

**Courtland Township
Planning Commission
Tues., August 19, 2008**

The regular meeting of the Courtland Township Planning Commission was called to order by Vice-Chairman, Rock Wood.

Roll Call: Members present were Wood, Moeggenberg, and Davis. Absent was McAvoy and McConnon. Also present was Township Atty. James Scales. Attendance of others is attached.

Approval of Agenda: Motion made by Moeggenberg, supported by Davis, to approve the agenda as presented. All yes, Motion carried.

Approval of Minutes: Motion made by Davis, supported by Moeggenberg, to approve the minutes as presented for the July 15, 2008 meeting. All yes, Motion carried.

Open Comments: None

Old Business: Public Hearing – Rezoning Request from R-R (Rural Residential) to C (Commercial) – David Klein Trust, 11560 Stout Ave.

Vice-Chairman Wood noted the agenda item had been tabled at the last meeting for further information to be provided. Applicant, David Klein, provided a sketch site plan proposal showing the designations of the zoning request, proposed location of building, North Kent Golf Course Sign, Buffer Strip, and landscaping. (See attached drawing.) Mr. Klein stated the property is 4.94 acres located on the SW corner of Stout Ave. & M-57 Hwy. There is an existing billboard sign on the property now. Mr. Klein has to retain ownership for the property where the sign is located. The sign location will remain the same also. The proposed building was moved further north per the recommendation of the planning commission from the last meeting. The real change was the change in the lot size. It was originally a two acre site, but increased the size to accommodate the whole lot and then the zoning can always be reduced to the actual location, upon review by the commission.

Public hearing was opened by Vice-Chairman Wood @ 7:07 pm.

Mike & Renee Hansen, 11505 Stout Ave., stated he realizes this is David's land and he's entitled to do with it what he wants. They are thankful for the buffer strip to maintain the natural barriers and to keep the deer run. He further apologized for his reaction at the July meeting, he was caught off guard. They just really enjoyed all these years of serenity here.

Attorney Scales noted if a vehicle service station is requested for this lot, a special land use permit will be required at that time along w/ site plan review.

Amber Schuyten, 6751 – 14 Mile Rd., stated they had remodeled their home extensively and wondered what type of impact the commercial zoning will have on their property being next door. She is also concerned w/the traffic conditions on M-57 Hwy. Vice-Chairman Wood responded that there have been about 12,000 vehicles on that road/day according to recent traffic counts. As far as the impact of the commercial zoning, it may or may not effect their values. The Planning Commission reviews the application based on the fact of it being consistent and fit with the Township Master Plan.

Hearing no further comments, public hearing was closed at 7:14 p.m. by Vice-Chairman Wood.

Members discussed and felt that the proposal does fit within the Master Plan guidelines. It could be a good location to expand the commercial area. They do not want to create spot zoning. The open space at this intersection is a positive for the proposal. Members like the idea of moving the building location to the North and the buffer strip created to the south residential area. Attorney Scales noted that a use of something less could be suggested on the southern boundary line to act as a buffer to the residence to the south also and continue to achieve that buffer for them. The potential for other lots was reviewed that would have frontage on Stout Ave., rather than M-57. Although the total 4.94 acre lot was noticed for rezoning, a portion of that can be used for actual rezoned area. The commission could make a recommendation to the Twp. to the effect that the area to be rezoned will have to be measured and verified prior to the Township Board meeting.

Because the property where the sign is located has to be owned by North Kent Golf Course, Mr. Klein, owner, stated they could also have an easement to the North for the sign running back to their existing parcel that will make the property contiguous as required, which will also act as a buffer zone. He felt with the one lot and the buffer zones to the North and South, it would be pretty tight to fit another commercial lot w/ frontage on Stout Ave.

Motion was made by Davis, supported by Moeggenberg, to recommend to the Township Board to rezone the property as requested by the Kleins to C - Commercial, except for the south 66 ft. to remain R-R Rural Residential, and also a strip on the north extending east to west across the property deep enough to include the existing sign along M-57, also to remain Rural Residential. (See attached diagram.) The Vice-Chairman stated to let the record show that the 66 ft. strip to the south maintained as R-R is in part in response to the neighbors

concern. Attorney Scales also pointed out for the record that the reason for maintaining the strip to the North is to accommodate the existing North Kent Golf Course sign without creating a lot size violation. Because the strip is narrow in width and will remain unoccupied except for this sign, the situation is basically equivalent to the property having frontage on M-57, and so this is consistent with the Master Plan for commercial properties on M-57 and it would not be viewed as a precedent for commercial rezoning of properties which do not have frontage on M-57 or Northland Drive.

All members voting yes. Motion carried.

Planning Enabling Act presented by Jim Scales: Attorney Scales noted the changes are captioned on the side of the by-laws. (Proposal attached.) The changes will keep the Planning Commission consistent with the recent statutory changes. The new law will take effect Sept. 1, 2008.

Vice-Chairman Wood suggested a change on Page 2, Section 2.5 to start with Members “should” not “shall”. That verbage would be more appropriate.

Motion was made by Davis, supported by Moeggenberg, to approve the By-Laws of the Courtland Twp. Planning Commission as submitted except the change to Page 2, Sec. 2.5, changing the word to “should” as noted. All members voting yes. Motion carried.

Zoning Administrator Report: Frank Buckley noted the concerns of the ZBA regarding a wind power generator ordinance. Attorney Scales will compare a variety of other local ordinances adopted for the same and will report back at the next meeting. **There will be no September meeting.** The regulation of cell towers was noted as comparison.

Township Attorney Report: Attorney Scales is preparing the appellant brief of the accessory use request for WSL, LLC (8715 Whittall, Rockford property). A decision will be made on that issue by Judge Yates in Circuit Court and reported back to the commission.

Township Board Representative Report: None

Zoning Board of Appeals Report: Moeggenberg noted a variance was approved for the rear yard setback at 8645 Je Ne Be Dr., for a house addition that was consistent with the area and the location will not be any closer to the road than what is existing.

Adjournment: Motion by Moeggenberg, supported by Davis, to adjourn @ 7:45 p.m. All yes. Motion carried.

Respectfully submitted,

Colleen Brown, Recording Secretary