

ARCADIA TOWNSHIP PLANNING COMMISSION  
PUBLIC HEARING  
JESSE BARKER, Special Land Use Request  
MARCH 16, 2021

A Public Hearing by request of Jesse Barker for Special Use Approval to operate a business at 1161 Mitchell Lake Rd followed the Regular meeting of the Arcadia Township Planning Commission which was also held on Tuesday, March 16, 2021, at the Arcadia Township Hall, 4900 Spencer Street, Lum, Michigan.

Chairman D'Arcy opened the public hearing at 7:56 p.m.

ROLL CALL: No roll call taken as the same members were present from regular meeting that just took place minutes prior to this meeting. Members present: D'Arcy, Woloszyk, Howe, McClelland, Kennedy, and Lashbrook. Members Absent: Arnold. Others present: Recording Secretary, Julie Dockham, and Others (see sign in sheet).

D'Arcy called to order the Arcadia Township Planning Commission to hear the request of Jesse Barker for a Special Use Approval Request to operate electrical contracting/eCommerce business out of a pole barn on the property.

JESSE BARKER – 1161 Mitchell Lake Rd, I currently own an electrical contracting and eCommerce business with two partners. Our office is currently located in Orion Township one of the partners is getting ready to retire and he is the owner of the building right now. Our everyday operations consist of electrical contracting which is primarily building gas stations in thru-out Michigan and Ohio, we are not a residential contractor – commercial contractor only. We also install home stand-by generators, when I say that I am not a residential electrician the one thing we do do is install home stand-by generators. For this part of our business there will be 3 electricians coming to my address job site locations at the time will dictate how often these people come to the shop. A lot of the time they load up on Monday and will not return to the shop til Friday. Other times they could be coming in each morning and returning to the shop each afternoon. We do not own any heavy equipment so there would be nothing stored outside, it would be all self-contained in the barn. Another part of our business is we maintain home stand-by generators that we install, that part of the business is run by one of my partner's and it won't be run out of this facility, he's going to run it out of his garage, at his house, he lives in Clarkston. We also have a low voltage department in our business and it's only one person, and it's not ran out of our facility, that guy is self-sustaining, he never comes to our shop, he would never be at my address. The final part of our business is the eCommerce part which we sell the generators on-line as well as generator parts. These generators and parts will be received warehoused and shipped from our location. There will be no store front items advertised for sale at our facility. A lot of our shipments are with UPS, FedEx and USPS and these vehicles are down our road every day as it is. We will on occasion receive shipments from Generac this varies in frequency but is about 6 times a year. We ship these generators out with the mail carriers or similar carriers.

HOWE – I'm sorry what kind of carriers?

BARKER – R L carriers. This department requires 2 office employees that don't live in our home, so my wife does all our bookkeeping and there are 2 office staff that handle the eCommerce part of the business. So, I have 12 employees total, 2 of them live at the address – (which is) me and my wife, 3 electricians that would be coming to the house every morning unless the job site is somewhere where they would load up in the morning and not come back until Friday. There are 2 office staff would be on our road every

morning and every afternoon. The generator maintenance department has 2 employees and like I said will be ran out of my partners garage, and the 1 low voltage tech operates remotely and then one of my partners and his wife are the 2 that are retiring so that makes 12 employees all together. There are several reasons that I want to make the move, one of them is obviously financial I mean for me to pay to lease a building for the size that I would need – you know we pay \$50k a year for the building obviously that makes no sense to me when I can build a building on my property to do the same thing. The logistics of it, four of the five people that would be coming to the shop live in Lapeer and Almont. So right now, they are all driving the same way I am. For the last 25 years I've driven 50 minutes to work every day and I'm getting old and I don't want to do that anymore if I don't have to. If I could walk out my front door and be to work in 30 seconds is very appealing to me and my wife.

So, I was asked why I didn't just start this operation from home without saying anything and nobody would ever know I'm sure there a number of businesses being operated in our township that few people even know about. But that's not the kind of person that I am, I asked for this meeting because I want to do things the right way. I've been completely forthcoming with my entire operation with that being said I don't feel like I'm asking for anything out of the ordinary but that's for you guys to decide. Thanks for hearing my proposal.

D'ARCY – You have the eCommerce, how many FedEx and UPS trucks a day will be coming and going?

BARKER – Once a day, just like a normal pick up. And if you've seen my house with two college kids UPS and FedEx are at my house as it is, and my wife, they are there every day.

KENNEDY – What will you have for parking where the barn is going to be?

BARKER – My plan right now, depending on what your regulations are, I have a barn on my property right now and I'm going to build the other barn in front of it and there will be a space of approximately 30-40 feet and that's where I'm going to park my vehicles. If they can't be seen from the road, I won't park in front of the barn so no one even knows that they are even there. There will be parking available in the barn as well.

My plan to build the barn and be in it will be by end of 2022.

HOWE – I have a couple of questions. The RL truckers, are these Semi's?

BARKER – Yes, they are semi's, RL Carriers is the company.

HOWE – How often will the semis be coming down the road?

BARKER – It varies, it all depends on sales, we ship generators through out the country and the only way for them to go is by a semi.

HOWE – What is your average?

BARKER – Oh, we sell 900 generators a year. Well, we put 20 on a truck at a time.

Mrs. BARKER – We shipped 25 at one time yesterday, but these are not normal times for us right now, it used to be that five was a normal day for us to ship, but this year we've been so back ordered that we get a shipment in of 66 of them that are already sold so this isn't a normal flow right now. With the trucking company's often times they can have a short truck that is available, so there are options available.

LASHBROOK – Is it more than one semi a day?

BARKER – One a day, the way it is right now they come to our shop once a day around 4:00.

KENNEDY – Are you planning on putting a sign out?

BARKER – I don't plan on putting a sign out.

D'ARCY – The driveway that you want to put in, obviously you need to talk to the Road Commission and it would have to be a driveway that would meet commercial driveway standards I don't know what that is. The Road Commission keeps ragging on us that you guys have to specify the commercial driveway standards, those standards are not ours but we can require that you meet those standards whatever they are, making sure that the approach doesn't tear up the road.

HOWE – This is not really a home occupation, this is really a commercial operation, right? It's not home occupation... (asking board members)

BARKER – I don't know what defines a home occupation, when I look at the list of stuff that is acceptable as a home occupation, I can't remember exactly what was on it but I could have a farm, I could have a daycare, so if I farm, I'd have heavy equipment coming down the road, my neighbors a farmer he's had heavy equipment coming down the road, dragging equipment down the road....

MCCLELLAND – It's a little different having a right to farm and a commercial business

BARKER – I understand. I guess the way I read it that they don't want this home occupation to take over 25% of your home but I'm not putting it in my home. My home is not becoming the business.

D'ARCY – It does allow for accessory buildings to be used (reading Home Occupation ordinance). As Kathy (HOWE) points out it's pretty much on the borderline.

HOWE – I'm a business owner, I'm all about business, I understand your concept. I'm just trying to understand how this would be a home occupation, I don't think it fits what he's really looking for. I don't know what it would fit into.

D'ARCY – Is this something that he should be request a rezoning request from A/R to Commercial?

MCCLELLAND – I'm not sure. I'm not sure what the neighbors around there of what their feeling is.

D'ARCY – basically it seems like a reasonable idea. Maybe what we should do is pause our discussion and ask for input from the folks in the audience (there are three additional people in the audience in addition to Jesse Barker and his wife).

PUBLIC TIME – Opened at 8:15p.m.

Don Johnson – 5267 Ostrom Rd, I'm also an electrical contractor I built up my business at my house starting out with a home occupancy, but I only had my son working for me no employees and my wife. But once I built up, I just now bought commercial property because I knew it needs to be commercial. So, a special land use ....in audible words.... have to go commercial and not home occupancy. Because that's when I bought my land that's what they told me, because I bought in Imlay City commercial so I could get out of it. Because I hired employees. What I always understood special land use and home occupancy was to get you started then once you got going you leave the nest, because that's what you do

with small business startup but with the business growing that's where I had to pack up and move out, I didn't want to bring all the employees to my house, and I didn't want to bring all the stuff there when we started getting bigger when I started to doing more work and more stuff coming. I work out of a 20ft shipping container right now at the new location. This is what I do, I didn't want to come to the township and ask for that and have to go thru all that, but he's here he's asking for his, I just you told how I did it as an electrical contractor how I started out, got up and then moved along to commercial property once I got there. That's all I had to say.

Leonard Greenwald – 1191 Mitchell Lake Rd, right next door to Jesse and Kim absolutely when Jesse starts something he completes it, and always works fine. I have no problems with what he does. Whatever he wants to do it's fine to me.

No more comments from the floor.

MCCLELLAND – Don you mentioned that you wanted to get more employees, which they don't want more employees, well they have a couple employees.

Don JOHNSON – This is like to me a Jim's Recycling going in on Mitchell Lake with semi's coming and going. It's commercial, that's why I moved out before I had to have bigger stuff coming in, getting dropped off you know, I have a backhoe I had to put it up there because I didn't want it bring all down there (to his home), I'm not saying that someone can't run a business but when you get to a certain point you got employees and stuff coming in and out, then you got to have limits, he'll have to have restrictions like Jim's, same setup for Jim's needs to be set up for him, just like Jim.

BARKER – I'm not asking to setup anything like Jim's recycling. I'm not asking to have 15 multi-axle vehicles to come driving down my road every day, I'm asking for one semi to come and if there needs to be restriction on the number days, they come down the road we can restrict the number of days they come down the road that is fine. You know my idea of a home business, it's really anything, what's the difference from a child care business that you have six kids that you watch that's six different cars driving down the road everyday dropping off and picking up. So really the only difference is the one semi that I would have drive a quarter mile to my house from Bowers Road and you only pass three property owners. Other than that, nobody would even see that semi.

LASHBROOK – Mr. Barker can I ask you a couple questions? So, semi at the most would be one a day. How many employees not including the two of you would be coming every day.

BARKER - I would have two office girls that are there every day and then it all depends on the workload for the electricians. If they all had to come there every day, there would be total five plus me and my wife.

LASHBROOK – Ok I just wanted to get some numbers. Thank you.

BARKER – You know as far that my property should be commercial, that was the whole point of this meeting I thought was anytime someone wants to have a home business no matter what it is, it is a commercial business they just want to operate it out of their residence is all it is.

DARCY – With the office employees coming every day will you have bathroom facilities in this barn for them?

BARKER – Yes, we will have bathroom facilities

DARCY – The barn would have to be built such for human habitation. Would we need to specify that I don't know? What about hours of operation?

BARKER – The office staff is there til 4:00, um electricians it all depends on the job, they could get back at 2:00 in the afternoon or at 6:00. But whenever the guys are late like that a lot of times, they take the work trucks home so a lot of times they wouldn't be coming back. Our office hours are 8:00a.m. – 4:00p.m.

KENNEDY – So they won't be coming there and leaving a vehicle and taking a truck?

BARKER - Not always, but sometimes yes

DARCY – So 8:00 to 4:00, five or six days a week?

BARKER – Five days, we do whatever we have to do to not work on Saturday or Sunday

DARCY – anyone? (looking at board members)

LASHBROOK – I feel that it's on the border of home occupation and re-zoning but I really like the home occupation because if the business changes or if they discontinue it goes away, when we re-zone something it stays.

HOWE – What are the dimensions of the barn that you want to build?

BARKER – Right now I'm thinking 50 X 100

DARCY – I think we need to go down the table here to see if anybody has any other questions that we want to ask before we try to come to a conclusion, Patti?

LASHBROOK – I have no more questions

HOWE – I don't really have any questions, I'm just torn with it being such a commercial business with the amount of workers, the parking for them, I just don't, I'm just worried if we approve this that somebody else comes in and says I only have one or two semis' coming in and I have five workers but they're not going to come every day but they might leave their cars and take a truck. I just don't know what it's going to open us up for down the road. (addressing Barker) I have no issues with you owning a business I totally understand, I'm just not sure where I sit with this.

DARCY – How many service vehicles do you have?

BARKER – I have 3 vans. If I have to fence in an area between the two barns where you can't see them, or pull them inside. If the workers leave their vehicles at the shop overnight, we do that now, we pull them in the shop, we had someone slash all the tires of one of the vehicles once so we pull them all in.

HOWE – I think the aesthetics of having commercial vehicles and employee's vehicle parked....

BARKER – Like Mr. Greenwald said, I don't do anything halfway, whatever you guys decide to do with this whatever it needs to look like when it's done that's what it'll look like, if you don't want to see a single vehicle outside you won't see a single vehicle outside. I don't do anything halfway.

KENNEDY – Well what they’re getting at here is that it says here parking for home occupation shall not exceed two vehicle spaces, if you have three employees’ vehicles there plus your other two that are coming in then you have five vehicles there, so I think that is part of the problem. Myself, I think it is also on the border too of commercial, but other than that I have no problems. The vehicles may be the problem, if you get the neighbors complaining then you’ll have to do something about it.

HOWE – Then it might be too late at that point. How about we set parameters? If you don’t set the parameters now well then you can’t come back and change this now.

KENNEDY – A semi going down the road, I see a semi going down my road at least once or twice a week, someone getting something delivered, but then if it starts happening every day that could become a problem with the neighbors, but changing it to commercial is not going to alleviate that problem either.

LASHBROOK – I think the eCommerce business that is not open to the public to drive in I think kind of helps sway me towards not re-zoning, I think this fits awkwardly home occupation.

DARCY – That’s what I think too that it’s on the borderline. I think keeping vehicles out of sight is important, obviously you need to meet all the requirements the Road Commission has, and the health department has, and construction code authority too. (reviewing ordinance) It actually says that any proposed home occupation may be approved, approved with conditions, or denied. It sounds like we are in the middle here with approved with conditions. What conditions would that be? It sounds like we are leaning to approve this, are there restrictions that we want to add?

#### AGREED UPON RESTRICTIONS:

- Commercial driveway installed – as approved by Road Commission (homeowner will need to specify commercial driveway)
- The building will need to be built for human occupancy (with septic, water, bathroom)
- Semi-truck traffic to only come to and from Bowers Road only
- Maximum number of full-time employees working on site is limited to 2 employees in the office (not including husband and wife). There may be an exception where they may have additional employees onsite during the slow winter months (this would be the electricians when work is slow)
- Employee vehicles - a maximum of 2 on the exterior and the rest will need to be out of sight, parked inside a fence or building.

MOTION BY Kennedy, SUPPORTED BY Lashbrook, to grant this under the home occupation and the home owner will need to abide by the restrictions given. MOTION CARRIED

#### ROLL CALL VOTE:

McClelland, Yes; Kennedy, Yes; Woloszyk, Yes; Howe, Yes; D’Arcy, Yes; Lashbrook, Yes.

Absent: Arnold

Yes (6) No (0) Absent (1)

MOVED BY McClelland SECONDED BY Lashbrook to adjourn the meeting at 9:00 p.m. MOTION CARRIED.

Submitted by:

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Julie Dockham  
Recording Secretary

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Richard McClelland  
Secretary