

# Rutland Charter Township Planning Commission Meeting

Tuesday August 13, 2024 at 7pm

## Roll Call Members Present:

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

## Others Present:

Kim Carpenter, Dick Hamm, Lamont Tapp, Ken Colburn, Eric C. Senard, Natalie Bolinger, Jeff Rogers, Skyler Rogers, Carlton Adams, Laurie Richie, Derek Olsen, Andria Mayack, Christine Kady, Jode Taylor, John and Donna Archer, Rebecca Harvey, Stacey Graham, Nickie Haight

## Approval of Agenda:

Motion by Haywood, seconded by Bellmore, to approve the agenda for July 2, 2024. All ayes. Motion passes.

## Meeting Minutes:

Motion by King, seconded by Pachulski to accept the July 2, 2024 Meeting Minutes. Roll Call Vote: Haywood - Yes, Bellmore - Yes, Mayack - 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.

## Old Business:

**Public Hearing: Site Plan Review and 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 Rd, Hastings**

Mayack opens the public hearing and shares that he has visited the property and believes that the Archers have made nearly all the improvements. He says there are still some architectural standards that have yet to be met. King reminds the PC that this permit was originally issued for a residential property and now there are commercial design standards that must be met.

Harvey reviews her report and outlines the standards for SLU approval. She tells the PC that they can waive or modify the architectural standards but must keep in mind that the standards were put into place to maintain similarities in an area. She says that the permit change is what is triggering the new standards.

The size of the driveway does not meet the standards. Harvey explains that the requirement of 36 ft is to lessen the traffic in the roadway. Archer had a 60 ft drive and has now shrunk it to 40 ft. Archer says it is still very tight for big trucks to get in and out and hard for the drivers to see to back out into the road.

Harvey says as long as the measurements are correct, the parking standards are fine. She says the PC does not have to require a crushed gravel parking lot as long as it is just for customer parking. She and Pachulski discuss that the drive size needs approval from both the township and the Barry County Road Commission.

Archer says that he complied with all requirements when he ran his shop in Grand Rapids. He asks why there is a difference between commercial and residential since this was always going to be a pole barn.

Mayack asks for any further comments and there are none so he closed the public comment portion of the public meeting.

Mayack, Haywood, and Bellmore all want to waive the architectural standards, allow the 40 ft driveway, and stipulate the gravel parking lot is used only for customer parking and not outdoor storage. They think the Archer property looks nice and his business is needed in this area.

Archer says that the neighbors that originally complained have come to him and apologized and said he has made his property look nice. Haywood says Archer keeps trucks inside and they just need a big enough outside area to turn and park.

Harvey reminds the PC that since this is an SLU they can look at it on a case-by-case basis. Archer says all of the buildings around him are already not uniform. King says those buildings were from before the existing standards were created and says they must use the architectural standards that are now in place. Haywood says they turned that area into MUD because it most closely matched what was happening and what RCT intended to happen there.

Graham reviews the engineers' report submitted by Ken Bosma. Harvey asks Archer if the floor drain was approved for commercial purposes. Graham will verify the final inspection of the plumbing by PCI. She tells the PC that will need to be a condition if they plan to approve the SLU. Harvey explains to the PC that they cannot enforce Archer's business practices, but they can make sure the drain was installed according to code.

Motion by Mayack, seconded by Bellmore, to approve the SLU and site plan for John Archer conditioned on the following: waive the architectural standards, accept the 40 ft driveway, stipulate the gravel parking lot is only for customer parking and not outdoor storage, and verification of the final plumbing inspection. Roll Call Vote: Haywood - Yes, Bellmore - Yes, Mayack - Yes, King - No, Pachulski - No. Motion passes 3-2.

### **Discussion on Township Solar Ordinance**

Graham refers the PC to the memorandum from Attorney Rolfe.

(At this time, Ken Colburn stood up and yelled about how long the meeting was taking. Mayack tells him they are following the agenda and cannot know how long an item will take. Mayack tells the audience the PC appreciates their time and patience.)

In the memo, Attorney Rolfe proposes text amendments to the definitions of Utility Scale Solar Energy Electricity Generating Facility and Essential Services for PC review.

Motion by Bellmore, seconded by Pachulski, to schedule a public hearing for the October 2, 2024 Planning Commission meeting. Roll Call Vote: Haywood - Yes, Bellmore - Yes, Mayack - Yes, King - Yes, Pachulski - Yes. Motion Passes.

## **New Business:**

### **Public Hearing: Special Land Use for a Family Business for an auto repair shop in the Country Residential (CR) District by applicant Jeff Rogers located at 371 S. Whitmore Road, Hastings**

Mayack opens the Public Meeting and asks for comments from the public. He reminds them they have 3 minutes.

Derek Olsen is a neighbor and supports Rogers' business approval. He says he initially did not even know there was a shop there because you cannot see it or hear it and there is no sign.

Jim Thomas is another neighbor that supports the business. He asks why the township cares about this after it has been there for 8 years. Harvey says if the township is not aware, it cannot address the issue. Mayack says issues are complaint based.

Ken Colburn reads the letter he sent to the township which is on record. He and his wife both support Rogers' business.

Dick Hamm supports Rogers' business and says his garage looks nice and is cleaner than most homes.

Eric Senard is another neighbor that supports Rogers'. He says he is a great neighbor and the property looks nice.

Mayack asks for any further comments from the public and there are none so he closed the public comment portion of the public meeting.

Graham states she is the 3rd Zoning administrator to deal with this issue over the last 8 years. She says Rogers does not have enough acreage to conduct business at his parcel, so he submitted a land lease from a neighbor to meet the requirements. The lease will expire in 2031 unless it is renewed. She tells the PC to look at the screening and decide if they want additional trees or a fence. Rogers explains that customer parking will be along the leased land. Mayack says he thinks the current screening is sufficient. Pachulski verifies that the lease would stay with the land if the lessee passes away.

Motion by Mayack, seconded by King, to approve the SLU for a family business based on the lease agreement being in place until 6/11/31. Roll Call Vote: Haywood - Yes, Bellmore - Yes, Mayack - Yes, King - Yes, Pachulski - Yes. Motion Passes.

### **Proposed Text Amendments to Clarify Setback Definitions and Schedule of Regulations**

Attorney Rolfe has provided clarifications to the setback requirements and schedule of regulations for PC review.

Motion by King, seconded by Haywood, to schedule a public hearing for text amendments at the October 2, 2024 Planning Commission meeting. Roll Call Vote: Haywood - Yes, Bellmore - Yes, Mayack - Yes, King - Yes, Pachulski - Yes. Motion Passes.

## **Open Comments:**

Jeff Rogers asks for a copy of the SLU approval paperwork when it is ready and thanks the PC and the public.

**Adjournment:**

Motion by Mayack, seconded by King to adjourn at 8:24pm.

Meeting Adjourned. Submitted by Nickie Haight, Recording Secretary

PROPOSED