely to change, and some may be changing soon.

Tripp also noted the Master Plan shows the area as an Urban Growth area and noted Gun Lake is growing and changing. He noted the business is doing well and the request should be approved. He asked that the Planning Commission look at the goals of the Master Plan. He noted utilities are available on site, and the wetland will not be disturbed.

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

Morgan asked if anyone was opposed.

Joel Kapteyn noted he owned a 1972 trailer it serves him well. He noted the homes in the area are impacted by the use. He cited Tripp's letter and said he cannot take time off to meet with them.

He countered Power's comment on noise and played a tape from a Sunday afternoon reception. He noted outdoor speakers were set up on a Sunday. He said Winchester Drive has many private lots owned by families who like to come to the lake, and the mobile homes are more affordable.

Linda Ribble submitted a picture of a Wednesday Night Live event which had excessive traffic. She noted the barn and home property were being used for overflow parking. She said there is not enough room in the area for all of the activities. She noted there would be increased congestion, and that could lead to accidents. She said all of the amenities for Bay Pointe are in the main building, and people walking across the road are a hazard.

Elizabeth Bronson noted the property is zoned RR, but her home is not in a safe and quiet area. She said there have been 39 calls to Central Dispatch for criminal activity. She noted the rezoning could lead to any use authorized in the MU zoning district, but the area to the south is zoned RR. She noted Gun Lake Casino is adding a hotel, and she questioned what would happen to the properties if society changes over the next 15 years. She asked the Planning Commission to consider the effects on the neighboring properties. She cited the ordinance and noted it was created to promote public health, safety and welfare. She concluded by saying the double-wide that is proposed to be rezoned is being rented.

Jeff Schmidt noted his property to the west of the property is zoned RR, and he said that Powers had been looking at other properties in the area.

McManus read letters of support from Cassel, Glynn, and Bouma.

Powers rebutted by saying the picture was taken during a “Brenna” concert, which is the highest attended event. He said parking is not typically an issue. He noted Bouma lives next to the pavilion, and the other people who sent letters live next to the Boathouse. Powers noted property values have increased in the area, so the development had not had a detrimental effect on the area.

Tripp noted he had sent a letter to meet with the three complainants, but they chose not to attend. He noted the complainants are opposed to everything, but the people who live next to the Bay Pointe get along with Powers. Tripp continued that the complainants’ statements about the lack of noise is not an accurate portrayal of Gun Lake. He noted there are motorcycles, loud boats, and a lot of people who come to Gun Lake. He said most people do not go to casinos.

Tripp asked the Planning Commission to look at the Master Plan and to look at the surrounding uses. He said much of the area is zoned MU, and a PUD was approved in the RR district. He said the pond is a natural buffer to the RR zoning area.

Powers noted there are many homes around Bay Pointe and the four complainants are the only four people who have spoken out against the project. He noted there were many letters of support. He noted he has no complaints about noise.

Morgan closed the public hearing and reconvened the Planning Commission.

LaForge verified the ownership of the property. Powers said he was the owner. LaForge identified the goals of the Urban Growth area. Powers showed LaForge the map and noted the urban growth area extends to Wildwood Road.

Conner noted the east side of Marsh Road is zoned Rural Residential.

LaForge commented on the concept of return of investment and cited a project in Williamston where a change of use led to complaints. He said Bay Pointe Woods has caused issues, and he tries to take everyone’s issues into account.

Tripp said many of the issues are unsubstantiated.

LaForge acknowledged the business was not likely to collapse.

Miner asked how many acres were requested to be rezoned. Powers said 3.7 acres for both parcels.

Miner questioned if the property was in the floodplain.

Miner noted the Drain Commissioner said the property should not be developed since there is a pond and potential floodplain. He said a drain district creation will be expensive.

Miner was concerned the community cost for developing the property would be too high.

Vanderboegh asked if Powers owned the properties to be rezoned. Powers said yes.

Vanderboegh asked if Powers knew he would have to ask for a rezoning. Powers said yes.

Vanderboegh noted Powers had speculated on getting the rezoning, which he said is not a viable argument to change the zoning.

Conner asked how old the home on Oarie Drive was. Powers said he thought it was a 1996 house.

Conner asked if Powers knew how many homes had been demolished in the Gun Lake area. Powers said no.

Conner noted 60 people were opposed to the request in 2018.

Conner said she was concerned about the pumping of the wetland. Powers noted he cannot touch the wetland without EGLE approval.

Conner noted the stormwater rules had been redone.

Conner noted the RR zoning includes wetlands, but the MU zoning does not mention wetlands.

Conner felt that these properties are the dividing line between the RR and MU zoning districts.

Conner noted the wetland takes up a lot of space of the parcel requested to be rezoned.

Snow noted part of the area is zoned RR.

Morgan noted the wetlands could be modified if approved by the State.

Nadwornik noted the future land use map is a future map and suggested the area is not ready for it yet.

Morgan asked how the stormwater was managed in the PUD. Powers said he has a collection system under the parking lot and it flows to the west.

Morgan noted the future use was from 2005.

Morgan asked how the picture of the crowd was taken. Ribble said she used a drone camera.

Morgan asked if the existing barn would be torn down. Powers said yes.
Morgan asked what would replace it. Powers said more cottages.

Conner said the Planning Commission needs to protect all interests.

Powers said they are stewards of Gun Lake. He said any water concerns will be handled by his engineers, and they will get all required approvals.

Motion by Snow to recommend denial of Map Change A-2-2021. Support by Vanderboegh.

Roll call vote taken: 6 ayes-Conner, LaForge, Miner, Nadwornik, Snow, Vanderboegh -
1 nay-Morgan - motion carried.

Farmland Agreements

#2021-01	Behrndt Farms, Inc
#2021-02	Behrndt, Edward Jr.
#2021-03	Behrndt, Edward Jr.
#2021-04	Behrndt, Edward Jr.
#2021-05	Behrndt Farms, Inc
#2021-06	Behrndt, Edward Jr.
#2021-07	Behrndt, Edward Jr.

McManus noted all of the properties are planned and zoned either as RR or Agriculture.

Vanderboegh noted these properties could be considered for an Conservation easement.

Motion by LaForge to recommend approval of Farmland Agreements #2021-01, #2021-02, #2021-03, #2021-04, #2021-05, #2021-06, and #2021-07 to the Board of Commissioners. Support by Nadwornik. All ayes - motion carried.

Public Comment

Diane Applegate questioned why the rezoning discussion tonight was not done at the previous meeting. She thanked the Planning Commission for doing the work.

Joel Kapteyn noted others who live in the area live out of the county and cannot attend meetings.

Ronna Lewis said the Planning Commission needs to be consistent.

Elizabeth Bronson thanked the Planning Commission for doing their due diligence.

McManus noted the RFQ's for the new Master Plan had been sent out. He hoped to have information back to the Planning Commission by October.

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

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack Nadwornik". The signature is stylized and cursive.

Jack Nadwornik, Secretary