

**Courtland Township
Planning Commission
June 19, 2007**

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

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

Absent: None

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

Approval of the Agenda:

McConnon reviewed order of agenda. McAvoy made motion to accept agenda as presented, motion seconded by Moeggenberg. All ayes, the motion carried.

Approval of the Minutes:

Moeggenberg made a motion to approve the minutes of May 15, 2007 regular P.C. meeting, motion seconded by McAvoy. All ayes, motion carried.

Open Comments:

None

Public Hearing:

Final Site Plan Review and Public Hearing for (Wesley Hessler) "Puddingstone" (Act 177), Cluster-Development. Approximately 8741 and 8809 11 Mile Rd., Rockford, MI

Representative Dave Hendershott of Roosien and Associates presented an updated P.U.D. (an Act 177 Cluster plan). The requested changes by the Planning Commission were incorporated into the final site plan which is a 25' Open Space along the west line of lots 15 and 16.

Chairman McConnon opened the Public Hearing:

J. Mierendorf – 9244 Parmeter N.E.

Stated his concerns with there being a drainage problem with all the water flowing west towards Parmeter Ave. and all of the rain saturates the ground close to him and then it runs further north into a ditch.

B. Baldwin – 9580 Parmeter Ave. N.E.

Said he agrees with Mierendorf stating he is very concerned with all the land behind his property. It is wet a lot, and he fears his basement will be wet due to moisture and may create mold damage, etc. He would like to be ensured that the surrounding ground not be too wet. He also added how they could possibly get an approval from the Kent County Drain Commission, (K.C.D.C.) or the Kent County Health Department, (K.C.H.D.) before construction even begins.

Chairman McConnon closed the Public Hearing:

Planning Commission Discussion:

Chad Sosnowski stated the K.C.H.D. will not give approval without the development having sand and or gravel for filtering. The K.C.D.C. only has jurisdiction over the County Drain. Township Engineer has approved the plan and all water flow will go to the detention pond. Chad suggested it may be a good idea to put in a swale to the north.

Dave Hendershott added that all of the lots have been approved by the Health Department and some of the septic systems will be mounded a bit. The water run off will collect and be piped to the detention basin. The pipes will flow down hill. He said there are buffer areas which would allow storm water to infiltrate and the addition of the swale would be a good idea.

Wood questioned if the existing drain is having problems and needs to be fixed, should these issues be brought up before the Drain Commission.

Chad said if the drain is an issue the Township should contact the K.C.D.C. and have them take a look at it. They could give an estimate as to the cost to have the drain cleared out.

Attorney Scales emphasized attention to # 6, (Storm Water/Retention/Grading) item e. of the Puddingstone Resolution (copy in file), in regards to the Township Engineer approving any such modifications and he pointed out # 12, (Phasing) item c. out to the Planning Commission which covers scheduling of development. He also drew attention to the Kent County Road Commission's (K.C.R.C.), preliminary Alignment Approval letter (copy in file). When this property is sold and the development goes forth, the Township's Resolution will stay with new owner. After final approval construction of the development would need to begin within 1 year, and they could add a 6 month extension if necessary.

Member Wood made a motion to approve the final site plan to include all limitations set forth in the Resolution including a swale to be built into the back of lots 11 – 16. Also the Township Engineer to perform interim site inspection to be done at the owner's expense. Davis seconded the motion, all ayes, the motion carried.

Landon Holdings – Courtland Park Association, LTD – 5855 14 Mile Rd., Rockford

Representatives, Jason Wagner and Carolyn Riegler were present. Jason presented a site plan to the Board and stated they are seeking approval for rezoning of 130 acres to be re-zoned R-1 and approximately 13 acres to be rezoned R-2. They have been waiting for the Master Plan to be completed before meeting with the Planning Commission.

Chad Sosnowski explained to the P.C. Prein and Newhof's findings of the water system and waste water treatment of MHP of Landon Companies. He reviewed a letter from Engineers Prein and Newhof (letter in file). Public Roads are required for R-1 and R-2 Zoning. Current MHP roads are inadequate, and the main road would have to be reconstructed. Prein and Newhof do not recommend an entrance at 14 Mile Rd. Instead they would recommend a 2nd entrance off Ritchie. It is very high density and should have public water and sewer which is 5 miles away and would be cost prohibitive.

Attorney Scales agreed with Chad and listed items for the Planning Commission to consider for a rezoning.

McConnon stated the high density doesn't fit in with the area.

Member Wood commented that the Commission has now had several meetings on the proposed re-zoning. During those meetings, which occurred over the course of several months, there has been extensive comment and information submitted, including information from the Applicant, much public comment, the Township Engineer and others. Based on this extensive record and information, Member Wood commented that he did not believe that the Application request met the criteria to be considered. Member Wood commented that when the circumstances and factors are considered as a whole, the Application did not warrant approval. For example, the requested re-zoning was not consistent with the surrounding property, or the master plan. The request was for high-density development, which should be served by public utilities, but no such public utilities are located within several miles. There does not appear to be a pressing need for such an additional volume of lots, as there are several hundred unimproved lots currently available in the Township. The Township engineer has expressed concerns regarding the existing infrastructure/roads at the site, as was explained at the meeting. There are traffic/safety concerns regarding the proposed additional access to M-57. The proposed re-zoning would be inconsistent with how the Township has treated other developers, is in excess of even the bonus density levels permitted by the ordinance, and would constitute an unfair advantage to the applicant when compared to other developers who have been required to meet the ordinance. Given these and other considerations as stated by Member Wood, Member Wood made a motion to deny the re-zoning. Davis seconded the motion. All members voted to support the motion to deny the application.

Attorney Scales was directed to put together a proposed finding of fact report in regards to the denial of re-zoning of Courtland Park Association, LTD., for the next Planning Commission meeting.

Zoning Administrator Report:

Zoning Administrator, Mr. Frank Buckley submitted to the Planning Commission Board a memo of upcoming items for future P.C. agendas (memo in file).

Township Attorney Report:

No report.

Township Board Representative Report:

No report.

Zoning Board of Appeals Report:

No report.

Adjournment:

Moeggenberg made motion to adjourn the meeting, Davis seconded the motion. All ayes, the motion carried. Meeting adjourned at 8:55 PM.

Respectfully Submitted,

Kym Steffes,
Recording Secretary