

**Barry County Planning Commission
Meeting Minutes
September 26, 2022**

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, Jack Nadwornik, Robert Vanderboegh, Vivian Conner and Joyce Snow. Those in attendance included: James McManus, Kevin Miller and many other interested people.

Motion by LaForge to approve the agenda as printed. Support by Miner. All ayes – motion carried.

The Planning Commission reviewed the minutes of August 22, 2022. On Page 2, Morgan asked to change the word, “and” to “are”. Motion by LaForge to approve the minutes as corrected. Support by Miner. All ayes - motion carried.

The Planning Commission reviewed the closed session minutes of August 22, 2022. Motion by Miner to approve the minutes. Support by LaForge. All ayes - motion carried.

BUSINESS

Morgan explained the procedures of a public hearing.

Site Plan Review

PR-3-2022

**Kevin Miller (Applicant/Property Owner)
Barry Township**

Miller noted he had Tyler, the architect who helped prepare the site plan and review the requirements was with him. He noted the property is off M-43 in Barry Twp., and was rezoned earlier in the year. He said it is a 3 acre parcel. He noted MDOT has permitted the drive closer to the south property line nearly across from Floria Rd.

Miller noted the drive will follow the contours on the property to the lower plateau. He said the building will be 9,000 sq. feet and will be used for storage. He said the building will nearly be invisible from the traveled roadway.

Miller said he will store boats and RV's in the building. He noted he will try to retain the trees and foliage on the property, and he would like to withhold a formal landscaping plan until the additional site development goes forward.

Morgan asked if anyone wished to comment on the site plan. There was no response.

Miner asked if the rezoning included the small lot that will be attached to the large lot. McManus said yes.

Vanderboegh asked about the neighbor's encroachment. Miller said he has talked to his neighbor. He also said that he asked to share and improve McCormick's driveway to the south, but McCormick was not interested.

Snow asked if the doors would face west. Miller said there will be doors on the north and south side of the building.

Nadwornik verified the building would only be used for storage. Miller agreed. Nadwornik asked about lighting. Tyler noted there would be five wall packs on the building.

LaForge asked if there would be any outdoor storage. Miller said it was not his intention to have outdoor storage.

LaForge asked if there would be contractual language for boat removal by the renters. Miller said yes.

Motion by Snow to approve PR-3-2022 as presented. Support by Nadwornik.

Roll call vote taken: 7 ayes – 0 nays - motion carried. Site Plan Review Approved.

Amend Motion

Case No. SP-1-2022

**Michigan Materials & Aggregate
(Property Owner)**

McManus noted the attorneys indicated that the stipulation included with the motion needed to be amended because it went too far by requiring offsite improvements. McManus read a possible amendment which required a traffic impact study be completed by a third party consultant and that the study be paid for by the applicant.

Vanderboegh asked if they will get the information from the previous meetings. McManus said yes.

Conner asked if the study would go to Keller Rd. McManus said not likely. He noted the study would include nearby intersections and the drive location. Conner asked who would choose the consultant. McManus said he would and noted he received a list of consultants from MDOT.

Conner asked if the Road Commission would accept the results. McManus said he did not know, but he said they were supportive of the hiring of a consultant. Conner asked if Stone Co., would help choose the consultant. McManus said no, but they will be paying for the study.

Nadwornik suggested rescinding the stipulation and the original motion. He noted the original stipulation was not permissible. He said the process should start over and noted the Planning Commission did not get a hydrogeological study, a housing study or a traffic study.

Miner asked how a Traffic Impact Study would work. McManus noted driveways and intersections are graded from A – E, the lower the letter grade, the worse to intersection.

LaForge asked if the distance from the pit could be dictated. McManus said the study go out too far. He cited a study completed for a proposed hospital which looked at corners within one mile of the proposed site.

Vanderboegh asked about school bus stops. McManus said he was not sure if school bus stops could be separated. He also noted DK students do not have set stops; they go to the house.

Nadwornik restated his desire to rescind the stipulation, the original motion and to start the process over.

Conner asked if the Planning Commission could do this. McManus said they would be in court in a week.

Conner asked if Keller Rd could be included in the study. McManus was unsure.

Morgan suggested stipulating that Hayward Rd be upgraded for use. McManus noted that would be considered an offsite stipulation.

Snow asked if the request would come back to the Planning Commission if the judge ruled in favor. McManus said probably not and cited a court case involving a TV tower in Orangeville.

Conner noted the attorney made a recommendation and was concerned that the commission would not be able to review the site if the court ruled in favor of Stone Co.

LaForge noted the special use was approved.

Vanderboegh agreed that the court should be used. He noted there is nothing to lose.

Miner said the court could provide guidance for future gravel pit applications.

Nadwornik also questioned the need since we are a gravel exporting state.

Motion by Nadwornik to rescind the stipulation and the original motion to start the special use process all over again. Support by Vanderboegh.

Roll call vote taken: 6 ayes – Conner - nay - motion carried.

Other Business

McManus distributed a letter from Caledonia Township indicating that the township will be updating their Master Plan.

Public Comment

McManus distributed letters from Larry Heslinga, John Schumaker and the Healthy Waters Alliance.

Marilyn Berens thanked the Planning Commission for their decision.

Ellen Berens thanked the Planning Commission and noted gravel reviews need to go beyond traffic studies.

John LaForge noted there is pending legislation to take mining reviews out of local jurisdictions. Vanderboegh said that is a legislative issue. LaForge noted a ground swell needs to develop a petition.

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

Meeting adjourned at 7:55 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack Nadwornik". The signature is written in a cursive, flowing style.

Jack Nadwornik,
Secretary