

# Rutland Charter Township Planning Commission Meeting

Wednesday November 1, 2023 at 7pm

## Roll Call Members Present:

Larry Haywood, Marti Mayack, Brenda Bellmore, Steve Pachulski, Dan King

## Others Present:

Larry Watson, Gene Hall, Stacey Graham, Robin Hawthorne, Rebecca Harvey, Andrew and Shannon Cooley, Lesley Clark, Riley Kidder, Madeline Clark, Celine Gallards, Ethan Robinson, Stephanie Frein, Nickie Haight

## Approval of Agenda:

Motion by Haywood, seconded by Pachulski to approve the agenda for November 1, 2023. Roll Call Vote: Haywood: Yes, Bellmore - Yes, King - Yes, Pachulski - Yes, Mayack - Yes. Motion passes.

## Meeting Minutes:

Motion by Pachulski, seconded by Bellmore to accept the October 4, 2023 Meeting Minutes. Roll Call Vote: Haywood: Yes, Bellmore - Yes, King - Yes, Pachulski - Yes, Mayack - Yes. Motion passes.

**General Public Comment:** None

**Guests:** None

## Zoning Administrator's Report:

Graham has provided her report to the PC.

## New Business:

**Public Hearing: Special Land Use for Family Business, Holly Kidder (Hive to Home Candle Company), 596 Noah Drive, Hastings**

Mayack opens the floor to public comment.

Andrew Cooley lives on Noah Drive and he objects to the family business wanting to open on Noah Drive. He says it is a private drive and they do not want it turned into an industrial drive. He says there is a lot of wetlands, not enough land for parking spots, and the new neighbors already do not maintain the driveway.

Shannon Cooley also objects to this SLU. She says that she and Andrew do all of the maintenance and she has pictures of the area the new neighbors should be maintaining. She also says the neighbor's horses are often loose and on the Cooley's property. She says they do not need the added traffic and they are already dealing with deliveries coming to their address.

Riley Kidder is the owner of the candle company and lives on Noah Drive. He says that they are not currently operating the company from there, so the extra traffic is only because they live there now. He says there will not be a store front, so there is no need for extra parking and no extra traffic. He has an account with UPS and he understands how shipments work. He plans to have a UPS/FedEx box once he has permission to run

the business there. He says they are not able to move ahead with putting in their own driveway, maintaining the drives, or building their home until they have permission to run the business from there. He says he already has building approval but it is based on this approval.

Stephanie Frien is Riley's aunt and also lives on the Noah Dr property. She is also invested in the candle company and thinks that there is a misunderstanding about what this is. She says it is her and her sister and Riley making candles inside of their pole barn or home. She says her family and the Cooley's have gotten along up until 2 days ago. She says they have been living there for 6 months and now the Cooley's are not happy with the traffic and do not want to share what they think of as their own private drive. She agrees that the drive needs work and her family is happy to help with that but cannot invest the money into it until they are approved to get their business up and running again. She says there has been no maintenance on the drive from either party, in the 6 months they have lived there. Mayack asks her how long the drive is. Frien says about 1500 ft; there are 3 homes on it; she is the second and Cooley's are the last at the end of the drive. Frien says she is working on rehoming her horses and has tried to be a good neighbor.

Shannon Cooley says 2.3 acres are needed to run a family business out of a home and since a lot of the Kidder's property is wetland, they do not have 2.3 acres of usable land. She says traffic and deliveries have increased. She says she and Andrew rented an excavator in July and cleared out trees, they have filled in holes and done the snowplowing. She says they are not upset that there are other homes on Noah Dr, however, she thinks the Kidder family is already proving they cannot afford to maintain the property as it is, how can they maintain more.

Riley Kidder says that Shannon Cooley told him she was fine with UPS and since they are not running a business there, the deliveries are personal. Once he has all of the approvals and loan he needs, he will put in a UPS box up by the road. He says this is their home, both buildings are already approved, they are not using the wetlands, and only making candles in a pole barn.

Andrew Cooley says if they have been in business for 5 years, why can they can not afford a house. He says they should have communicated with the Cooley's about maintenance.

Frien again says there is no business being run on that property right now and they have every right to have personal deliveries. She says Shannon has happily given them their boxes in the past, but he is happy to meet UPS at the road. He says the wetland is irrelevant and the buildings are already approved. He says the only 3 people that work there, also live there. And he says the trees they cut down were not even theirs.

Mayack closes the floor to public comment and asks the board for discussion.

Pachulski asks Kidder if they are getting 2 loans or just one. Kidder says it is just a business loan that is dependent on this approval. Pachulski asks if his business is mail order. Kidder says it is all online ordering and no customer pick up.

King asks Graham if there is currently a residence on the property. Graham says there are poles in for the water and electric and what looks like one wall up. Pachulski said he visited the property and saw no signs of construction. Kidder says it is a slow process. Graham asks Kidder if the business will be 150 ft from Cooley's property and what the hours will be. She also says she gave Kidder a list of the 12 standards he would have to meet. Kidder said the building setbacks have been approved and the hours would normally be during the day but since it will be inside and online, they could possibly work any hours if they need to fill a large order.

Pachulski says there is plenty of land and the wetlands do not matter. He was also wondering about the 150 ft setbacks. Bellmore asks what the other building on the site map is and Kidder says it will be their home.

King and Harvey discuss Accessory Building and Farm Business ordinances. They point out that a dwelling has to be established for a family business accessory building to be added. Graham says they are currently living in a travel trailer and have a 6 month permit for that stay. The 6 months will be up in January and they can only get a 90 day extension to total 9 months.

Harvey explains that a business needs to be in addition to a family dwelling, but it is not as clear because they are in a temporary dwelling. She says the PC cannot interpret the ordinances but they must think about what constitutes "living" on a property. The point of that ordinance is to make sure a business is not developed and then no home built. Harvey says the PC can only approve this based on compliance and the applicant is not currently in compliance. She says the applicant can seek relief from the ZBA or build the house before the family business is approved. Bellmore asks Kidder when the house will be built. Kidder says as soon as possible but they need the income from the candle business to have the finances to get a home loan.

Bellmore wonders if they could give them a time frame for getting the house built and Graham says the temporary dwelling ordinance already does that. Graham asks if Brecken Construction is actively working on the house and Frien says they cannot work to have finances for that. Harvey explains how the PC that they could condition their approval.

Motion by Pachulski, seconded by Bellmore to approve the Special Land Use contingent on successfully meeting and demonstrating compliance with the standards in Item 4 for Family Businesses A-L, especially subsections C & F . Roll Call Vote: Haywood: Yes, Bellmore - Yes, King - No, Pachulski - Yes, Mayack - Yes. Motion passes.

### **Site Plan Review: Marihuana Dispensary, Rutland Retailer, LLC, 490 S M-37 Highway, Hastings**

Graham reminds the PC that they already approved the SLU and this is the Site Plan.

Cody Newman from Driven Design Architect Firm shares that the location will only be for cannabis sales, they will use the existing footprint for the building and parking lot, the dumpster will be enclosed, the lighting will meet the standards, there will be a maximum of 5 employees, there will be 2 carbon filters and a slight negative pressure to avoid any smell, hours will be 9am-9pm. Harvey and Newman discuss the building material, roofing material, parking spots, indoor vs outdoor displays, landscaping details, and the need to have the entry stand out from the rest of the building. Newman says he will attend the board meeting next week for the municipal license and he already has state licensing.

Motion by King, seconded by Bellmore to approve the site plan based on compliance of the building facade, entry changes, roof material, proposed signage and lighting standards, getting the municipal licenses from the RCT Clerk and the State of Michigan. Also as a point of reference, the SLU has been approved and the approval will remain with the land, not the resident. Roll Call Vote: Haywood - Yes, King - Yes, Bellmore - Yes, Mayack - Yes, Pachulski -Yes, Motion passes.

**Old Business:** None

**Open Comments:** None

**Adjournment:**

Motion by Bellmore, seconded by King to adjourn.

Meeting Adjourned. Submitted by Nickie Haight, Recording Secretary

PROPOSED