

Courtland Township Planning Commission

Minutes

January 21, 2020, 7:00 PM

The regular meeting of the Courtland Township Planning Commission was called to order by Vice-Chair Katy Nelson at 7:00 PM at the Courtland Township Hall. Pledge of Allegiance.

1. **Roll Call:** Members Katy Nelson, Mary Ann Andersen, Al Rau, and Andy Moore were all present. Rock Wood was absent with notice.
2. **Also attending:** Colleen Brown, Zoning Administrator; Jim Scales, Township Attorney; Brandon Mieras, Township Engineer; and about 20 residents
3. **Agenda:** Nelson suggested to add item 8b pertaining to Zoning Ordinance Amendment for Special Land Use min. acreage required. **Motion by Moore, supported by Rau to approve as amended, Motion carried via voice vote with all members voting yes.**
4. **Election of Officers:** No new nominations were made. **Motion by Andersen, supported by Rau motion to keep Rock Wood as Chairman, Katy Nelson as Vice-Chairman, and Andy Moore as Secretary. Motion carried via voice vote with all members voting yes.**
5. **Approval of November 19, 2019, Minutes.** **Motion by Andersen, supported by Rau to approve the minutes from the September 17, 2019 meeting as presented. Motion carried via voice vote with all members voting yes.**
6. **Public comments. This was for items on the agenda but not the subject of a public hearing.**

Steve Vree 8450 Pleasant Meadows Drive. Explained that the 36" culvert drains 100+ acres to the east and empties into the subdivision. He is concerned that the development of the site will make it worse. They feel they have mitigated the problem to the best of their ability to date for the site condo. He is still concerned about the 36" pipe and felt that the overflow will still be pumped into the subdivision property. Referenced section 14.25 of the stormwater ordinance.

Scott Kenyon 8430 Pleasant Meadows. Had meeting recently, but remains concerned about stormwater and loss of green space. Concerned about where the extra water would go and might go to his greenspace with no permeable soil left.

Jared Belka 6705 Pleasant Meadows Dr. The main concern is drainage. He feels this proposal is to "spot zone" the site to accommodate the storage units. He feels this is not legal as they are going to make the problem worse. There is standing water there now. The detention pond would be in a solid clay base. He does not think there is competent material regarding the research of drainage solution.

Sam Southwick 8745 Pleasant Meadows. He feels it is very important to get this right and not get into litigation. Thinks they have done a good job mitigating the problem. The 36" pipe is sufficient ordinarily but during a heavy rain event it is overwhelmed.

Hearing no further comments, Nelson closed the public comments period @ 7:17 pm

7. **A. Public Hearing: Barn Venue Ordinance.** Jim Scales provided background and overview of the proposal. One proposal would only allow these uses in Commercial districts. The other option would allow barn venues only as a special land use in the majority of the township and be subject to extensive regulations. Scales provided a summary of the proposed regulations.

Nelson opened the public hearing @ 7:25 pm

One letter was received by Kim McIntyre questioning the need for a new ordinance. She felt that existing ordinances were sufficient. Letter placed on file.

Merriah Moore 6161 Oak Valley Drive (Cannon Twp). She questioned Nelson's wedding venue and how hers is permitted. Nelson responded that she has a special land use for a banquet facility.

Arn McIntyre 9571 Courtland Drive. He also felt that this was not adequately noticed and copies of the proposal made available to residents. He feels the commission should table the item to be available for review. Thirdly, he felt that this was addressed sufficiently now and may not need an ordinance to justify it. How do we define private parties? There should be clearer definition for rent venues, private parties, etc.

Merriah Moore spoke again questioning why Nelson was participating in this vote and helped to create this ordinance language. She found that disturbing. Nelson stated that she would abstain for any votes on this matter.

Steve Neveay 9888 Courtland Drive. Asked why we need to do this. Nelson responded stating that Attorney Scales from time to time brings new ordinances to the board for consideration.

Ron Riebschleger 5333 13 Mile Road. He noted that there is a third option where we do nothing option, as there does not seem to be any problems currently.

Greg Peterson 9784 Courtland Drive. He thinks we should all just live and let live. Wants this tabled so the public can review the ordinance.

Nancy Platt 155 Ogden (Rockford). How do you know who is doing these barns? How do you enforce it? Nelson responded that people wishing to have these kinds of venues would need licenses, permits, insurance, etc. and that would trigger the local review process.

Arn McIntyre spoke again asking how do you know what is a barn venue and what's not? He also took issue with Katy's participation in the meeting and thinks it is a bad look. Nelson concurred and stated she would not be voting on the matter, it was unfortunate the Chairman was not able to be present at the meeting to Chair it. It was not planned.

Andrew Lidral 6269 Hazelgreen. He had questions on transparency and that it's hard to find the ordinance to review it. They were not able to read the ordinance before hand and was questioning what the point was of all this.

Moore explained why we are doing this stating that we need broad and fair regulations to deal with these types of venues, noting that many other townships have regulations in place or are working to adopt some. Doing nothing would still not allow them, but we risk inconsistent treatment from applicant to applicant and we may find there is a gray area currently in the ordinance.

Mary Ann Andersen further explained that it will be easier to enforce the ordinance if there are standards.

Nathan Oliver 10265 Courtland Dr. Asked Andersen for clarification from Moore and Andersen. Moore and Nelson responded with why the ordinance is proposed.

Another resident stated that he still doesn't get why we are doing this. Thinks it's a solution in search of a problem.

ZA Brown stated the notices are put in two local newspapers and clearly states if you are interested in further information to contact the Township. Copies of the language are available upon request.

Joe Lang, 5594 11 Mile Road. Stated that he is Nelson's neighbor. Says she is a very good neighbor, but barn venues could be difficult if you are next to them. He is concerned that these will impact property values if they are allowed everywhere. He likes Katy and thinks she does a good job but wishes he had objected stronger when hers was proposed.

Hearing no further comments, Nelson closed the public hearing.

Motion by Moore, supported by Rau, to table this item until the next meeting, so people have time to read it. Motion carried 3-0-1 (Nelson abstained).

Zoning Administrator Colleen Brown informed residents to contact the township hall for a copy of the draft ordinance and she would be happy to provide a copy or email one. **She** stated the notices are put in two local newspapers and clearly states if you are interested in further information to contact the Township.

7B. Public Hearing: Swimming Pools/Fencing Ordinance. Scales provided an overview. The International Pool and Spa Code was amended a few years ago to state that fences are no longer required if you have a powered safety cover or if there is a wall around the pool at least 4 ft. in height. This amendment would make the zoning ordinance consistent with this code.

Public hearing open. No comments were made. Public hearing closed.

Motion by Moore, supported by Rau, to recommend approval of this ordinance amendment to the Township Board. Motion carried 4-0 with all members voting yes.

8. **A. Coffman Development 6785 10 Mile Road.** This was tabled from the November 2019 meeting due to concerns regarding drainage and stormwater management, among other issues. The applicant is seeking to construct storage buildings on the subject property. Jim Scales provided a brief review.

Township Engineer Brandon Mieras of Williams & Works also provided a review. After additional review, his opinion is that the development meets the ordinance standards pertaining to stormwater control and runoff. Mieras noted that the lack of a culvert on the south end of Pleasant Meadows Drive is likely the primary contributing factor to the ponding issue that is affecting the residents of the subdivision.

Applicant Nate Coffman made a presentation of the project. There would be three buildings surrounded by a black metal gate on the front, 6' wood privacy fence to the west side of the property. Six pine trees are proposed to the west, seven to the north. The buildings would be equipped with motion-sensor mounted lighting on the underside of the eaves pointed down. One light also pointed at the gate for security. Overhead doors on the building would be 8 feet tall, and buildings would be 13 feet tall to the peak.

There are some wetland soils on the NW corner of the property, but it is a fairly small area (not 5 acres) which is required for the DEQ to regulate. The Fire Chief has suggested to change to Trachte style buildings (no wood, no shingles, etc.) all steel and there would be no combustible materials. This reduces fire hazards.

Coffman also provided a number of examples in the GR area of storage developments on less than two acres.

Coffman stated that he thinks they are also dealing with 10 Mile road and NuVu stormwater. He felt they are helping the situation by taking additional stormwater and that it will get better.

Coffman is proposing to place a culvert under the southern portion of Pleasant Meadows at a cost of \$10-\$12k to get the water to the headwaters of the Rum Creek.

Applicant's engineer Adam Feenstra said that a 12" pipe is the largest they can install under Pleasant Meadows and still be able to rebuild the road properly. During a huge rain event, there would still be some ponding but it would drain within hours, not days.

Coffman felt that the storage units were the best use of the property and that it would be meticulously maintained.

Commissioners had a lengthy discussion about drainage, impact on the road, size of the ditch, etc. Scales suggested that this be tabled to allow for the drainage resolution to be resolved by the applicant and HOA, as it needs to be determined who will pay for the culvert under Pleasant Meadows Drive. Commissioners were generally supportive of the proposed arrangement if it will work. Mieras also felt that this solution would be beneficial for the situation.

Discussion ensued about the building style. Moore is generally supportive of it. Rau wanted to make sure all of Terry Bartels comments were addressed (they were). Andersen was pleased with the cooperation between the neighbors.

Motion by Rau, supported by Moore, to table until the next meeting to allow for these items to be finally resolved, and the applicant can address any further concerns brought up tonight. Motion carried 4-0 with all members voting yes.

- 8 **B. Zoning Ordinance Language Amendment:** Commissioners also discussed a potential amendment to the Zoning Ordinance that would eliminate the SLU 2-acre requirement for storage units and allow the project to move forward. Scales presented some research from neighboring communities. Most of them do not require 2 acres for these types of uses. Moore was supportive of it with the research provided by Scales. Rau was skeptical of making an exception for one property. Moore agreed but felt that if the requirement was not justified by research then the Ordinance should be changed.

Motion by Moore, supported by Rau, to set a public hearing on this amendment for February 18, 2020.

9. **Zoning Administrator's Report:** None
10. **Attorney Report:** Scales noted there may be a need to revisit short term rental ordinance, as a recent case decided by the Michigan Court of Appeals (involving Spring Lake Twp in Ottawa County) may be reconsidered by the Michigan Supreme Court. Scales will stay tuned and advise commissioners.
11. **Township Board Report:** Nothing to report.
12. **Zoning Board of Appeals Report:** Nothing to report.
13. **Adjournment:** Motion by Moore, supported by Rau, to adjourn at 9:01 pm.

Respectfully submitted,

Andrew Moore, Secretary