

# Rutland Charter Township Planning Commission Meeting

Wednesday, January 3, 2024 at 7pm

## Roll Call Members Present:

Larry Haywood, Brenda Bellmore, Steve Pachulski

## Roll Call Members Not Present, Excused:

Dan King, Marti Mayack

## Others Present:

David and Melissa Teunessen, Matt and Shelly Johnson, Jay Robertson, Rebecca Harvey, Stacey Graham, Nickie Haight

## Approval of Agenda:

Motion by Bellmore, seconded by Haywood to approve the agenda for January 3, 2024. All ayes. Motion passes.

## Meeting Minutes:

Motion by King, seconded by Pachulski to accept the December 6, 2023 Meeting Minutes. Roll Call Vote: Haywood: Yes, Bellmore - Yes, Pachulski - Yes. Motion passes.

**General Public Comment:** None

**Guests:** None

## Zoning Administrator's Report:

Graham has provided her report to the PC and all the items will be covered under New and Old Business.

She also shares that Attorney Rolfe has provided a memo about the new wind and solar laws, Public Acts 233 and 234, which will go into effect in November, 2024. Attorney Rolfe would like to know by April if this is an ordinance that RCT wants to create. Graham will be attending a webinar to get more information. Haywood and the other PC members think that the state will likely take charge and that will make the state liable. They would like this added to the February meeting agenda and hope to get more information by then.

Graham also asks the public to sign in for this meeting.

## New Business:

**Public Hearing - Special Land Use for a Family Business for a Commercial Excavating Company in the Medium Density Residential District by applicants David & Melissa Teunessen, 962 S. M-43 Highway, Hastings.**

Teunessen's have applied for an SLU to store their business equipment for their excavation company on the property of their residence. They explain that there will not be excavation work or mining done on that property and no storage of underground fuel tanks. Pachulski opens the floor to public comment.

PC members ask clarifying questions and Teunessens explain details. Pachulski walks the PC through 8 standards and PC members say they have been met. Pachulski thinks they do not fully meet the standard that says a home business must not look like a commercial building from the outside. Melissa answers that they will be building a porch and adding landscaping to the home, but the pole barn is attached to the home and they cannot change that it looks like a pole barn. Harvey explains that a pole barn cannot use itself to say it looks like a commercial operation. Teunessens claim their neighbors are fine with this SLU and there are no close neighbors. Pachulski closes the floor to open comments.

Motion by Bellmore, seconded by Haywood to approve the Special Land Use for a Family Business for a Commercial Excavating company in the Medium Density Residential District by applicants David & Melissa Teunessen, 962 S. M-43 Highway, Hastings with the condition that additional landscaping and a porch are added to the home to make sure it has a residential look to it. Roll Call Vote: Haywood: Yes, Bellmore - Yes, Pachulski - No. Motion passes.

### **Public Hearing - Zoning Map Amendments for Parcels 08-13-011-005-00 and 08-13-010-031-00**

Graham explains that these are some housekeeping items that need to be sent to the RCT Board for 1st Reading. Pachulski opens the floor to Public comment and there is none so he closes the public comment period.

Motion by Haywood, seconded by Bellmore to send the Zoning Map Amendments for Parcels 08-13-011-005-00 and 08-13-010-031-00 to the RCT Board for 1st Reading. Roll Call Vote: Haywood - Yes, Yes, Bellmore - Yes, Pachulski -Yes, Motion passes.

### **Public Hearing - Zoning Text Amendments related to the Institutional/Public Use (I/PU) District and Mixed Use District (MUD)**

Graham says these are a couple more housekeeping items such as typos and corrections that need to be made. Pachulski opens the floor to Public comment and there is none so he closes the public comment period.

Motion by Bellmore, seconded by Haywood to send the Zoning Text Amendments related to the Institutional/Public Use (I/PU) District and the Mixed Use District (MUD) to the Board for 1<sup>st</sup> Reading. Roll Call Vote: Haywood: Yes, Bellmore - Yes, Pachulski - Yes. Motion passes.

### **Site Plan Review - Whispering Waters Campground Expansion Phases 1-3**

Pachulski opens the floor to Public comment.

Matt and Shelly Johnson have submitted their proposed site plan for expanding Whispering Waters Campground. They have 3 phases planned. The first is updating the older area (south), second phase is adding more sites to the north, and the third phase will be adding a residence for themselves. They explain that the campground is not open during the winter and most sites are seasonal. They are reconfiguring the campsites so that now all face inward instead of facing the property line. The old area has sites that have not been used in years and were never in compliance with the RCT ordinance. Johnsons plan to make this campground more desirable for potential campers and the community.

Harvey explains that she has already had an opportunity to let the applicants know what was missing on their original site plan and she feels they have answered almost everything. She reminds the PC that this is only a site plan review and not an SLU. She says the PC should ask about screening, dumpster enclosure and location, setbacks from adjoining properties and adding another driveway for the home.

Pachulski asks if a fence is required because there are public use areas and Harvey says a campground is not a public place. Harvey says the PC needs to decide if the lilac bushes meet the screening requirements and the PC thinks they do but they want to require that the lilac bushes are maintained. The Johnsons have provided sufficient proof of the enclosed dumpster. The PC does not have the authority to grant relief from the setback requirements and advise Johnsons to go to the ZBA if they want to seek relief.

Adjoining neighbor, Jay Robertson, is present and shares that he is happy with the new owners and their plans to improve the campground. He says the previous owner is also a previous RCT Supervisor and that he did not follow the ordinances. He believes the 75 foot setback is reasonable and he would support it.

Motion by Haywood, seconded by Bellmore to grant site plan approval of the proposed campground expansion based upon the finding that it meets the specific standards of the PRC District and the standards for seasonal campgrounds set forth in Section 222-20-7. Item 10.B and site plan approval set forth in Section 220-21-5 conditioned upon the following:

1. Combination of Parcels 13-004-016-20 and 13-004-016-00 into a single development site, with the proposed readjusted north boundary line reflected and executed.
2. Township Fire Department review & approval.
3. Township Engineer review & approval
4. MDEQ and Barry County Health Department approval/permits
5. These findings -
  - a. The proposed vegetation plan for the northern boundary screening approval is conditioned upon the proposed boundary line adjustment to the north
  - b. The lilac hedge on the southern boundary screening approval is conditioned upon the proposed boundary line adjustment to the south
  - c. The Barry County Road Commission approves the additional driveway
  - d. Compliance with the 75 foot northern boundary setback requirement is dependent on the proposed adjustment of the north boundary line to the north
  - e. The south boundary setback - the site plan does not propose compliance with the 75 foot setback requirement. They must comply or seek relief from the ZBA in order to comply with the ordinance.

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

## **Old Business:**

### **Review Requirements for Keeping of Livestock on a Non Commercial Basis in the Country Residential District**

Graham says there have been some issues and questions about the setback requirements from a livestock pen to the well. She shares there is a memo in the PC packets from Attorney Rolfe recommending the 200 foot requirement be lowered to 50 feet. The PC members agree 200 feet is unreasonable. Haywood says

horses are pack animals and the regulations are causing people to only be able to own one. He says requiring 4 acres per one horse is also unreasonable. Pachulski states there are no RCT regulations about how a pet dog is treated, so how can the PC regulate treatment for other types of animals. Harvey says the ordinance was probably written to help stop animal cruelty.

Motion by Bellmore, seconded by Haywood to set a Public Hearing at the February 7, 2024 PC Meeting to make the following adjustments to the keeping of livestock ordinance: A horse shall be considered 1.00 animal unit instead of 2.00 units and the well setback from where livestock are kept be changed from 200 feet to 50 feet. Roll Call Vote: Haywood: Yes, Bellmore - Yes, Pachulski - Yes. Motion passes.

### **Open Comments:**

Haywood asks about the Hive to Home Candle Company applicants and Graham says they plan to go ahead with building the house and pole barn.

### **Adjournment:**

Motion by Bellmore, seconded by Haywood to adjourn.

Meeting Adjourned at 9:20pm. Submitted by Nickie Haight, Recording Secretary