

**Courtland Township
Planning Commission
Tues., February 17, 2009**

The regular meeting of the Courtland Township Planning Commission was called to order by Chairman, Matt McConnon.

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

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

Approval of Minutes: Motion made by Moeggenberg, supported by Wood, to approve the minutes with a correction to page 3, second paragraph, last line to say "manor" instead of "favor". All yes, Motion carried.

Open Comments: None

New Business: Rezoning from R-R to L-C, Light Commercial, Public Hearing, JMO Properties, 4951 – 15 Mile Rd. Jeff Vos of Infrastructure C & E, was present to represent the property owner, JMO Properties. Mr. Vos explained the initial plan that was submitted and changes made to date. Before they were presenting a plan with the intent to have General Commercial; which was found to be less compatible for the general area. Also the residential lots to the rear of the property have been tabled for development. Other changes have been made to date as follows:

- 1) An adequate green berming and vegetation was added as a buffer along the North property line of the commercial use.
- 2) A cross access easement was created for traffic control.
- 3) Limiting ingress and egress of driveways on 15 Mile Rd. to the property for future development.

Upon approval of the light commercial zoning, Mr. Vos stated, the plan will have to be re-worked as a site plan. At this point they are only asking for light commercial zoning. Site Plan review will follow.

Public hearing was opened by Chairman McConnon at 7:10 p.m. Adjacent property owner to the South, Mr. Ken Jackson, 4900 – 15 Mile Rd. stated he had always suspected homes sometime in the future, but his contention would be for any commercial on 15 Mile Rd. He feels the commercial zoning will diminish the value of his property that is already diminished because of the economy. He stated it is the Township's responsibility to protect the citizens of the Township.

Kerri Hanes, 4926 15 Mile Rd., questioned how much land JMO currently owns at this site. Mr. Vos stated they have approx. 23.4 acres now. Kerri suggested a traffic study be required, along with hours of operation, noise control and light pollution control to be considered. Mr. & Mrs. Hanes stated they were strongly opposed to the rezoning and would like to see it stay residential.

One phone call to the township was made by Joseph Miner, 4918 - 15 Mile Rd., that he is opposed to the proposed property to be rezoned to Light – Commercial, especially due to the fact that there is no info on what his plans are.

Hearing no further comments, public hearing was closed by Chairman McConnon.

Attorney Scales explained the difference in uses available compared to the General Commercial verses Light Commercial as noted in the Zoning Ordinance.

Member Wood noted the rezoning proposal has been reviewed several times and the initial proposal had several major concerns. The proposed plan today is a result of all of those discussions in an effort to comply with the Township's concerns and the residents' concerns. Furthermore, the Light Commercial zoning is a lot more restrictive in manor. Applicant has agreed to address all concerns and make modifications to eliminate those problems areas, such as; the 15 Mile Rd. traffic concerns, berming to block visibility from the residential district, more restrictive zoning district and setbacks. The commission is trying to address all the issues raised by residents and to modify the plan accordingly.

Mr. Jackson repeated his concern of having a commercial district in a area where a lot of residential homes do exist in the surrounding area and what would stop from further expanding and developing this site and Northland Dr. with more commercial districts in the future. He would put his house on the market next week if the economy was better. They wish to stay where they are and not have a commercial enterprise where it is residential now.

Member Wood stated the Master Plan is different for each township and commercial zoning has to be provided for someplace. Courtland Twp. Master Plan has designated the thoroughfare of Northland Dr. and M-57 as future growth with possible commercial development. This rezoning is for the 2.6 acres only of the parcel, the remainder will remain R-R, Rural Residential. The applicant would have to come back with new applications at that time and more public hearings would be held to address issues. There are multiple meetings held on each application, which allows for modifications to be made to a plan on concerns that are raises and the applicant is given a chance to respond and react to this. The board tries to be fair and take all aspects into consideration. This rezoning, if approved, would still have to go through site plan review and any other township regulations that would apply.

There will still be more notices sent out and opportunities for residents concerns to be addressed at that time. Member Wood further stated the impact to 15 Mile Rd. may be a lot less with the buffers than they have now.

Joshua Hanes – 4926 – 15 Mile Rd. – Is concerned with the zoning allowing for more commercial access to the rest of the property in the future and hopes this is not just the beginning.

Member Wood responded that right now the applicant is looking to build homes in the back, but that it would be their right to apply for more rezoning, as it would be for any property owner. The commission has already seen this plan 4 or 5 times and every time they try to make sure that everyone's concerns are taken care of and at the same time make sure it compatible with the surrounding area and not say to someone that they can not use their property. Because the developer agreed to the Light Commercial uses allowed, it was a big factor in making his decision.

Chairman McConnon stated that expanding commercial zoning on 15 Mile Rd. would not be any option in his opinion, because the Township Master Plan does not call for commercial on 15 Mile Rd. The commercial zoning would most likely be limited to Northland Dr. and M-57 where the infrastructure would be warranted. Maybe in another 10 years, Northland Dr. could be a 4 or 5 lane thoroughfares. Light issues, traffic control, hours of operation, etc. will all be addressed at the site plan review. Surrounding residential properties will not have their taxes affected by this change.

Member Moeggenberg noted he had a similar situation near his home when 100 acres was being developed as residential. He was against it at the time, but later came to realize the neighbors were great to have and they were some of the nicest neighbors you could have.

Joshua Hanes stated he likes his corn field in the back of his house; it's quiet and wonderful scenery. He is also concerned what kind of impact the business will have on his well.

Neighbors did not want to have vacant buildings sitting there with a "For Rent" sign at the road for long periods of time.

Members felt the impact may be even less as a light commercial use, rather than residential homes built in the area as far as the well. The developer will probably not want to build any buildings unless he has a customer to rent. The developer would not want to invest his money without some sort of good backing that the building would be occupied or he would be losing money also during these difficult economic times.

Attorney Scales letter was placed on file to Mr. Voss, noting restrictions that will have to be followed. Mr. Voss had no questions about the letter. Attorney Scales noted that if the rezoning is approved it will be a part of a restrictive covenant that the restrictions stay with the property, not the property owner.

Motion was made by Wood, supported by Moeggenberg, to recommend approval to the Township Board for rezoning from R-R, Rural Residential to L-C, Light Commercial, for 2.6 acres located on the NE corner of Northland Dr. & 15 – Mile Rd., property owner, JMO Properties, as outlined in the restrictions of Attorney Scales letter, dated Feb. 13, 2009, that the developer Mr. Voss agrees to and with the understanding that we will have the opportunity for site plan review before they can proceed with building. All members voting yes. Motion carried

Zoning Administrator Report: Mr. Buckley will pass out amendments to the by-laws for the members to have copies of that.

Township Attorney Report: Attorney Scales was given the request to research the Turbine Power Wind Generators and what other ordinances are in place in other local municipalities. He brought back some findings for the members to review and further discuss at their next regular meeting. He further explained that Courtland Township does not lend itself as being a good place for a turbine farm. If one person may want one to save on energy we may want to consider having language in the Zoning Ordinance for that purpose because there is nothing in their now. It is his opinion that a turbine power wind generator is most likely to be cost prohibitive in most cases when compared to the benefits for this area. The generators are more productive in an area like Kansas, Texas, etc.

Concerns are height restrictions, set backs, safety issues, etc. Mr. Buckley said he has had maybe three inquires over the past year. Attorney Scales stated the Township might want to put some language in place like Cannon Twp. has so that if someone is innovative enough, there is something in the Ordinance that regulates it.

Township Board Representative Report: Trustee Brown stated the Twp. Board had approved the Rockford Ambulance Site Plan for an accessory building and Rockford Community Endowment Foundation is looking for honorary members to be recognized in Pebbler Park.

Zoning Board of Appeals Report: Moeggenberg noted the variance was approved for a location sign for the Advocare Assisted Living home @ 5455 – 14 Mile Rd. with restrictions. A March meeting is also scheduled.

Adjournment: Motion by Wood, supported by Moeggenberg, to adjourn @ 8:08 p.m. All yes. Motion carried.

Respectfully submitted,

Colleen Brown, Recording Secretary

5.