

**Courtland Township
Planning Commission
January 16, 2007**

The Courtland Township Planning Commission meeting was called to order by Chairman Matt McConnon on Tuesday, January 16, 2007 at 7:00 PM.

Members present: Wood, Moeggenberg, McConnon, Davis.

Members absent: McAvoy.

Also present: Township Attorney, James Scales

Approval of Agenda: Chairman McConnon added one item to the agenda after Approval of Minutes: Findings of Fact – Hidden Shores development. Motion by Moeggenber to approve agenda as amended, Wood supported. CARRIED.

Election of Officers: Motion by Wood, Davis supported, to nominate McConnon for Chairman. CARRIED. Motion by Davis, Wood supported, to close the nominations. CARRIED. Motion by Moeggenberg, Davis supported, to nominate Wood for Vice-Chairman. CARRIED. Motion by Davis, Moeggenberg supported, to close the nominations. CARRIED. Motion by Wood, Davis supported, to nominate McAvoy for Secretary. CARRIED. Motion by Wood, Davis supported, to close the nominations. CARRIED.

Approval of the Minutes: Wood stated that his comments on page 5, paragraph 5, should read: The mining was one of the biggest issues on the table, and it has now been taken off the table. McConnon stated that on page 2, paragraph 9, it should read Phase II instead of Phase I. Motion by Wood, Davis supported, to approve the minutes of the December 19, 2006 meeting with corrections as noted. CARRIED.

Findings of Fact – Hidden Shores development: At the request of the Planning Commission, Township Attorney James Scales prepared findings of fact for its review and approval as a summary of its reasons for recommending denial of the application for Hidden Shores to the Township Board. Attorney Scales summarized items 1 through 3 as an outline of the application for the development, approvals required, and materials on file pertaining to the application. Items 4 through 10 list the reasons for the denial by the Commission, citing standards and qualifications for PUD approval, and for the two Special Land Use approvals, that were not met. Item 11 states that the development does not carry out the intent of the Master Plan. Item 12 expresses concerns over possible septic system failure, and item 13 states that the Commission found that the possible adverse environmental impact on ground and surface water was not acceptable. Motion by Wood, Moeggenberg supported, to recommend denial of the application for PUD and special land use approval for Hidden Shores to the Township Board. CARRIED, 4-0.

Open Comments: Jerry Rardin (Kingsley Dr.) asked Clerk Crosby about the meaning of approved and unapproved minutes, and she explained the difference to him. Referring to Township Board minutes from June, 2005, where the board voted not to negotiate with Landon Holdings regarding Courtland Crossings MHP, he urged the board to get over the anger toward Landon and consider the families who reside in the park, as he does.

Rick Dawson, representing DLI Computers and Deer Quest Ltd., questioned construction codes in regards to an addition to an existing building on the property. Zoning Administrator Frank

Buckley stated a site plan review by the Commission is necessary for commercial property. Attorney Scales recommended that Mr. Dawson submit a written application with details of the planned uses for the property. Questions arose concerning whether the two businesses (two uses) on the same property would be allowed by the zoning ordinance.

Hank Greeb (11 Mile Rd.) questioned the denial of the application for Hidden Shores by the Commission when the complaints expressed by the neighbors at the first meeting seemed to have been satisfied.

John Wood (Russell St.) commented on Landon's initial approach to the Township for the MHP, i.e. a lawsuit, and stated that Landon should offer a "Plan B" to the current residents.

Master Plan Update: Jay Kilpatrick of Williams & Works reported that the 90-day period for public review and comment on the Master Plan draft has expired. One comment was received from Cannon Township regarding a potential commercial area on 10 Mile Rd. The Commission can now set a date for the Public Hearing. Motion by Wood, Davis supported, to set the date for the Public Hearing on the Master Plan update as February 20, 2006, the next regular Planning Commission meeting date. CARRIED.

Rezoning Request: Carolyn Riegler presented the request by Landon Holdings for rezoning portions of the MHP to R-1 and R-2. She gave background on the Courtland Crossings MHP and the consent judgment, as a result of the suit filed by Landon, which allowed for 691 home sites in the park. Landon's current proposal is to rezone the undeveloped portion of the park to R-1 for detached single-family homes and R-2 for 4-unit attached units. Space would remain for current residents and more manufactured homes. The total number of units would be reduced from 691 to 550.

Attorney Scales questioned the property had actually been rezoned to MHP through the consent judgment.

Member Wood asked what the situation is for the 11 families currently in the park, and was told they own their homes, but rent the lots. It would be very expensive to move the homes to another location. Wood questioned why Landon should be given special treatment on items of their proposed plan such as lot size and number of lots allowed, when other developers must meet the requirements of the zoning ordinance. Why shouldn't the 2-acre minimum lot size be met? Riegler replied that since the property has its own wastewater treatment plant and water system, the residents couldn't afford to maintain the plant with fewer homes contributing. Wood also asked how Landon would market its development any differently than other developments in the area that are unfilled. Riegler stated that the plan has unique aspects such as the clubhouse and future swimming pool and walking trails, and that the sewer and water are already in place. Wood asked if the law required the township to have an MHP at the time the suit was filed, why not now? Randy Kraker, attorney for Landon Holdings, replied that the law has changed some since 1999, to the benefit of townships, but MHP's are still required. The proposed plan still provides for manufactured housing. Wood asked how many sites would there be, and was told 148 current sites plus 50 new ones, with plans for current sites up for future debate.

Member Davis asked whether any of the lots in the plan meet the R-1 zoning requirements, and McConnon questioned the percentage of open space provided. Wood asked about a parallel plan usually required for other developments. Davis stated that prior conversations with Landon have always dealt with lot size. Will these lots sell? Kraker stated that they are not asking for the usual increase in density, but are decreasing the number from 691 to 550. Wood remarked

that the density bonus formula for water and sewer should be applied the same to all developers, and Moeggenberg agreed that procedure should be followed.

Attorney Scales questioned whether the plan qualifies for bonuses for public sewer and water since this is not a "public" system. He advised the Commission to let the Master Plan be its guide for rezoning requests.

Zoning Administrator Buckley asked whether the WWTP is approved by the DEQ for stick-built housing as opposed to manufactured housing. Kraker stated that fewer stick-built houses would be allowed and they would need a new permit from the DEQ.

Member Davis asked why they aren't trying to fill the sites with manufactured homes. Riegler replied that no financing is available for them.

Motion by Davis, Moeggenberg supported, to set the date for the Public Hearing on this application for the March 20 Planning Commission meeting. CARRIED.

Zoning Administrator Report: None

Township Attorney Report: Attorney Jim Scales stated that the Commission could establish bylaws to limit the length of its meetings and of public comment during meetings.

Township Board Report: None

ZBA Report: None

Adjournment: Motion by Davis, Moeggenberg supported, to adjourn the meeting @ 8:59 PM. CARRIED.

Respectfully submitted,

Marilynn Crosby
Township Clerk