

**Courtland Township  
Planning Commission  
December 19, 2006**

The Courtland Township Planning Commission meeting was called to order at 7:00 PM by Chairman McConnon

**Roll Call:** Moeggenberg, McConnon, Davis, McAvoy and Wood

**Absent:** none

**Also Present:** Township Attorney, Jim Scales, Zoning Administrator, Frank Buckley, and Township Engineer, Chad Sosnowski

**Approval of the Agenda:**

Wood made a motion to add an item to the agenda, # 3-A; the minutes from the Special Meeting which was held on November 26<sup>th</sup>, 2006 at Murray Lake. The motion was seconded by Moeggenberg. All ayes, the motion carried.

McAvoy made a motion to approve the agenda with the changes, Davis seconded the motion. All ayes, the motion carried and the agenda was approved.

**Approval of the Minutes:**

Wood made a motion to approve the minutes of November 21, 2006 regular P.C. meeting and November 26<sup>th</sup> 2006 special meeting. Moeggenberg seconded the motion. All ayes, the motion carried, minutes were approved.

**Public Hearing:**

**Sketch Plan review for Hidden Shores:** (Approximate location 8715 & 8703 Whittall).

Representative Doug Stalsonburg of Exxel Engineering Inc. reviewed the updated sketch plan. The plan showed a re-adjustment of lots 10 – 12. The potential community drain field for Phase 1 has been removed. He told the Planning Commission he would like to withdraw one of his Special Land Uses. He would like to withdraw the Special Land Use for the removal/mining of soil from Phase 2 at this time, and approach the removal/mining Special Land Use at a later date. As for Phase 1, it will require no removal of soil it will be a cut and fill operation. They are asking for approval for the entire layout and both lakes at this time. He stated the Kent County Road Commission (K.C.R.C.) gave him approval on everything but the boat launch off of Whittall. He has met with the Kent County Health Department (K.C.H.D.) and gained verbal approval for on site septic systems. He also said he had a preliminary discussion with the Drain Commissioner, and stated they did not have concerns about the impact on Beaver Dam Creek. He said he tried to meet with MDEQ, but they are not willing to give a preliminary review unless a formal application is made, and they wanted to seek sketch plan approval from the Township before doing that.

McConnon stated the Planning Commission received and reviewed several letters from the township residents, both pros and cons of the project. (in file)

**Chairman McConnon opened the Public Hearing:**

Bernie Vlaming of 8980 Peterson questioned if Phase 1 is approved, will the Planning Commission have to re-notice the public on Phase 2? He also stated his concern about the removal of soil with Phase 2, even though it is not on the table now it will have to be dealt with sooner or later. In reference to the Allendale ski lake lots he said those lots and in the local market that nothing is selling. He also questioned why the DEQ was not yet involved.

Township Engineer, Chad Sosnowski replied the DEQ would definitely be noticed and have a say in the project.

Mr. Jim Wiersma of 9555 Whittall, Rockford emphasized his concerns regarding the water level and he questioned whether or not the Planning Commission would require a bond to protect any water level issues.

Mr. Dave Slagel of 8460 Whittall NE, Rockford questioned the P.C. as to who would be responsible for the repair of the roads with both the damage from equipment on the roads for construction of Phase 1, and the damage from Phase 2 with the soil removal.

McConnon replied the K.C.R.C. is the one responsible for any repairs.

Mr. Jeff Haney of 6140 10 Mile Road, Rockford claimed he has known Scott Eggleston for quite some time and whenever Scott does anything, he always does a first class job.

Dan LaFontsee of 9201 11 Mile Rd states he has lived in Courtland Township for 11 years and he is understanding with the fact the Township will get urban encroachments, but nevertheless he has concerns that the Township has an awful lot of unsold homes. He said he is opposed to the project and he is afraid we will lose all of the country life we have now.

Scott Eggleston of 11355 Willowbrook, Lowell, MI claimed there is a lot more land available for one to develop. He stated he is not at all interested in moving sand up and down the roads. He realizes the entire project is a shock to the neighborhood, but they have to consider it is a low density development and they would not spend the money to pursue the project if it wasn't a good location.

Mr. Stalsonburg clarified to both the P.C. and the public that they are not asking for approval for Phase 1 at this time.

There was discussion between Township Attorney Jim Scales and the Planning Commission that the plan submitted for is for 129 acres versus only an estimated 80 acres that would be the first phase. The PC and the Township Attorney expressed concerns about approving the two phases of the plan, when based on information already submitted by the applicant, building it would require special land use approval for a significant amount of mineral removal. The Township Attorney expressed concern that the plan submitted so far would not allow for review of a "phase one," with only lots 1 through 13 and the east lake. That would have to be submitted as its own plan, and you would have to look at the various ordinance factors as applied to that plan, open space percentage, etc., and would have to go back through a public hearing process, because it is a different plan even though it is smaller.

Don Quick of 9101 Whittall NE, Rockford stated he had discussed this project with the DEQ and the KCHD. If the P.C. were to approve the project, this would impact the decisions made by both the DEQ and the KCHD.

Mr. Stalsonburg disagreed with Mr. Quick's comments and stated his statement is not true and neither the DEQ nor the K.C.H.D. would be influenced one way or the other.

Eric Conrad of 8866 Whittall suggested the developers submit one plan at a time, one sketch plan for Phase 1 and one plan for Phase 2. He doesn't like both phases being associated with each other because one had to mine and remove the soil and the other one didn't have to. He then added he himself has a pond and the level of his pond (at times), drops as much as 4' to 5' as does Stoner Lake. He used Lake Bella Vista as an example and a lot of the wells around that Lake went dry, so he is very concerned with the impact on the wells around the proposed project. He also questioned why they were turned down by Grattan Township, and that he saw on their web site there were plans for ski competitions. If they're planning to have competitions, where would all the traffic park. And lastly he said he would like to see Courtland Township to just remain country.

Scott Eggleston said he was not turned down at Grattan Township, the particular property they ended up considering was extremely marginal. He had scouted out at least 15 – 20 different pieces of property. He took a brochure over to the Planning Commission and that was all he did, but he was never turned down by the Township. He added they would be having ski competitions, but they wouldn't be very big ones. He would make sure they remained small and quiet.

Bernie Vlaming stood up and made a comment and said at the last meeting Scott said there would not be any competitions, and now their changing their story.

Craig Diepenhorst of 7147 Loma Linda Drive, Rockford (Lake Bella Vista) commented he is in favor of the ski lake and he would like to have the opportunity to even live there.

Mary Ann Andersen of 9488 Myers Lake Rd., Rockford questioned Mr. Stalsonburg as to why he has not met with the DEQ.

Mr. Stalsonburg replied he has talked to them about a pre-application conference, but they were not willing to meet with him unless they made a formal application.

Bill Ruhf of 8633 Peterson, Rockford questioned how the P.C. Could have a sketch plan for two Phases, but the developers are only asking for a request for only one of the Phases to be approved.

Attorney Scales said the developers are looking for approval of the entire layout, but they aren't asking for any removal of soil for Phase 2. He stated the PC had reason to be concerned about being asked to approve an overall layout with two lakes, without dealing with the special land use for the mineral removal which the developer had previously said would be necessary to build the west lake.

Jim Raugckas of 8519 Pebble Drive, Rockford questioned why the water table level and another hydrological study had not been done by a third party.

Township Engineer Chad Sosnowski stated he has reviewed the Aqua Tech study. He added that they still have concerns on the wet lands and wells. He feels there will be a negative impact on both and at the least a 60 to 70% chance the wet lands will be affected. He said there is no reason why the DEQ application process should not have been set. He said the DEQ would be better at determining the affects, and once they meet with the DEQ, they (the DEQ), will review the hydrological study. The DEQ will also take a look at the local well logs; they will be more concerned with the water levels of the surrounding wells; they will specifically be looking at the streams and the effects on the wet lands, especially with the large amount of soil that will be removed from Phase 2. Also, from his experience, he feels a community sewer system would be the best to handle the project.

Gary Fowle of 9150 Whittall, Rockford asked if the water level of the lakes would fluctuate.

Larry Austin of Aqua Tech explained in West Michigan there has been a bit of a drought over the past few years. However, this will impact the water levels only by a couple of inches, some levels will drop a bit more, but it would not be by significant amounts. He stated his calculations were conservative.

**Chairman McConnon closed the Public Hearing:**

Davis stated he was curious about the lake being a part of the Open Space.

Township Attorney Scales stated that the ordinance appeared to allow the lakes to count toward the 40% minimum to qualify for consideration, but that is only part of the review. Just because there is enough open space, doesn't mean that it meets the ordinance. The PC has to consider whether there are significant natural features, and whether this plan preserves natural features. He reminded them of another development which met the 40% minimum, but was turned down because the Township found it did not preserve natural features.

Moeggenberg said the design/layout has had some changes, and questioned whether the plan would be changed again.

McAvoy stated no more changes to the sketch plan could be made without the developers coming back to the P.C. with a new plan.

McConnon said even if the developers were to approach the P.C. with the Phase 2 mining of soil at a later date, the mining would still be an issue.

Scott Eggleston said they may not have to move the soil because they have an opportunity to purchase additional land right next to the Phase 2 site.

Davis asked Township Engineer Chad Sosnowski how much risk would be involved with the neighbor's wells and close by wetlands.

Mr. Stalsonburg replied it was not a fair question to ask of Chad Sosnowski and added the developers have hired a very qualified Hydrological expert. And furthermore he feels the DEQ will have the largest say so on what will work and everything would play a role on the outcome of the decision of the DEQ.

Mr. Sosnowski stated he still has concerns about the impact on the wells and wetlands, and thought that the MDEQ process should have been started. He feels the project has a greater impact on wetlands than he has seen on other projects, and the DEQ may see this as unacceptable.

Davis asked Mr. Stalsonburg why he withdrew the Special Land Use for mining.

Mr. Stalsonburg replied he removed it because there are a lot of concerns with the removal of the soil and it would slow down the process for the approval of Phase 1. He asked if the P.C. would just consider approval for only Phase 1 of the development.

McConnon stated he has a problem with approving only one phase of the project (about 80 acres), when the sketch plan is showing both of the phases (about 129 acres). He also mentioned his concerns with the individual septic systems versus the community systems.

Scott Eggleston replied where he lives on Murray Lake in Lowell there are a lot of problems with the community systems.

Chad Sosnowski stated if the systems are made well and have good maintenance, the systems shouldn't fail. He said it is a big factor for the Planning Commission to look at the fact that most lakes in the Township have community systems. He felt that there was a risk that individual septic tanks would fail.

McConnon added no where in the Courtland Township's Master Plan is the Open Space considered to be a lake. In the Master Plan, Open Space is to be undisturbed. There is also the water table issue to be considered. He feels that the intent of the zoning ordinance is that the open space is not supposed to be disturbed from the way it is, and that this plan disturbs the property quite a lot by creating lakes.

Frank Buckley asked about the requirement in the Road Commission letter that the driveway on unit 14 connect to the private road. Mr. Stalsonburg said he had an e-mail from the Road Commission saying it was alright to keep the driveway as long as the existing house remained.

Dan Ellis of 4056 Bedaki Ct., Lowell, MI - addressed the P.C. stating they were looking at building a high quality, low density housing development. If they don't build on the existing property, then someone else will, a different developer will come in and buy the property and build a very high density P.U.D. He felt both himself and his group would be adding a nice quality to the community by adding a low density, upscale housing environment and the ability to create some nice wetlands.

Wood stated he would like to sum up a lot of what both himself as well as the Planning Commission have issues with. He said he realizes the Township is going to face a lot of urbanism moving forward as time goes on. He said he feels the developers have responded very well with their studies. The mining was one of the biggest issues on the table, and he is concerned that the applicant has tried to take it off the table. As for the rural preservation, to give sketch plan approval for both phases, presented on the sketch plan, but only able to approve one phase at a time is a big issue. He feels there is a lot of unease with the community and the Planning Commission with the overall project. There are a lot of unknowns and concerns which still need to be addressed. He spoke for himself as well as the Planning Commission that they are not all comfortable with the entire project or Phase 1. He added there is a problem with bonds and who determines who is responsible for what may happen with surrounding wells. He continued to state he feels the group of developers' have gone into great lengths to answer a lot of questions.

Wood added he would like to make a motion to not approve the Sketch Plan Review of the P.U.D., and the Special Land Use to create the lakes as they do not meet the threshold of the Courtland Township Ordinance for all the reasons talked about over the past meetings. McAvoy seconded the motion. Wood confirmed that the motion was intended to cover both requests.

Roll call: Davis – yes. Moeggenberg – yes. Wood – yes. McAvoy – yes. McConnon – yes.

The motion to not approve the Hidden Shores Development was approved with a 5 -0 vote.

Chairman McConnon and the Commission asked attorney James Scales to present the Planning Commission with a findings of fact for review and approval at the January meeting and at that time the Planning Commission would forward their recommendation to the Township Board.

### **Zoning Administrator Report:**

Frank Buckley reported in January, the Planning Commission will be meeting with Landon Holdings for a re-zoning request at Courtland Crossings, for R-1 and R-2.

**Township Attorney Report:**

No report.

**Township Board Representative Report:**

No report.

**Zoning Board of Appeals Report:**

Moeggenberg reported they had a variance request for Rebecca Bergsma of 13025 Shaner, Cedar Springs to build an unattached pole barn. She was unable to really build anywhere else on the property due to wet lands surrounding her house. The variance was approved.

**Adjournment:**

Member McAvoy made a motion to adjourn the meeting. Moeggenberg seconded the motion. All ayes. The motion carried. Meeting was adjourned at 9:53 PM.

Respectfully Submitted,

Kym Steffes,  
Recording Secretary