

APPROVED

**Courtland Township
Regular Planning Commission Meeting
Tuesday, September 19, 2017**

The regular meeting of the Courtland Township Planning Commission was called to order by Chairman Wood @ 7:00 p.m. Members present were McConnon, Rau, Moore, Nelson and Wood. Also present was Zoning Administrator Brown, and others who signed in as interested parties.

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

Approval of Minutes: Motion made by Rau, supported by Nelson, to approve the May 16, 2017 meeting minutes as presented. All yes, Motion carried.

Open Comments: None

Public Hearing: Re-review Sketch Plan for PUD and Final Tentative Preliminary Plat, Braeside Holdings LLC, c/o Dykema Exc. 5450, 5460 and 5712 11 Mile Rd., Sec. 31 & 32 .

Attorney Scales noted the request and review of the sketch plan which was approved some time ago. The updated plan addresses a lot of the issues brought to light from the previous approval. The plan is for PUD Cluster Housing option and Subdivision Plat also. A letter of review dated September 11, 2017 was read and placed on file from Attorney Scales. Since the approval expired a new public hearing is required.

Mike Berg, Rep. Dykema Exc., was present stating approvals from the designated agencies have been obtained for each lot for the first phase which is 25 lots. Stub Roads were required by the KCRC on each side. A 10 ft. strip is deeded to the KC Road Commission with the idea in mind if adjacent properties would be developed, they could connect the roadways. They would like to record the plat before the end of the year.

Public hearing was called to order by Chairman Wood at 7:11 p.m. Jim Townsend, property owner to the east and Alpine Township Treasurer, questioned if the ground water aquifer will be effected with this many homes proposed and if the property was under consideration to be annexed by the City of Rockford at any time? Berg replied there has been no approach by either party to that effect at any time. As far as the aquifer being effected the Golf Course had pump tests done that ran for 4 hours and used six wells with the daily usage of 500,000 gallons a night for watering. The home sites might be

Page 2 using 300 - 400 gallons per home site and is not anywhere near the usage from the Golf Course, so water aquifer is not a concern.

John Strope, 5475 11 Mile Rd., directly across from the entrance questioned how far into the Road right of way and/or his lot would the road be improved for the PUD? Mr. Berg stated they will not modify the north edge at all. A left turn lane is not going to be required per KCRC. Detailed construction plans of the road are available upon request.

Kathye Vidal, 7575 9 Mile Rd., was present to note she was an employee of Braeside Golf Course and has a concern with the chemicals used to maintain the golf course and water quality now because of the chemicals used. Mr. Berg stated the Health Dept. has required 5 wells to be capped and abandoned. Water tests and pump tests were chemically analyzed with the health department that allowed us to demonstrate the aquifer depth that is needed to be drilled for to a certain stage of approval be required. Also the ponds are still full of water.

Jim Bogart, 8703 Oakbrook Ridge, questioned if there are times set to allow construction equipment to begin on site and that would be mindful of noise regulations? Mr. Berg stated that typically 7 a.m. is when the construction would begin. The Township did already authorize some excavation to begin with moving the dirt around to preliminary prep the site because the approvals were already once obtained and there were no changes to the plan and the developer knew he was proceeding to excavate at their own risk if any changes were required.

Mr. Berg will also let us know what the decision was with the KC Health Dept. is and how deep the wells are required to be at a safe aquifer distance.

Public hearing was closed at 7:20 pm. by Chairman Wood. Board members further questioned the depth of wells required. Mr. Berg stated some are approx.. 113 ft., 122 ft., 280 ft., or 34 ft., depending on the site. He plans to be working with heavy equipment at the site until late October. They would work from 7 am to sundown and are willing to follow the Zoning Ordinance regulations. Member Nelson noted this is the ugly stage of the process and not always a pleasant time, but once a lot of the excavation is completed, the disturbance will dissipate.

Motion was made by Moore, supported by Wood, to adopt the resolution to recommend approval of the PUD sketch plan and conditional approval of Final Site Plan for Phase I for Braeside Estates as amended. No starting of construction work to be performed before 7 a.m. and in compliance with the existing Zoning Ordinance. All members voting yes. Motion carried.

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Public Hearing: Medical Marijuana Zoning Ordinance Amendment –

Attorney Scales noted discussion has been held at prior meetings and some input from the Township board has been presented to the Planning Commission at previous meetings, which the outcome of those meetings has directed the commission to schedule this public hearing and make a recommendation to the Township Board. A letter outlining those findings dated August 16, 2017 from Attorney Scales was read and placed on file. It has been the direction from the Township Board that they do not wish to allow these facilities and the language proposed will make it clear that facilities are not among those permitted uses with the Township.

Public hearing was opened by Chairman Wood at 7:32 p.m.

Jeanne Reed, 5520 Indian Lakes Rd., Cedar Springs, stated she has arrived to fight an uphill battle, but stated actually a lot of work has been gone into noting the benefits of the facilities and Montcalm Township residents are interested in obtaining some form of these licenses for a dispensary for public store at our AG areas for the county that might be an ideal locations, to allow operations only in an indoor enclosed secure facility, and to keep an open mind and request that the commission table the issue and seek further public comments. The medical marijuana has a lot of legitimate medical benefits. They are not just pot heads, they are grandparents, parents, family and friends that are already care givers in the community. They are also working on development a "No psycho" patient effect, has benefits of curing cancer and you do not get "high". Research in other countries has been proven it can cure cancer. She further noted her parents on Ritchie Ave., which are very responsible citizens, who has open minds to the possibility of being an agriculture business to help them retire. She further stated there are 7,600 medical marijuana patients in Kent Co. and 1,800 MM patients in Montcalm Co., which 10,000 residents could benefit from what is already here. She also provided a flyer with information on "How It Works" to be noted and placed on file.

Hearing no further comments, public hearing was closed by Chairman Wood at 7:37 p.m. Members noted they have researched and heard other input from previous meetings that various points have been made.

Motion was made by Wood, supported by Rau, to recommend to the Township Board the Ordinance to be adopted as drafted in the attached draft and summarized in the correspondence from Attorney Scales dated August 16, 2017 and similarly set forth on page 3. All members voting yes, Motion carried.

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New Business: Discussion Airbnb Rental

Chairman Wood noted Airbnb Short Term Rental properties seems to be the new hot topic among Municipalities and Courtland Township, primarily around the lakes. Also noting Grand Rapids is a great destination now for travelers as well. Attorney Scales stated that currently short term rentals are not allowed by default because it is not identified in the Zoning Ordinance as being an allowable use. There seems to be a need to make a clearer definition and regulations if the commission wishes to recommend a change to the Township Board. Do we allow it? Do we regulate it? Do we not allow it? Limit the number of people per bedroom? Make it a min. of 5 days rental? Etc.

Township Assessor, Jane Kolbe, did research and found that 75% of the homes around the lake do have Principal Residence Exemption status.

Currently there are two bills in legislature in the House right now that were introduced in Feb. So far there has not been any movement. MTA feels that would take away from the local control. They may be considered this fall, if adopted the Township may not have any control of what is allowed.

Attorney Scales provided other township ordinances that have been adopted for consideration. A local resident, Shawn Wissell, 8353 JeNeBe Dr., and Richard De Young, 8369 JeNeBe Dr., currently does advertise in Airbnb for short term rentals. Their opinion if this was not allowed or tighter restrictions were put on the property, values would decline, The Wissell's need the income from rentals to be able to keep the property, which has been in the family name for many years.

Board members noted there are a few bad apples that can make a lot of people's lives miserable by not being mindful of their neighbors. Commission members wish to look to the Township Board to come up with the solution on what actually the residential ruling is. It is not cut and dried what can be done in a residential area at this time. There are several in the Township at this time. Mostly one or two complaints have been received. Noise, foul language usage, excessive drinking, and parking seem to be the major concerns, which are mostly law enforcement issues. DeYoung does advertise for min. three nights at this time. Moore stated these are generally prohibited now. It seems significant restrictions would be necessary so that the residential nature of the neighbors are not impacted. Nelson noted she has benefited from the lake rental situation all her life and never realized there was an issue. If they had renters she would be sure to monitor the renters because it would be important to the neighborhood and the community. She feels a renter is just as nervous about their property being damaged and would want peace in the neighborhood just as much as the Township would. Then if we did start regulating it, who would enforce it and keep track of the number of rentals, mandating quiet hours, etc.? Rau stated there really has not been that many complaints and do we really need to start a permit

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process. If it is not broken, why fix it. McConnon stated most policies or ordinances are drawn up out of issues identified and created within reason. Attorney Scales stated the conflict seems to be that this is a commercial enterprise and it is on a residential property. There could be a licensure procedure with permits that may be for a period of time and if they do not comply with regulations, their license could be revoked.

Members agreed there is a lot of uncertainty at this time and would like direction from the Twp. Board for further consideration. They are looking for a common middle ground and what the rules might be to allow these to exist and give neighbors notice that if things are not handled well, there can be an understanding or agreement to work things out. Also the commission would like to explore other board's decisions as well and see what happens with the two bills in legislature now. Motion was made by Moore, supported by Nelson, to table action at this time, that the discussion held tonight go on record and to compare other similar policies, get input from the Township Board conveying what we have generally discussed. All members voting yes. Motion carried.

Zoning Administrator Report – Next scheduled meeting will be set for October 17, 2017

Township Attorney Report – Attorney Scales had nothing further to report.

Township Board Representative Report - Member McConnon stated the parking area for the Disc Golf Course at the Township Hall is being completed and hoping to be ready soon. Chairman Wood said that they would probably have the Scouts work on their leaf project and identifying trees in the spring.

Zoning Board of Appeals Report – Nelson reported the ZBA approved the variance to demolish as existing home and build a new one in basically the same building envelope as presented.

Adjournment - Motion by McConnon, supported by Nelson, to adjourn @ 8:27 pm.

Respectfully submitted,

Colleen Brown

Colleen Brown, Recording Sec., & Zoning Administrator