

Rutland Charter Township Planning Commission Meeting

Wednesday November 3, 2021 at 7pm

Members Present:

Marti Mayack, Brenda Bellmore, Larry Haywood, Dan King, Jim Blake

Others Present:

Carl Algera, Rebecca Harvey, Brad Kotrba, Mr. and Mrs. Dennis Chase, Dale Svihl, Eric Mulvaine, Les Raymond, Nickie Haight

Approval of Agenda:

Raymond adds "Set a Public Hearing for the Marihuana Ordinance on December 1, 2021". Motion by Blake, seconded by Bellmore to approve the agenda for November 3rd, with one addition. All Ayes. Motion passes.

Meeting Minutes:

Motion by King to accept the October 6, 2021 Meeting Minutes, second by Blake.

Roll Call Vote: Mayack - Yes, Bellmore - Yes, Haywood - Yes, King - Yes, Blake - Yes. Motion passes.

General Public Comment: None

Guests:

Brad Kotrba from Williams & Works is here to answer any questions the PC may have about sending the Master Plan to public hearing. Raymond says RCT has not received any communication from the public. Blake wants to confirm that a change was made for the length of time in which to begin the Algonquin Lake wastewater project. He wants to make sure the length is listed as 1-10 years. Kotrba says he will confirm that is correct.

Zoning Administrator's Report

Raymond reads his zoning report aloud explaining the three issues that will be before the PC tonight.

New Business:

Set December 1, 2021 Public Hearing for Special Land Use Request for Horses in the County Residential District Haywood asks for discussion. Blake asks for details about animal units. Haywood says the animal unit calculations look different. Harvey says the Right to Farm Act could change those unit numbers too. Raymond says his department plans to review those numbers but basically it is 1 horse = 2 animal units. Mayack and Bellmore discuss reasons the state sets those standards. Mayack explains that horses use a lot of resources and can cause a lot of damage if not given the proper space and environment. Raymond says the applicant needs 8 acres and does not have it but is in the process of trying to lease 3 more acres directly to the west. He says those 3 acres are swamp land but that the ordinance does not currently forbid that. Haywood thinks that this amount of land is too small for horses and that the applicant should be considering a shelter too. Raymond and the rest of the PC agree that the ordinance needs to be worked on.

King makes a motion to set the public hearing for the SLU Request for the December 1st, 2021 PC meeting, second by Bellmore. Haywood asks for discussion. Blake wonders why the PC would even consider this.

Bellmore says that the applicant paid for the hearing to address the SLU request. Roll Call Vote: Mayak - Yes, Bellmore - Yes, Haywood - Yes, King - Yes, Blake - No. Motion passes 4-1.

Old Business:

Public Hearing - Master Plan Review forward on to Township Board for Approval

Haywood opens the public hearing and asks for public comment, there is none. The PC feels that this is a great plan and are satisfied with the updates.

King makes a motion to forward the Master Plan Review to the Township Board for Approval, second by Bellmore. Roll Call Vote: Mayack - Yes, Bellmore - Yes, Haywood - Yes, King - Yes, Blake - Yes. Motion passes.

Public Hearing - Recommend Phase 1 Approval for the Algera Development Subdivision/Condominium to the Township Board

Haywood turns the floor over to Rebecca Harvey. Harvey begins by explaining to the PC and public that this is not a use proposal, it is a proposal for land division. She says this is similar to a plat or subdivision proposal. She explains that the PC will look at the lot layout, road layout, and any other items that may affect the layout. They will also look for compliance with the condo and zoning ordinances. The PC will then send the proposal to the Township Board for approval. Harvey tells the PC that this plan is only about halfway complete at this point because the applicant is waiting for approval from the township to move forward. She says the PC still needs to question the missing elements. Harvey says that once this preliminary plan moves on to the board, the PC will not have it in front of them again.

Harvey tells the board that her main questions involve the roadways. She says that as a private road, it falls under the RCT ordinance. She would like to know how far the driveway is offset because that is not evident on the plans.

Her second issue is the connectivity to future developments that may go in adjacent to this property. She says this neighborhood is closed in and does not leave an extension where it could be connected to a future development. Raymond confirms these would be dead end roads and treated as a roadway for setback purposes. Harvey explains that this is a requirement in the ordinance and she feels the ordinance was written with these situations in mind. She says the applicant has to follow the ordinance and that it is better to set it up that way from the beginning than to have future land owners be upset about it. She says it is important to make a scenario where future developments can happen safely and efficiently. She says having a driver need to come back out to the highway to get to the next road over is not a safe practice. She says if the board and the PC do not agree with this standard, then they should look at changing the standard.

Haywood asks if they have to tell the applicant that he has to give up two of the properties to a road. Harvey says yes, or she suggests smaller lots because they are all larger than the ordinance requires. She says they could also make two corner lots and the road frontage would increase on those two lots as well. Haywood says the density keeps the developments close together which leaves more land available for AG.

Raymond clarifies with Harvey that she is talking about a dead end spur to the south and another to the west. Harvey says yes. Bellmore and Raymond wonder if it could be an easement instead of an actual road. Raymond says MDOT has already approved the drives and so has the county permit on soil and erosion.

Raymond asks Harvey if the PC should look into the lighting. Harvey says it is not required but that the board values the PC members' opinions so they should ask. She says if they plan to do street lights that must be added to the plan.

Algera is the applicant. He says there will be no street lights, the houses will have their own lighting. In his opinion, it does not work to put in the extra roads. He says corner lots are not desirable. He wants to know what his options are because he does not want to do that. Harvey says that the language in the ordinance says it has to happen. She says the township board may want to think about how to apply it. She tells the PC that the township board relies on them to report what they have found based on sound planning. She says the PC can offer guidance to the board about both the south and west roadways. Harvey says that engineers are used to these types of requirements and it would not be a hard change for them to make to the plan. She also says that he could always seek relief from the standard but she would think the PC would not support that.

Haywood and Bellmore discuss that the drainage may be a natural space. Raymond says RCT does not require street lights. Raymond asks who will maintain the home lighting and Algera says the homeowner will. Algera explains that he does not want to make the lots smaller because he wants every house to have a 3 stall garage so that there are no outbuildings.

King asks Harvey about the driveway issue. She says it is not evident on the plan what the separation size is. Algera says it is 400-500 feet and Harvey says that is adequate.

King asks Harvey if the PC can add a list of contingencies to the motion and Harvey says they can but to remember their vote is a recommendation and the board does not have to agree. She says the list could include administrative confirmation of compliance which would leave it up to Raymond to make sure the correct people are reviewing the correct things.

Motion to recommend the board approve the preliminary condominium site plan for Journey's Way based on a finding that it needs to meet the informational requirements of Section 215 and the applicable standards of 216, noting the following: that the proposed street layout is revised to include a street extension to the west so that it meets section 1B, that the proposed private street will be subject to administrative review and approval to confirm compliance with section 220-17-13 of the zoning ordinance, second by King. Roll Call Vote: Mayack - Yes, Bellmore - Yes, Haywood - Yes, King - Yes, Blake - Yes. Motion passes.

Set a Public Hearing for December 1, 2021 for the Marihuana Ordinance

Raymond shares that he is confident that Harvey and Rolfe have made all the updates and corrections that the PC and Board have asked for over the last two years. He reminds the PC that the ordinance can be amended if needed. King asks about the need to add class A, B, or C in the definitions. Harvey says the definitions are all directly from the Act and they do not want there to be difference. But that they can mention at the public hearing that they would like to add a reference to classes in the definitions. Raymond tells the PC that the state is putting pressure on caregivers and there are some recent changes to caregiver laws. He offers the PC members a chance to visit an operation with him. He and Blake agree it was eye opening.

King makes a motion to set the public hearing for December 1st, 2021 to review the Marihuana Ordinance text amendment to section 220-2-2, second by Bellmore. All ayes. Motion passes.

Open Comments: None

Adjournment:

Motion by Blake to adjourn.

Meeting Adjourned 8:24pm. Submitted by Nickie Haight, Recording Secretary