

Rutland Charter Township Planning Commission Meeting

Wednesday June 2, 2021 at 7pm

Members Present:

Stacey Graham, Brenda Bellmore, Larry Haywood, Dan King, Jim Blake

Others Present:

Steve Pachulski, Dennis Chase, Tim Dufrain, Dwight McKinney, Sandra Merrill, Shirl Wills, Eric Mulvaine, Helen Geelhoed, Gene Hall, Les Raymond, Nickie Haight

Approval of Agenda:

Raymond wants to make sure "Public Hearing" is in the agenda under New Business - the first item - should say "Public Hearing Future Land Use Map Amendment". Motion by Bellmore, seconded by King to approve the agenda for June 2, 2021, with one addition. All ayes. Motion passes.

Meeting Minutes:

Motion by Graham to accept the May 5, 2021 Meeting Minutes, second by Blake. Roll Call Vote: Graham - Yes, Bellmore - Yes, Haywood - Yes, King - Yes, Blake - Yes. Motion passes.

General Public Comment:

Eric Mulvaine lives on Fairview Drive and has questions about the housing development planned for near there. He asks if the township has considered Fire & EMS services. He asks if those will expand to handle the additional residents. Raymond answers that all local government agencies are aware of the possible change. Raymond says he will speak with Roger Caras to verify that those protection services are adequate. Bellmore comments that Fire & EMS agencies are struggling to find employees like all businesses these days. Raymond says that RCT residents pay taxes for those protections and those agencies will be up to date on resident numbers.

Guests:

None

New Business:

Public Hearing for Future Land Use Map Amendment

Haywood tells the PC and public that this is a public hearing to change a piece of property across from the Barry County Expo Center from CR to MDR. Raymond says the PC needs to make a determination and motion, a Roll Call vote, and that will be sent on to the RCT Board.

Haywood asks for public comment:

- Tim Dufrain asks how many houses are being planned. He says that someone has tried to develop that land in the past and it did not pass. Raymond says they are planning on 36 houses. Raymond tells the public that there is plenty of land for 36 homes in MDR. Haywood says the drain fields and wells would have to pass all Health Department requirements.
- Sandra Merrill says that when a person buys property, they know what zone it is. She does not want the zone changed. She worries about septic and well water. She wants room to breathe and does not want a development near her.
- Helen Geehloed brings up a bald eagle that is nesting on the land in question. She asks if the township has checked with the DEQ about the wildlife. She says many neighbors have seen this eagle. She is worried about other birds and wildlife too. She says that the eagle could nest in that area every year if it was left alone.
- Dennis Chase says he lives across from the property in question and he sees the eagle too.

Haywood asks for more public comments and seeing none, he closes the public hearing and moves to commission deliberation.

- King asks what the acreage is in Fairview estates. Raymond says about the same as the property in question. King feels that it makes sense to consolidate housing into high trafficked and service areas like this.
- Bellmore asks how many homes are in Fairview and Raymond guesses about 50. Bellmore says Hathaway is close to the same number also.
- Raymond says the new development will have fewer houses than Fairview and some lots in Fairview are much larger than the new lots would be.
- King clarifies that there is still going to be a CR buffer between the proposed development and other CR properties.
- Bellmore asks more about the eagle and Raymond says he will contact the DNR/DEQ that is actually now called EGLE (Environmental Great Lakes Energy). Raymond says he has been through a similar situation with a bat and will find out the details. King says that is all out of the townships control. Raymond says there may be ways to safely move the nest but he will find out.
- Graham says she sees the demand for housing and agrees that adding it near other housing makes sense. She does worry about not being able to get city sewer and water. But she says the Health Department does allow well and septic.
- Members of the public (Geehloed and Chase) continue to speak about moving from a city to live in the country. Haywood reminds the public that the public comments segment of the public hearing has been closed.
- Chase continues to speak and asks if the board can require a fence between his property and the new development. He says he will not be a good neighbor. Chase and Haywood comment that they are having a hard time hearing each other.

Blake makes a motion, seconded by King to approve the amendment to the Future Land Use Map to change the planning classification of a 24 acre parcel commonly known as 1331 North M-37 Highway in land section 5 of the township (parcel no. 08-13-005-007-00) from CR to MDR. Haywood asks if the motion can be contingent on the wildlife issue. Raymond says it can. Blake and King amend their motion to include that contingency.

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

Public Hearing to Rezone Property in Land Section 5, from CR to MDR

Haywood opens the public hearing and asks for public comments.

- Geelhoed does not feel it should be rezoned. Most of the neighbors voice their agreement. They would like to see the property stay CR and let there only be the amount of homes allowed on 24 acres in CR. Geelhoed says they hunt on her property and she knows neighbors hunt for food as well.
- Merrill is concerned about all the kids and school buses that a development would bring. She says 36 houses is too many for 24 acres. She says they duck hunt on her property.
- Dennis Chase says he is still going to hunt his property.

Haywood asks for more public comments and seeing none, he closes the public hearing and moves to commission deliberation.

- Bellmore comments that housing is needed and more residents will bring more tax income.
- King says he appreciates the public's interest and comments, but that the PC must consider what is best for the township as a whole.
- Geelhoed continues to speak even though public comment is no longer open. She says she does not care about other areas, she is only concerned about this property.
- Haywood comments that now that the Future Land Use Map is in order, this property can be rezoned.
- King clarifies that this would be a recommendation from the PC to the Board.

King makes a motion, seconded by Bellmore to recommend the approval of the rezoning of a 24 acre parcel commonly known as 1331 North M-37 Highway in land section 5 of the township (parcel no. 08-13-005-007-00) from CR to MDR to the RCT Board.

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

Site Plan Amendment for Tractor Supply

Raymond reads through the last page of the site plan with the PC members. He verifies that property boundaries and setbacks have been verified. He says the structure height will go from 21 ft to 24 ft 6 in.

Dwight McKinney from Tractor Supply shares some highlights:

- The refuse container will be in one of the truck dock bays.
- There will be an additional barrier free parking spot.
- There is not a drive thru because of the pond and field behind the building.
- They will be changing the LP gas storage unit layout from east/west to north/south.
- They are extending the fence.
- There will be no additional floor drains.

McKinney shows the PC the plans and they discuss building materials and options. Haywood worries about the snow and ice load. McKinney says the engineers dealt with those items already. Raymond says local fire agencies will handle fire code permits. Raymond asks if they will use local Viking, but they use a nationwide company.

Bellmore asks if the store will be closed and McKinney says no, they are very busy. He says their feed sales are booming. He says the addition is to get garden material and plants off the sidewalk and not under tents out front.

King makes a motion, seconded by Bellmore to approve the Site Plan Amendment for Tractor Supply.

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

Discussion on Amending Zoning Ordinance to Allow Chickens

Bellmore says that every neighbor on the city block where she works now has chickens. King says there is not even an application yet to apply for a permit. He says the enforcement will be done by the city police.

The board discusses that chickens should not be allowed in MDR because of the noise and smell.

Raymond says the township has to consider all residents and the PC will decide on what the permit stipulations would be.

Blake asks what Raymond recommends. Raymond says he cannot make a recommendation to the PC. He says it is his job and the PC's job to do what the board decides. He says the board values his and the PC's opinions and there would be a lot of work to be done by all of them. He says if RCT decides to allow chickens, it will be pricey and there will be many stipulations.

The PC discusses if roosters would be allowed. King says they are not allowed in the city. The copy of the city of Hastings chicken ordinance that the PC has must not be the whole ordinance since roosters are not mentioned.

Raymond and Bellmore worry about predators that will come into populated areas if chickens are allowed. They also discuss health issues and manure disposal issues.

Graham feels there is a lot going on and this may not be a good time to add more work to the zoning and compliance department. Blake and Bellmore say they would oppose a chicken ordinance.

Old Business:

Marijuana Ordinance Discussion

Raymond says the board voted to continue working on an ordinance and that the PC will need to decide what zones each type of business will be allowed. Haywood says Light Industrial or AG. Raymond agrees with AG, since it is an AG product.

Raymond says the PC has the corrected draft that will now go to Rebecca Harvey for another update. Haywood says they can restrict a grow operation to AG and maybe Mixed Use for dispensaries and micro grows.

Blight Ordinance Discussion

Raymond says this is a policing ordinance, so it will not be done through the PC. However, the board values their opinions and would like their input. He says it is very difficult to define blight or trash or junk. He says once there is a more detailed ordinance, there will be more policing to do. He says RCT will still rely on complaints and those complaints can be anonymous. But if it goes to court, the complainant would have to go as well.

Raymond and the PC discuss a couple of specific properties in RCT that are a blight issue. There are concerns about the length of time building materials can be left in a yard.

Raymond also explains that this updated policing ordinance would cover the entire township and there will be no legal non-conforming (grandfathered) properties.

Board member Gene Hall speaks to the PC and personally asks them to make notes and get their input to the board on updates for the Blight ordinance. The board will do the same and then Raymond can work with Rebecca Harvey to work on the update. Blake asks how soon they would like the notes. Raymond says by next month's PC meeting.

Bellmore is concerned with the policing part and if the zoning and compliance department has the time for it. Raymond says he and Rick Argo will set priorities.

Zoning Administrator Report:

Raymond asks if this section can be added back towards the top of the monthly agenda. Raymond says he would like the chance to give an update before things like public hearings happen. The PC discusses that it was moved years ago by previous board members and they agree it would make sense for it to be sooner in the meeting.

Raymond mentions a piece of platted land in RCT that was approved for 12 houses. He says that now the owners want to just build one house instead. Haywood says that does not matter. Raymond says he believes the land is Parks & Rec now.

Open Comments:

None

Adjournment:

Motion by King to adjourn, second by Blake. All ayes.

Meeting Adjourned 8:37pm. Submitted by Nickie Haight, Recording Secretary