

BARODA TOWNSHIP PLANNING COMMISSION
Meeting and Public hearings on Seger B&B, Agricultural Tourism Ordinance,
And Wind Energy Ordinance
December 10, 2018

The Baroda Township Planning Commission met in the Baroda Township Municipal Building Meeting Room at 9091 First Street, Baroda. Present were David Schultz, Ed Heyn, Dean Schmaltz, Tom Shafer, Patrick Freehling and Wendie Shafer along with over nine audience members. Absent was Peter Van Vooren. Chairman David Schultz called the meeting to order at 6:31 p.m.

The minutes of the November 12, 2018 Planning Commission meeting were reviewed. Dean Schmaltz moved, seconded by David Schultz to approve the minutes of the last meeting. Vote – All Yes, Motion carried.

Wendie Shafer reported that in November Building Permits had been issued for one remodel and one window replacement. She reported Zoning Administrator, Jim Pheifer had met with the Segers and had recommended holding tonight's public hearing for their application for a Bed and Breakfast establishment at 1117 Hinchman Rd.

Chairman Dave Schultz gave the floor to Mrs. Seger asking her to describe the proposed B&B for which they are requesting a Special Lane Use Permit. She provided copies of the proposal to the Commissioners and audience. The plan includes remodeling the current church building inside and out to include private living quarters, kitchen, dining and laundry facilities, 5 guest rooms and a basement apartment for family use. The plan includes the construction of a detached 4 car garage with a second story rec-room.

The Public Hearing was opened by David Schultz. Several Audience members expressed their support for the proposal. There were no comments against the proposed B&B except to remind the Commissioners that the ordinance limits B&B establishments to 4 guest rooms. Questions regarding septic system requirements and ordinance restrictions were discussed. The Public Hearing was closed.

The Planning Commissioners followed through the basis of determination required in the Zoning Ordinance as follows:

SECTION 13.03 **BASIS OF DETERMINATION**

Amended 1-15-18

Prior to approval of a special land use application and required site plan, the Township Planning Commission shall insure that the standards specified in this section as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special land use under consideration.

- A. General Standards - The Township Planning Commission shall review the particular circumstances of the special land use request under consideration in terms of the following standards, and shall approve a special land use request only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

1. The special land use shall be designed, constructed, operated and maintained in a manner compatible with the character of adjacent land uses. Voting to approve: Patrick Freehling, Wendie Shafer, Ed Heyn, Dean Schmaltz, David Schultz, and Tom Shafer. Voting Against approval: None.
2. The special land use shall be consistent with the intent and purpose of the Baroda Township Zoning Ordinance and Master Plan. Voting to approve: Patrick Freehling, Wendie Shafer, Ed Heyn, Dean Schmaltz, David Schultz, and Tom Shafer. Voting Against approval: None.
3. The special land use shall be compatible with the natural environment of the site. Voting to approve: Patrick Freehling, Wendie Shafer, Ed Heyn, Dean Schmaltz, David Schultz, and Tom Shafer. Voting Against approval: None.
4. The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety and welfare of persons or property through the production of traffic, noise, smoke, odor, fumes or glare. Voting to approve: Patrick Freehling, Wendie Shafer, Ed Heyn, Dean Schmaltz, David Schultz, and Tom Shafer. Voting Against approval: None.
5. The special land use shall be compatible with the capacities of public services and facilities affected by the land use. Voting to approve: Patrick Freehling, Wendie Shafer, Ed Heyn, Dean Schmaltz, David Schultz, and Tom Shafer. Voting Against approval: None.
6. The special land use shall comply with applicable Township, County, State and Federal regulations. Voting to approve: Patrick Freehling, Wendie Shafer, Ed Heyn, Dean Schmaltz, David Schultz, and Tom Shafer. Voting Against approval: None.

B. Conditions –

1. The Township Planning Commission may impose reasonable conditions with the approval of a special land use application and site plan which are necessary to insure compliance with the standards for approval stated in this section and any other applicable Township ordinances and regulations. Such conditions shall be considered an integral part of the special land use permit and approved site plan and shall be enforced by the Zoning Administrator. 2. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. 3. The Planning Commission, at its discretion, may require greater setbacks than otherwise established for the district in which the proposed special land use would be located where it is determined that one or more of the following conditions exist: a. the proposed use will create noise, light, odor or similar potential nuisances affecting adjoining properties, the effects of which could be reduced or eliminated by increasing the separation from those uses; b. adjacent property, even if vacant, is zoned Residential and the compatibility of the proposed special land use with existing or future dwellings could be substantively improved by increasing the setback for the special land use along the

Residential property line; c. due to the nature of the special land use, there is the potential threat to the health, safety or welfare of adjoining properties because of traffic, litter, trespassing or similar impacts that could be reduced or eliminated by increasing the separation from those uses; or d. natural features, such as a significant vegetative screen, wetlands or topographic variations that would moderate the impacts of the special land uses could be preserved by modifying the setback requirement.

The Conditions imposed for the Seger B&B application are:

1. The Septic System must be approved by the Berrien County Health Department.
2. There will be no weddings or large parties.
3. The existing sign, being grandfathered from the previous use, may be used for the B&B.
4. The number of guest rooms is limited to 4 in compliance with the ordinance. This does not preclude the provision of unrented living quarters for family members

C. Performance Guarantee - In authorizing a special land use permit, the Township Planning Commission may require that a cash deposit, certified check, or irrevocable bank letter of credit be furnished by the developer to insure compliance with an approved site plan and the special land use permit requirements. Such guarantee shall be deposited with the Township Clerk at the time of the issuance of the special land use permit. In fixing the amount of such performance guarantee, the Township shall limit it to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area including, but not limited to roadways, lighting, utilities, sidewalks, screening and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval nor to improvements for which a performance guarantee has been deposited pursuant to Act No. 288 of 1967, as amended. The Township and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions surrounding the approval of the special land use permit. No requirement for a performance guarantee was imposed.

Chairman David Schultz declared the Special Land Use Permit approved for the Segers to open a Bed and Breakfast establishment with a maximum of four guest rooms at 1117 Hinchman Rd., Baroda, Michigan.

David Schultz called for a short recess so that those wishing to go could leave. Several audience members stayed.

The meeting was reopened. The Planning Commissioners briefly discussed the proposed language for the Agricultural Tourism amendment to the Baroda Township Zoning Ordinance.

David Schultz opened the public hearing. There was no public Comment for or against adopting the proposed Agricultural Tourism amendment to the Zoning Ordinance. The public hearing was closed. The regular meeting was reopened. Tom Shafer moved, seconded by Dean Schmaltz to approve the proposed Agricultural Tourism language to amend the Baroda Township Zoning Ordinance. The Commissioners voted by Roll Call Vote, Patrick Freehling – Yes, Wendie Shafer – Yes, Ed Heyn – Yes, Dean Schmaltz – Yes, David Schultz – Yes, and Tom Shafer – Yes.

Chairman David Schultz declared the language is to be recommended to the Township Board to approval of the ordinance amendment.

The Planning Commissioners briefly discussed the proposed language for the Wind Energy Conversion Systems amendment to the Baroda Township Zoning Ordinance.

David Schultz opened the public hearing. There was no public Comment for or against adopting the proposed Wind Energy Conversion Systems amendment to the Zoning Ordinance. The public hearing was closed. The regular meeting was reopened. Patrick Freehling moved, seconded by Ed Heyn to approve the proposed Wind Energy Conversion Systems language to amend the Baroda Township Zoning Ordinance. The Commissioners voted by Roll Call Vote – Patrick Freehling – Yes, Wendie Shafer – Yes, Ed Heyn – Yes, Dean Schmaltz – Yes, David Schultz – Yes, and Tom Shafer – Yes. Chairman David Schultz declared the language is to be recommended to the Township Board to approval of the ordinance amendment.

Donna Evans said she and her husband Don are thinking of extending their sales barn, adding a commercial kitchen and, in the off season, offering a venue for cooking classes and small parties or weddings. It was noted that her proposal would fall under the Agricultural Tourism Special Use category.

It was noted that the terms of David Schultz's and Patrick Freehling's service on the Planning Commission will expire in January of 2019. Both gentlemen agreed to serve for another three year term. Recommendations to re-appoint David Schultz and Patrick Freehling to the Planning Commission will be forwarded to the Township Board.

David Schultz remarked that though Wendie Shafer will retire and leave the Planning Commission at the end of the year, she has agreed to continue serving the P.C. as the recording secretary.

Chairman David Schultz adjourned the meeting at 7:55 p.m. The next Planning Commission meeting is scheduled for Monday January 14, 2019.

Wendie Shafer,
Baroda Township Planning Commission Secretary