

Rutland Charter Township Planning Commission Meeting

Wednesday May 3, 2023 at 7pm

Members Present:

Larry Haywood, Dan King, Jim Blake, Brenda Bellmore

Members Not Present:

Marti Mayack

Others Present:

Larry Watson, Gene Hall, Rebecca Harvey, Dale Svihl, Joel and Ellie Ibbotson, Jonathan and Mandy Dutter, Larry and Julie Spicer, Darrell Pritt, Kendra Daniels, Timothy Stewart, Stacey Graham, Nickie Haight

Approval of Agenda:

Motion by Haywood, seconded by Bellmore to approve the agenda for May 3, 2023. All Ayes. Motion passes.

Meeting Minutes:

Motion by King, seconded by Bellmore to accept the April 5, 2023 Meeting Minutes. Roll Call Vote: Haywood - Yes, Blake - Yes, King - Yes, Bellmore - Yes. Motion passes.

General Public Comment:

Mandy Dutter:

Dutter's are RCT residents and want to add a second dwelling to their home. They want to turn an outbuilding into a home for her parents. They do not plan to rent it out. Graham says there is a discussion about this issue on the agenda, so they will take Dutter's comments into consideration at that time.

Joel Ibbotson:

Says he is happy to see the required acreage to have certain farm animals lowered to 3 in the CR District. He would also like to see the SLU permit cost lowered as well. He says \$550 is too much to pay to have 4H animals, and we live in an agricultural area and should be supporting those types of programs.

Ellie Ibbotson:

She says they are working on cleaning up their property. She is thankful that the board is considering lowering the acreage to 3. She says she did not think to ask about small animal farming when she bought her home. She says in the city, they can have 4 chickens on a half acre. But in RCT, she cannot even have one on her 3.2 acres.

Guests:

None

Zoning Administrator's Report:

Graham has provided her report to the PC and her report is attached.

New Business:

Public Hearing: Text Amendment Allowing a Drive Through at a Marihuana Retailer in the Mixed Use District:

Vice Chairperson Blake opens the Public hearing. There is no public comment. PC discussion: King and Bellmore are comfortable with the text amendments and feel they were discussed and supported last month. Haywood would rather not see this happen but understands they cannot discriminate against certain businesses.

Motion by King, seconded by Bellmore to send the text amendment allowing drive throughs at Marihuana Retailers in the MUD to the Board for 1st Reading. Roll Call Vote: Haywood: No, Bellmore - Yes, King - Yes, Blake - Yes, motion passes.

Public Hearing: Text Amendment Lowering the Minimum Acreage for the Keeping of Livestock on a Non Commercial Basis in the Country Residential (CR) District to 3 Acres:

Graham prefaces the discussion by explaining that any change to the fee associated with the SLU permit, would come from the RCT Board. Vice Chairperson Blake opens the Public hearing. There is no public comment. PC discussion: Bellmore asks if this will limit the amount of chickens a person can have. Graham says there is already an ordinance that limits animal units in the CR district.

Motion by King, seconded by Haywood, to send the text amendment lowering the lot area for the keeping of livestock on a non commercial basis in the CR District to 3 acres to the Board for 1st Reading. Roll Call Vote: Haywood: Yes, Bellmore - Yes, King - Yes, Blake - Yes, motion passes.

Review Tentative Text Amendment Allowing the Keeping of Chickens in the CR District:

Graham explains that roosters will still be prohibited and no free range chickens are allowed. She says that Attorney Rolfe prepared text for an amendment. King asks if there are more standards that Attorney Rolfe is recommending. Graham says there are some already. King wants to verify that there are set back restrictions and guidelines for size, look, and style of coop and run. Harvey confirms that they would be subject to accessory building standards. Motion by King, seconded by Haywood, to schedule a Public hearing for the June 7th PC Meeting to consider the tentative text amendment for the allowing of chickens in the CR district. Roll Call Vote: Haywood: Yes, Bellmore - Yes, King - Yes, Blake - Yes, motion passes.

Discuss Tentative Text Amendment Pertaining to Accessory Apartment Land Use:

Graham says the township has received phone calls and inquiries about this, so Attorney Rolfe has provided a draft. Haywood says this is needed and has been a long time coming. He would like to see standards on things like plumbing and square footage. Harvey says that Rolfe has already added those things. She suggests minimum and maximum size limits. Harvey says this could pertain to an attached or unattached dwelling or inside a principal residence; and would be subject to Primary dwelling standards. King explains that the City of Hastings requires the owner to be one of the occupants. Harvey says she has never seen one that did not require that. The PC is tasked with regulating the land, not the land owner.

Harvey encourages the board to go over the suggestions that Rolfe made. King and Bellmore think it should be allowed in all residential districts. The PC feels it should be a permitted use and not an SLU. They would like it to be called ADU "Accessory Dwelling Unit" for both attached or unattached, instead of an apartment. Graham points out that RCT does not have a short term rental ordinance. Haywood asks why they would not want to have an ordinance for short term rentals. Harvey says a short term rental situation is totally different than an ADU.

Old Business:

Public Hearing: Special Land Use for a Marihuana Retailer, Bud Express Cultivation, Vacant Parcel on W. M43 Highway, Hastings:

AND

Site Plan Review: Bud Express Cultivation, Vacant Parcel on W. M43 Highway, Hastings:

Vice Chairperson Blake opens the Public hearing. There is no public comment. Harvey presents her staff report and suggests the PC review the site plan to make sure it meets all nine standards, and look at the SLU criteria. She recommends following up with the applicant on the following items: facade requirements, lighting, landscape, and the driveway. She says they may be minor adjustments, but would need to be conditioned in the motion if the PC wants them to be.

The applicant, Darrell Pritt, says the development will not impact the wetland because they do not want to deal with EGLE regulations. He says the run off plan was designed according to the drain commission standards.

Architect, Kendra Daniels, says they will use the same building material as others along M43 like Starbucks and AT&T. She says the only plain wall will be the north facing wall, which is in the back of the building facing the loading dock. Haywood and Bellmore think trees are enough. Daniels will also send in specs for lighting to Graham.

Harvey says it would be helpful to see details about landscaping. She thinks it is important to make sure those details appear on the site plan.

King wants more details on the driveway. He says there have been issues in that area because of Walmart in the past. He likes the idea of a wider drive for safety. Stewart says they have to weigh in the amount of traffic and frontage on the main road. Haywood and Bellmore think there should be a right and left exit onto M37. Graham says that MDOT and the M37 Corridor Committee are still reviewing the driveway proposal. The PC could recommend 3 lanes, but MDOT may not require it. Stewart says the purpose of having the driveway wider is safety. Pritt says they are willing to spend the extra money to make sure they are making it as safe as possible. He thinks the M37 Corridor Committee might not agree if the numbers do not support it. This issue will need to be a condition in the motion.

Motion by King, seconded by Bellmore, to approve the SLU permit and site plan approval for the Bud Express Cultivation project with the following conditions:

1. RCT Board adopts the drive through ordinance 220-9-3
2. Signage is approved through the township process
3. Issuance of a municipal license from RCT
4. Issuance of a municipal license from the State of Michigan
5. SLU stays with the property parcel #13-013-008-00 and not the applicant
6. Driveway reviewed and approved by MDOT
7. Facade standards meet the intent of the township ordinance
8. Lighting plan is accepted by the Zoning Administrator
9. Landscaping is approved by the Zoning Administrator
10. Landscaping materials approved by the Zoning Administrator
11. Fire Department and Engineering approval
12. 24' maneuvering lane changed to 25'

Stewart wants to make sure it is ok for the PC to vote on both the SLU and site plan review as one motion and Harvey says it is allowed.

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

Open Comments: None

Adjournment:

Motion by Bellmore, seconded by King to adjourn at 8:41 pm.

Meeting Adjourned. Submitted by Nickie Haight, Recording Secretary