

# Rutland Charter Township Planning Commission Meeting

Wednesday June 5, 2024 at 7pm

## Roll Call Members Present:

Larry Haywood, Steve Pachulski, Dan King, Brenda Bellmore

## Members Not Present:

Marti Mayack

## Others Present:

Gene Hall, Larry Watson, Brad VanZyl, Tom Alderson, Rebecca Harvey, Barb and Larry Case, Dave and Deb Storms, Barb and Ernie Strong, Wayne Pumford, JoAnn Logan, Nancy Marsh, John and Donna Archer, Stacey Graham, Nickie Haight

## Approval of Agenda:

Pachulski asks to add 2 items to the agenda - Maplevue Road and Knox Boxes. Motion by Bellmore, seconded by Haywood, to approve the agenda for June 5, 2024 with 2 additions. Roll Call Vote: Haywood - Yes, Bellmore - Yes, King- Yes, Pachulski - Yes. Motion passes.

## Meeting Minutes:

Motion by Haywood, seconded by Bellmore to accept the May 1, 2024 Meeting Minutes. Roll Call Vote: Haywood - Yes, Bellmore - Yes, King- Yes, Pachulski - Yes. Motion passes.

## General Public Comment: None

## Guests: None

## Zoning Administrator's Report:

Graham has provided her report to the PC. Those items will be covered under New and Old Business. She tells the PC that she just received a copy of the solar ordinance from Barry County Planning and Zoning.

## New Business:

### Public Hearing: Special Land Use for an Auto Repair Shop Completely Contained within a Building in the Mixed Use District (MUD) by applicant John Archer, 846 Cook Road, Hastings.

King addresses the public that they each have 3 minutes to speak. He asks that they refrain from having side conversations/debates and to address only the chairperson.

King opens the Public Hearing at 7:07pm and asks for public comment.

Wayne Pumford lives on Arthur Drive. He says the property in question was supposed to be a hobby repair shop and storage for an RV and boat. Pumford says there are semi trucks and other machinery coming in and out at all hours, his driveway was ruined, and the property is unsightly. He does not want a business there.

JoAnn Logan lives on Cook Road. She says the Archer property does not look good and does not fit in with the neighboring homes and buildings. She expected the pole barn was built to store boats and RVs, etc.

Nancy Marsh lives on Arthur Drive. She says Archer's new home is beautiful but a diesel shop does not belong in their neighborhood. She is worried about the effect it could have on the well water. She also thought the pole barn was just for storage.

Dave and Deb Storms live on Anne Drive. Dave asks what paperwork needs to be filed by the Archers. Dan King explains a special land use is needed because it is not a permitted use. King says it is not a zoning change. Storms says the neighbors were told that only residential building construction had been filed and nothing about a business. He says a diesel machine shop is not a good fit for their neighborhood even though they did plant trees to try to make a buffer.

King explains to the public that the PC must base their findings on certain standards and cannot base them on personal or public feelings. He explains that once he closes the floor to the public, they will not have another chance to comment. King says the next step would be the applicant's turn to speak and explain his request. After that, the PC will deliberate.

Barb Case lives on Cook Road. She says that her property is further away than the 300 feet so she did not get a letter. But she has lived in the neighborhood for many years and cares about what happens there. She says that the Archer's property is already unsightly and worries what it will look like if they are given the special land use. She says she was not in favor of the doctors' office either, but it at least looks like it fits the area.

Larry Case lives on Cook Road. He says that the process seems strange. He says the applicant seems to be asking for forgiveness after the fact. He worries that it is poor planning to give Archer an SLU when he was not honest about his intent in the beginning.

There is no further public comment so King closes the floor to public comments at 7:27pm.

King asks John Archer for comment. Archer says he has gotten complaints from the first day he moved in. He says he was told by the RCT Supervisor that he had filed the wrong paperwork to have a diesel repair shop, and is happy to fill out the correct papers. He says his pole barn is never going to look like a doctors' office, but that the traffic happening right now is due to the home and property still being finished. He asks RCT and his neighbors to please be patient and give him time to finish. He says there is no noise in the middle of the night, no air guns or air pumps. He has told authorities that as well. He says the noise at night is the gun range, not him. He says he has been honest with the neighbors from the start that he fixes engines as a hobby and as a career. He says it is not an automotive shop so there will not be a bunch of extra vehicles sitting around. He says a vehicle could be dropped off and then taken into his pole barn for him to work on. He says he has already planted trees and bushes and will continue to clean up and make his property look nice as soon as the construction is finished. He also points out that he will not have used oil or coolants because he has Future Environmental pick it up.

King refers the PC to Rebecca Harvey's report. Archer received a copy of that report tonight and will go through it and answer all of her items. Harvey says Archer needs to have a site plan done to present to the PC, as well as other incomplete items she has listed in her report. King then explains the SLU standards that the PC must vote on.

Pachulski and Graham discuss that in July of 2023, Archer's builder told Graham that there would be no commercial use at that property. RCT was led to believe it was meant only for residential use, but once the business sign went up, it became commercial and requires an SLU.

King asks if Archer will have enough time to produce a site plan for review by the July 2 Planning Commission meeting and Archer says yes. King says the public is welcome back.

Motion by Bellmore, seconded by Haywood, to postpone this site plan review and SLU until the July 2, 2024 Planning Commission Meeting. Roll Call Vote: Haywood - Yes, Bellmore - Yes, King - Yes, Pachulski - Yes. Motion Passes.

## **Old Business:**

### **Discussion on changing minimum parcel size in the Country Residential (CR) District to 1 acre.**

Graham explains that this change would put the CR district in line with the AG district and that the Master Plan would also need to be changed. The PC wonders again why these changes were not made when they were supposed to be in the last Master Plan update.

Haywood thinks that smaller parcels are better for maintaining farm land. Pachulski is worried that this small change could open the door to a lot of other changes that could be necessary. He does not want to make a quick decision on just this one change. He says since there was only one resident requesting this change, the PC could choose to address it or not. King asks if Raymond, the applicant, can fill out the needed paperwork. Graham will do more research and ask Raymond to fill out the appropriate paperwork.

### **Discussion on the Mapleview Road Neighborhood**

Graham says this was a land split and not a site condominium. She had one of the home owners request the road be paved because she is tired of the dust and gravel in her yard. Graham says 6 of the 10 homeowners would have to sign a petition to create a special assessment district to pay for the paving. The PC would like the person requesting the paving, to start a petition and ask her neighbors to sign it. Harvey, Graham, and PC members discuss that the ordinance was not followed when the last couple of permits were issued. Pachulski is concerned that RCT is not able to enforce their ordinance and asks if RCT has any liability. Harvey says that is not likely since it was done 25 years ago.

Watson mentions another neighborhood on Howell Trail and the PC would like Graham to look into that one as well.

### **Discussion on Knox Boxes**

Bellmore says the board has discussed this and they feel it is overreaching and should be the choice of business owner. Hall agrees that the RCT board does not support requiring these lock boxes. The PC does not see a reason to continue the discussion.

## **Open Comments:**

Haywood says he is delighted to have John Archer in business. Bellmore agrees that diesel mechanics are hard to find.

## **Adjournment:**

Motion by Bellmore, seconded by Pachulski to adjourn at 8:34 pm.

Meeting Adjourned. Submitted by Nickie Haight, Recording Secretary