The Courtland Township Planning Commission meeting was called to order by Chairman Jerry Davis.

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

Absent: None

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

Approval of the Agenda:

Chairman Davis reviewed the agenda. McConnon made a motion to approve the agenda, Wood seconded motion. All ayes. The motion carried and the agenda was approved.

Approval of the Minutes:

McConnon made a motion to approve the minutes of June 21, 2005. McAvoy seconded the motion. All ayes, the motion carried, minutes were approved.

Old Business:

Public Hearing:

A Special Land Use for Ron Riebschleger of 5333 13 Mile Rd., Rockford, MI

Mr. Riebschleger presented to the Planning Commission a written plan along with a copy of a water analysis report from an independent testing lab, (both copies in file).

Chairman Davis opened Public Hearing:

No public comment.

Chairman Davis closed the Public Hearing

Member McConnon asked Mr. Riebschleger what he projected to be the amount of traffic for hauling the water would be, and wanted a clarification of bottling water with farm products or was he planning on bottling straight pure water. He also questioned Mr. Riebschleger if the removal of 18,000 per day included irrigation.

Attorney Scales stated that the Planning Commission was being ask to approve the removal of water and that the removal of water for bottling can be considered a home occupation, but by using his own products from his farm would be farm processing.

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The board members discussed whether the bottling of water was a home occupation or a farm occupation.

Attorney Scales reminded the Planning Commission that their main focus was the approval of the water removal. He then reviewed Country Fresh’s maximum level of water withdrawal.

Zoning Administrator Frank Buckley offered a suggestion to the board that they may want to place a cap on the amount of water removal.

Attorney Scales stated home occupation is for the bottling of pure water only. Farm occupation would be when his farm products were being used. He also said that for Mr. Riebschleger to remove water off the site, he would then need a Special Land Use approval, then, he could bottle and process it under a home use permit. Mr. Scales recommended to the board that they get a hold of Township Engineer Chad Sosnowski and set up a time for our Engineer to visit the artisan well prior to any decision being made.

Attorney Scales wanted assurance that the well house was at least 100’ from the property line.

Member Wood added that no pumps were to be added.

Attorney Scales reviewed a number of Country Fresh’s limitations included, but not limited to: truck traffic with repairs to road for any damages made by trucks, no external changes on out buildings, no suction withdrawal, the township reserves the right to terminate withdrawal if Country Fresh started at over 50% of their maximum withdrawal. Annual visits from Township Engineer to be paid by Country Fresh, a bi-annual report to the township regards to amount of water removal and amount of the flow of water, prohibit of Jake breaks and hours of operation.

Member Wood made a motion to recommend approval to the Township Board subject to the property remain as is with no further development, monitoring of traffic impact, Township Engineer has the right to perform yearly inspections, the bottling of the water to be consistent with the “Home Occupation Ordinance”, the withdrawal of water be scaled as follows: 9,000 gallons for the 1st year, 12,000 gallons for the 2nd year and 18,000 gallons maximum for the 3rd year, if the Township Engineer finds a negative impact from the results of water removal the board reserves the right to revoke special land use, trucks not allowed to operate from 3 pm to 11 pm, screening of traffic head lights (if necessary), must obtain necessary licensing, and payment of escrow (amount to be determined by Marilynn Crosby, Township Clerk). Motion was seconded by McAvoy. All ayes. The motion carried.

New Business:

Public Hearing:

A Preliminary Site Plan Review for Wesley Hessler - Pudding Stone - 8741 and 8809 11 Mile Rd., Rockford, MI

Representative Paul Henderson of Roosien and Associates presented a preliminary site plan for PUD Condominium “Puddingstone”. The property is 62.67 acres at the corner of 11 Mile Rd. and Parmeter Ave. The plan shows 39 homes with a proposed public road. The plan also shows a drain field at the north end of the property. Mr. Henderson stated he put the drain field there because it was one of the lowest part of the property.

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Chairman Davis opened the Public Hearing.

Tom Kinney of 8687 11 Mile Rd., Rockford, MI stated his opposing views of having yet another new development being built in Courtland Township. As with any development, he felt the association’s rules are so restrictive, no one wants to live there. He also stated, he felt they should sell the remainder of homes in other developments before they go creating one more development.

Cathy and Gary Kline of 8741 11 Mile Rd. Rockford, MI mentioned their concern with a new development that it would be too much traffic, and she felt the township has already granted enough new developments. Also, Cathy wanted a clarification of what is a site condominium.

Attorney Scales defined a PUD Site Condominium to her.

Eric Conrad of 8866 Whittall Rd., Rockford, MI expressed his opposition of having the drain field located so close to his land. He stated that the water run off would most likely run onto his land and he has a pond on his property where him and his family fish and swim in. He would like to see the developers move the drain field to a different part of the property so he would not be affected.

Member Wood added clarification to the public in regards to land owners rights of new developments, property owners have the right to do what they want to do with their property as long as the coincide with the Township's Ordinances.

Wesley Hessler of 7665 11 Mile Rd., Rockford, MI said he is developing land because he can't make a living by farming anymore and his objective for developing is to be able to provide reasonably priced, quality home for new homeowners.

Bob Middlebrooke of 8727 11 Mile Rd., Rockford, MI stated his concern on the excavating process. It seems to him that the excavators have no limits on time they can excavate, the noise and dust are bad enough, and the damage to the roads from the trucks is an issue too. He questioned whether or not there was an ordinance with any of these issues.

Attorney Scales mentioned that the Planning Commission could include into the Resolution times of operation.

Gary Kline of 8741 11 Mile Rd., Rockford, MI wanted to know the depth of the drain field.

Mr. Henderson said it was 7 – 8 feet deep.

Chairman Davis closed the Public Hearing

Member McConnon asked if other than the open space, were they able to save any other significant natural features.

Mr. Henderson said no, only the open space area.

Member McAvoy mentioned he would like to see them move the drain field.

Chairman Davis questioned Mr. Henderson if the land was perked.
Mr. Henderson claimed he did 51 borings and not all of them were okay, but he would be able to get them approved. With the parallel plan, all lots perked with either a mound system or a standard system.

Zoning Administrator Frank Buckley reminded the Planning Commission that the intent of our PUD ordinance was to preserve a rural character, and by them taking all the splits off from the road frontage, that concept is totally destroyed.

Member McAvoy and Chairman Davis agreed with Mr. Buckley. Davis also questioned Mr. Henderson if there was a private storm water run off.

Mr. Henderson’s answer was yes.

Member Wood questioned Mr. Henderson regarding a bonus for a PUD Community sewer, would the bonus be automatic or not. He added that looking into the future, having a community system would make it easier to hook-up to a township sewer system.

Attorney Scales recommended to the Planning Commission to have them get in touch with Township Engineer Chad to get more information on the community drain field and how it works.

Chairman Davis asked Mr. Henderson if he thought the Kent County Road Commission (KCRC) would go along with the road on the parallel plan.

Mr. Henderson agreed to get a hold of KCRC to try to get a preliminary approval for the road.

Zoning Administrator Frank Buckley said he would have Chad Sosnowski come to the next meeting to review the site plan.

Member McAvoy stated he would also like to see a plan B for another location for the proposed drain field.

McConnon made a motion to table the proposed Puddingstone development to next month’s meeting until we get more information from Township Engineer. Member Wood seconded the motion. All ayes. The motion carried.

Zoning Administrator Report:

Frank Buckley said it looked like A & C Hagen Gorge would be back for a site plan condo. They had been to the Planning Commission before and received approval for their plan, however, their time for construction has expired.

Township Attorney Report:

Mr. Scales reviewed a handout (handout in file) on a Land Division for a Mr. Wickham. After reviewing the letter with the Planning Commission, Mr. Scales is in the process of developing an Ordinance regarding regulation of driveways, etc. There was also discussion of the number of easements based on significant road frontage.
**Township Board Representative Report:**

A new ordinance enforcer Don Shaw was sworn in at the meeting. He is a replacement for Dave Munson.

**Zoning Board of Appeals Report:**

Member Moeggenberg reported they had a variance request for a rear yard set back on Hessler Drive. The variance passed.

**Adjournment:**

Member McConnon made a motion for to adjourn meeting. McAvoy seconded the motion. All ayes. The motion carried. Meeting was adjourned at 9:45 PM.

Respectfully Submitted,

Kym Steffes,
Recording Secretary
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