

**Courtland Township
Planning Commission
Tues., January 20, 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, Moeggenberg, McAvoy and Davis. Also present was Township Atty. James Scales and recording secretary, Colleen Brown. Attendance of others is attached.

Election of Officers: Chairman – Moeggenberg nominated Matt McConnon as Chairman, supported by Wood. No other nominations were made. All members voted in favor.

Vice-Chairman – Davis nominated Rock Wood as Vice-Chairman, supported by McConnon, No other nominations were made. All members voted yes.

Secretary – Davis nominated Brad McAvoy as secretary, supported by Moeggenberg. No other nominations were made. All members voted in favor.

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

Approval of Minutes: Motion made by Davis, supported by Wood, to approve the minutes as presented for the August 19, 2008 meeting. All yes, Motion carried.

Open Comments: Mike Zenner, 9777 Hessler Crossings, spoke to commission members regarding the recent decision of the Zoning Board of Appeals concerning the color of his accessory building and whether the color was compatible. The ZBA had determined not to make decisions regarding the terminology of the zoning ordinance, which he felt he was not given any clear definition on how to further resolve the issue, so he was asking for some guidance from the planning commission. Atty. Scales updated the commission on the request that was heard by the ZBA and explained it is really not the role of the commission to interpret the zoning ordinance. If it is not painted in manner that would be acceptable a civil infraction proceeding would be entered. The Commission suggested he speak to Jim McIntyre, Township Supervisor or Frank Buckley, Township Zoning Administrator for direction.

New Business: **Rockford Ambulance**, Public Hearing for Special Land Use Amendment & Site Plan Review, 7560 14 Mile Rd. Roger Morgan, Representing Rockford Ambulance was present to state their request for the

addition of an accessory building on the site to house vehicles out of the elements. They currently have five stations with usually two front line units at each station. They are growing at a rate they need to do this. Courtland Twp. location is the center of their operations. They currently hold education classes and training also at the Courtland location. The new accessory building would house the back up units, namely two wheel chair vans and an ambulance. Atty. Scales clarified w/ Mr. Morgan that the accessory building will be used just for that, the interior will be heated and insulated, but no showers, just a true garage, Mr. Morgan confirmed the exterior will be compatible with existing buildings w/ green siding and only used for housing of vehicles.

Member Davis, Ambulance Board member and McConnon, Operations Manager, excused themselves from the agenda item, due to a personal conflict.

Public hearing was opened by Vice-Chairman Wood @ 7:15 p.m. Twp. Bd. Member McKinney asked for clarification of which vehicles would be housed. Hearing no further comments, public hearing was closed @ 7:18 p.m.

Attorney Scales stated it is of his opinion the building meets all the requirements of the site plan review, including set backs. The request is not out of character for the area. The special land use meets all the standards of review also.

Motion was made by Moeggenberg, supported by McAvoy, to recommend approval to the Township Board for the special land use request. All members voting yes. Motion carried.

Motion was made by McAvoy, supported by Moeggenberg, to approve the site plan as presented. All members voting yes. Motion carried.

Members Davis and McConnon re-joined the meeting at this point.

New Business: Rockspring Meadow Mixed Use PUD – Rezoning for Commercial PUD and Site Plan Review for 9 residential lots, 4951 – 15 Mile Rd. Applicants, Mike Springs, owner and Developer, Jeff Voss, were present. Mr. Voss stated they had previously met with the Twp. Supervisor, and Member McConnon to review ideas that would satisfy the concerns of the commission.

A letter from Attorney Scales was noted and placed on file. Attorney Scales stated the Commercial PUD basically complies with the ordinance, but one point of ambiguity is whether the Township is willing to consider the commercial zoning on Northland Dr. at that location. Algoma Twp. does have some commercial zoning in this area for consideration. Mr. Voss stated they are currently talking to a dentist and a vet for some office spaces to be filled with. The two buildings would have satisfactory septic and drain field and the 9 lots for homes would have two acres with a public road and individual septic and drain fields. Mr.

Voss further stated the KC Road Commission did not have a problem with the plans as proposed except they would still have to go through the approval process. They will do whatever the Township requires and wish to comply, but this is their first development they have tried. They will voluntarily compromise and comply with what the Township wants.

Attorney Scales commented that in his memo there are a few problems noted, firstly there is no open space in the PUD for residential development, which requires 40% open space. He is not sure that the plan fits with what the township desires in this economy. Technically the homes would have to be constructed first, which does not financially make sense at this time. The plan could be presented in another manor other than a mixed PUD.

Members reviewed the depth of set back on 15 Mile Rd. The previous request was for General Commercial Zoning, which was not part of the Master Plan. The applicants are willing to consider the Light Commercial Zoning to comply at this time. It was suggested to keep the requests separate, one with the Light Commercial Zoning and one with the site condominium for the residential development that would fit better with the Master Plan. They do not want to see entrances off 15 Mile Rd. only Northland Dr. Members further questioned if the setback off Northland Dr. will be acceptable for future expansion to a five lane highway. A 43 ft. setback will be created from the Road Right of Way to meet the KCRC requirements. They further noted that at the previous public hearing a buffer zone to the homes in the area is crucial for the neighbors concerns and should be addressed. A shared access to the site for commercial and residential is suggested to have better traffic control to the site.

Further discussion was held on the ownership plan of the light commercial building units. Down the road they would like to be able to condominize this site and turn it into an association, which could be better financially if an owner is involved, rather than a renter of a unit. The issue is that the DEQ requires a waste water system that serves the public if it is an association and becomes privately owned as part of the initial approval. The applicants noted it is not their intent to avoid the DEQ., but the waste water system would only be required if the initial plan is presented in a manner that the units would be privately owned. Commission members agreed that ownership could create a better community member that would care and want to stay in business longer. The applicant first intends to rent the building units and a condo unit owner would only be an option in the future once the commercial use is established.

Zoning Administrator Buckley stated he would rather see the Light Commercial Zoning with two separate approvals rather than the mixed use PUD. The Township does have one mixed use PUD at the corner of Myers Lake Rd. & 10 Mile Rd., but is not actually improved upon yet. The Light Commercial zoning should be judged on it's own merits.

Discussion was held on the location of lot #1, the road placement, and creating a good buffer zone to the residential homes to the south. Maybe have eight lots instead of nine for residential designation.

Applicants will take all the above information back to the drawing board to revise their submittal for further review at a later meeting.

Zoning Administrator Report: None

Township Attorney Report: Attorney Scales noted the law suit was settled in court for the accessory use request for WSL, LLC (8715 Whittall, Rockford property). Judge Yates in Circuit Court agreed with the ZBA about the lake and they did not appeal.

Township Board Representative Report: Discussion noted on the re-location of an emergency siren that is being considered @ 11 Mile Rd. & Shaner Ave.

Zoning Board of Appeals Report: Moeggenberg noted the variance which was previously discussed earlier in this meeting was addressed by the ZBA.

Adjournment: Motion by Wood, supported by Moeggenberg, to adjourn @ 8:10 p.m. All yes. Motion carried.

Respectfully submitted,

Colleen Brown, Recording Secretary