

Courtland Township Planning Commission

Minutes

February 18, 2020, 7:00 PM

1. **Roll Call:** All members present. Also present, Zoning Administrator, C. Brown, Brad Fowler, Attorney representing Mika Meyers on behalf of the township attorney absence, J. Scales and about 33 residents.
2. **Approval of Agenda:** Chairman Wood suggested moving #8, new business up to #4 on the agenda. **Motion by Moore to approve the agenda as amended. Motion was supported by Nelson. Motion carried with all members voting yes.**
3. **Approval of Minutes January 21, 2020. Motion by Andersen to approve the minutes from January 21, 2020, as submitted. Motion was supported by Nelson. Motion carried with all members voting yes.**
4. **New business:** Schedule Public Hearings for Continental Baptist Mission (11650 Northland Drive) and Rivertown Landscape (11950 Northland Drive) for corrections to the zoning map. Brown provided a brief overview of the history of the issues; both properties were rezoned to commercial years ago (Approx. 2000, 2001) but were never added to the map. This would clarify the zoning change. Public hearings would be held at the April 21, 2020 meeting. **Motion by Andersen to set the hearings for the April 21, 2020 meeting. Motion was supported by Wood. Motion carried with all members voting yes.**
5. Public Comments:
 - a. **Kim McIntyre, 9571 Courtland Dr.** Requested that more meeting materials be posted on the Township's website.
 - b. **Andrew Lidral, 6269 Hazelgreen Drive.** Agreed with Ms. McIntyre that information needed to be available online. Regarding the barn event venue ordinance, he wanted to know what activities this is intended to address. Wood explained the background of the ordinance. Mr. Lidral also asked if he wanted to do some classes for plants or agriculture would that count? Moore responded by explaining what the definition was for a barn event venue. He also asked about the setbacks, lot sizes, etc. and felt that maybe ten acres was reasonable for a minimum lot size requirement. He suggested a 300 ft. setback to keep a good space from residents. He felt it was important to still respect potential impacts a barn venue would have for the residents. He is all for protecting the neighbors.

- c. **Ron Riebschleger, 5333 13 Mile.** Regarding the barn even venue ordinance, he asked if this a problem that needs addressing? He didn't think that a few phone calls warranted an ordinance.
- d. **Sam Southwick, 8745 Pleasant Meadows.** Wanted to provide a status update regarding the association and the Coffman storage units proposal at 6785 10 Mile. The association was asked to evaluate a drainage easement prepared by the applicant's engineer. They have mitigated to the best of their ability. They remain concerned about the culvert. He is concerned that the proposed development violates stormwater ordinance because it alters the drainage course. He also indicated that the applicants provided a proposal and offered to share in half of the cost (Total \$13,500) of the culvert. The association did not agree to it for financial reasons. The developer then agreed to cover the *entire* cost, but permission was still needed from the two property owners affected on the north side of Pleasant Meadows. Mr. Wilson was agreeable to it, pending review of final plans. Mr. Tolly was skeptical but is looking at it further. The association is not fully on board and he thinks that more work needs to be done and that there isn't competent, substantial, and material evidence to support the approval of the storage units yet.
- e. **Dan Stuart, 8550 Pleasant Meadows.** Also expressed concern about drainage and wanted to know how much water came off the land and into the 36" culvert near the NuVu parcel and into the development.
- f. **Don Clayton, 6776 10 Mile in Cannon Twp.** Expressed concern about drainage from NuVu and there is ponding there and thought that should be considered.
- g. **Don Tolly, 6740 Twin Springs Court.** Has concerns still about the drain and wondered what would be in it for him? He has a dry back yard now. He would not want to change that. The applicant's engineer indicated that this would be a ditch, not a buried pipe, and Mr. Tolly was not agreeable to this. Wood suggested other options and after some debate, no other suggestions were agreed upon.
- h. **Carl Pearson, 6820 Sunrise Meadow Drive.** Wondered why these residents should have to pay for the developer's actions. They knew when they purchased there was a drainage problem.
- i. **Arn McIntyre, 9571 Courtland Drive.** Regarding the barn even venue ordinance, he mentioned Katy's conflict of interest and thinks the public hearing needs to be redone. He also complained that documents were not available at the previous meeting. If the barn venue was to be only allowed on Commercial zoned property, it would eliminate most options because there is very little commercial zoned property in the Township. He also commented on the two options for barn venues and wanted some clarification on a barn event venue means and to whom it applies. He feels we are trying to solve a problem that does not exist.

- j. **Glen Blackwood, 9747 Shaw Creek Court.** He is a small business owner in Rockford. He was also concerned about Nelson's conflict of interest and thinks she should recuse herself from deliberations on the barn event venue ordinance. Wood noted that Nelson's concerns would be addressed and apologized for having to be absent from the meeting at the last minute.

Hearing no further comments, Wood closed public comments at 7:47 PM.

6. Public hearing for a zoning amendment to amend Section 12.07,V of the Zoning Ordinance to eliminate the 2-acre minimum lot requirement for self-storage facilities

Wood introduced the topic. Attorney Brad Fowler from Mika Meyers provided an overview of work and research conducted to date and reviewed the draft zoning ordinance amendment. Wood read the proposed amendment for the public. Moore reminded the public and commissioners that comments should pertain to the minimum lot area for self-storage, and not a specific application. Atty. Scales had reported upon doing a survey of surrounding communities that nine out of the eleven communities all found one acre was sufficient for a minimum lot size for the mini storage units.

Wood opened the public hearing at 7:52 PM.

- a. **David English, 6625 Twin Springs Ct.** Concerned about drainage from the proposed development, it ends up on his back yard already. If additional flow was created, it would make his property useless. He has lived there maybe 8 years. He didn't know that the Coffman lot was not part of the subdivision. He feels the purchaser did not do his due diligence when purchasing the property. He also was concerned about traffic to the storage units.
- b. **Steve Vree, 8450 Pleasant Meadows Drive.** Two concerns about security on the site. Called Rockford self-storage and asked them about crime and safety, and said that they haven't had security problems but said they have cameras and people on-site daily. Felt that the Coffman lot is too impervious to be effective with stormwater. Wood confirmed the security with the applicant showing a security gate, cameras, and motion detector lighting as well.
- c. **Sam Southwick, 8745 Pleasant Meadows.** Felt that there was probably some good reason for the two acres given how detailed the ordinance is. He is concerned that if we make a change for one project isn't a good idea. Wood thought it was based on the fact that the two-acre minimum applied to everything else so it was carried forward with consistency.
- d. **Dick Prefontaine, 8585 Myers Lake.** Asked about what else could go on a commercial property. Also concerned about lights, fencing, cameras, gate noise, etc. and other site plan issues on the Coffman project.

- e. **Mike Rall, 7215 Russet Trail.** He was concerned that this might compound the flooding issues in the community as they add up over time. If the Township is going to get rid of the two-acre requirement we should have a pretty good reason. He wanted to know if the commission was going against the community or not and thinks that property might be better suited for other purposes. He feels his property values will be effected by the this type of construction.
- f. **Brian Harp, 6650 Twin Springs.** Agrees with others' concerns. Wetlands are creeping up and he's losing some of this backyard. Thinks that something else could go there instead. Has a traffic analysis been done? Has a real estate analysis been done? Thinks that one change here might affect the Township Master Plan and that maybe it should be revised since its 13 years old now. Thinks we should go by the ordinances we have in place now.
- g. **Don Tolly, 6740 Twin Springs.** Opposed to the changes in the ordinance. Hoped that we don't just look at what other communities are doing when changing the ordinance.
- h. **Dave English, 6625 Twin Springs.** Thinks that storage units could generate a lot of traffic and that its too close to the Myers Lake intersection.
- i. **Robert Wilson, 6720 Twin Springs Court.** Disputed the size of the culvert and that they have an engineering firm looking at it. He's not in favor of the ditch through his backyard.
- j. **Mitch Miller, 8700 Conservancy Drive, Ada.** Owns NuVu fuels next to the storage units. His customers do not want a storage unit at the facility and he is relaying his customers' desires. He does not think this is in Courtland Township's best interest. The property size is too small and there is a water issue. As far as exploring purchasing the property, he stated it has not been on the market. They have tried to have minimal impact on the neighbors with the NuVu improvements.
- k. **Carl Pierson, 6820 Sunrise Meadows.** Likes his quiet neighborhood and rural setting. He can occasionally hear the gas station and thinks the 24-hour storage facility will be too disruptive. Thinks we should stick to the rules.
- l. **Dave English 6625 Twin Springs again.** Questions on the setbacks and how they are measured

Hearing no further comments, Wood closed the public hearing at 8:33 PM. He then called for a brief recess. The meeting resumed at 8:46 PM

Colleen Brown noted for the public those who sent letters regarding proposed storage units:

Fran Thelen, Lot #7, Rockridge East II, ~ Leah Houghton, 8580 Pleasant Meadows Dr., ~
Lori Hyink, Lot #15, Rockridge East II, ~ Beth Vaughan, Lot #10, Rockridge East II, ~
Jared Belka, 6705 Pleasant Meadows Ct., ~ Bob Ten Brock, 9045 Myers Lake Ave., ~
Mr. & Mrs. Phillip Boettjer, 8740 Pleasant Meadows Dr.

Wood explained that the proposed amendment came about as a result of the proposed storage facility, not knowing what really was the original purpose of the minimum lot acreage was when the ordinance was adopted. The applicant (Nate Coffman) had a presentation for the commissioners and the public that centered around the proposed development. There would be three buildings and 71 total units. There would be a privacy fence on the west side and trees. Also has a black metal gate, security cameras, and a detention pond on the north and trees to screen the property to the north. Motion lighting would be mounted under the eave except for the sign. It will be completely dark at night. 8' tall doors, and 13' tall to the peak of the building. Buildings would be Trachte building style at the request of the fire chief. Stated that information showed that only a couple of cars per day would visit the site on average. KCDC and KCRC are unwilling to address stormwater concerns. He also noted that the homeowners association indicated that they are unwilling to have the easement even if the applicant paid for all of it; Wilson and Tolly did not approve the easement.

Engineer Adam Feenstra spoke and said that their solution is to have all the water from the 36" culvert go into their detention pond and release it through a spillway at the west end of the pond. The pond could hold more water than the properties hold now, and explained how the spillway would work, the effect on other properties, and how it would improve things for the neighborhood. Coffman reiterated to the public that he thought this was the best use for the corner. He provided the study presented previously with comparisons of other similar businesses existing on smaller than two acre parcels. The solution would eliminate all flooding in smaller storms and basically no difference from what they currently have now with larger storms. They might see flooding two times a year compared to much more like it currently does when it rains. Berming would create a 4 ft. deep pond. This would be better from everyone that it does not go under Pleasant Meadows Dr.

Moore provided additional input regarding what other uses (aside from the storage units) could possibly go on the subject property, noting that the claims made in the applicant's presentation were generally accurate (with a couple of exceptions).

Rau remains concerned that we are changing the ordinance for one person. Moore agreed but noted that they aren't changing it for one person, as other future property owners could benefit from the change to the ordinance. However, this development was the catalyst for the change.

Andersen spoke about her feelings regarding storage units and this application in particular. The 36 " culvert from NuVu is huge. The property owner is at no fault that NuVu drains over their property. She was very impressed with the way the HOA & applicant have worked diligently together to work on a compromise to put something in there.

Wood indicated that he was trying to understand the rationale for the two acres and why it was there in the first place. We are only dealing with the ordinance regardless of the applicant. The traffic and intensity of another use could be a lot worse.

Nelson wanted to make the best decision for the community and is concerned that a future applicant could be less agreeable to working with the neighborhood on the stormwater situation. It is tricky since it is already zoned commercial.

Moore indicated that he would support the ordinance to remove the 2-acre minimum as presented and is disassociating the development from the debate. There is a lot of evidence showing that storage warehouses could be on less than two acres.

Motion by Moore to recommend approval of the proposed zoning amendment that would eliminate the 2-acre minimum lot area requirement for storage facilities. Motion was supported by Wood, and failed by a vote 3-2 with Moore and Wood voting yes and Rau, Andersen, and Nelson voting no.

After further deliberation, there was a **motion by Rau, to recommend denial of the proposed zoning amendment that would eliminate the 2-acre minimum lot area requirement for storage facilities. Motion was supported by Andersen. Motion carried 3-2 with Andersen, Rau, and Nelson voting yes. Moore and Wood voted no.**

7. **Old Business: Coffman Development storage units**

- A. After a brief discussion and in light of the failure of the zoning amendment to pass, there was a **motion by Wood, supported by Andersen, to recommend denial of the storage facility because it does not meet the min. 2-acre standard for storage units as required in Section 12.07,V,1 of the zoning ordinance. Motion carried unanimously.**
- B. **Barn venue ordinance.** Nelson recused herself at this time. Attorney Brad Fowler gave an overview of the proposed ordinances. 1) Would be to have a requirement of a Special Land Use permit in an R-R, Rural Residential zone or 2) Only permit Barn Venue's in the C – Commercial District. Wood reviewed both draft ordinances in detail. Fowler reviewed a proposed change to the definition of a "barn event venue." Wood also described his experience and what he learned at the MTA conference last year when this was discussed in detail. Many other attendees to the conference noted complaints from neighbors were received about noise, traffic, etc. they had not anticipated when giving the initial approval. They were caught off guard. These types of events start off small until we get 6 – 8 months down the road and then to find there is a need for regulations. Rau further clarified what types of operations would fall into this ordinance and what activities would not be included.

Andersen thinks that there should be controls placed on these types of operations. Moore liked the idea of permitting them as a special land use as proposed and noted that the ordinance was fairly restrictive and also sought to preserve the agricultural history and character of the community. If an application was received then concerns could be taken into consideration at the time of the public hearing. Andersen questioned 3c and whether it was appropriate. After discussion commissioners agreed it was acceptable as-is.

Moore motion to recommend approval of the ordinance to permit barn even venues in RR as a special land use with the regulations proposed by the attorney, subject to the change to the definition of barn event venue outlined by the attorney tonight. Motion was supported by Rau and approved unanimously.

Nelson rejoined the meeting.

8. **Zoning Administrator's Report.** Brown noted that new furniture was coming to the Township Hall.
9. **Attorney Report** - none
10. **Township Board Representative's Report** – Andersen noted that Rau and Nelson were reappointed to the Planning Commission by the Township Board.
11. **Zoning Board of Appeals Representative's Report** – No report.
12. **Adjournment – Motion to adjourn by Rau, supported by Andersen. Motion carried with all members voting yes.** The meeting was adjourned at 10:16 PM.

Respectfully submitted,

Andrew Moore, Secretary