

PLANNING COMMISSION
Minutes for Regular Meeting of
February 4, 2009

PRESENT Chairperson Carol Kooistra, Tom Thompson, Jan Deur, Brian Lernowich, Sue Hertel, and William Josephson.

NOT PRESENT Matt Cross

ALSO PRESENT Zoning Administrator Don Sandel and 19 interested parties.

CALL TO ORDER Chairperson Kooistra called the February 4, 2009 meeting to order at 7:00 p.m. and led those in attendance in the Pledge of Allegiance.

AGENDA **Motion by Sue Hertel, second from Jan Deur, *ADOPTED*, to accept as written.**

6 AYES 1 ABSENT

MINUTES **Motion by Jan Deur, second from Sue Hertel, *ADOPTED*, to accept the January 7, 2009 regular meeting minutes as written.**

6 AYES 1 ABSENT

PUBLIC COMMENT

None

PUBLIC HEARING

1. Michigan Planning Enabling Act (MPEA), PA 33 of 2008 – Resolution 2009-02-04 #1
 - ARTICLE XIX BOARD OF ZONING APPEALS – **Amend**
 - ARTICLE XXI AMENDMENTS – **Amend**
 - ARTICLE XXV PLANNING COMMISSION – **New**
 - ARTICLE R 15 FRUITLAND TOWNSHIP SUBDIVISION ORDINANCE – **Amend**

Motion by Jan Deur, second from Sue Hertel, *ADOPTED*, to recommend approval of Resolution 2009-02-04 #1 as written.

6 AYES 1 ABSENT

PUBLIC HEARING OPEN 7:05 P.M.

Chairperson Kooistra did brief overview of why these amendments and new article are necessary. Planner Tim Johnson did brief overview of each document.

PUBLIC COMMENT

- Kimon Kotos, 6171 Duck Lake Road, asked if the amendment to Article R 15 Fruitland Township Subdivision Ordinance would have any affect on existing subdivisions using the example of newer subdivision on Nestrom Road.

Zoning Administrator Sandel explained that it would not affect anything existing and stated that the development on Nestrom Road was a Site Condominium not a Subdivision. Most developers now do the Site Condominiums because it is a shorter process.

PUBLIC HEARING CLOSED 7:17 P.M.

2. Wind Towers – Resolution 2009-02-04 #2
- ARTICLE II DEFINITIONS – **Amend**
 - ARTICLE XXIII WIND ENERGY SYSTEM (WES) – **New**
 - ARTICLE XXIV MET TOWER – **New**
 - ZONING DISTRICTS – **Amend**
 - ARTICLE XIV SPECIAL LAND USES – **Amend**
 - ARTICLE XV SITE PLAN REVIEW – **Amend**

Motion by Jan Deur, second from Tom Thompson, *ADOPTED*, to recommend approval of Resolution 2009-02-04 #2 with the following revisions:

- **ARTICLE XXIII WIND ENERGY SYSTEM (WES)**
Section 23.03 STANDARDS FOR ALL WIND ENERGY SYSTEMS
 (2) Setbacks
 - (a) A tower mounted WES shall be set back from all lot lines a distance which is at least equal to 1.425 times the height of the WES as measured from the lot line to the base of the tower and no portion of the WES, including the guy wire anchors, shall be located within or above the required front, side, or rear yard setback.
 - (b) A building mounted WES shall have a distance from the nearest property line which is at least equal to 1.425 times the height of the WES as measured from the point of attachment to the structure or building to the top of the WES with the blade in the vertical position.
 - (8) Siting Standards and Visual Impact – *The colors* and surface treatment of the WES and supporting structures shall ~~minimize disruption of the natural characteristics of the site~~ ***be non-obtrusive, such as white, off white or gray.*** No part of the structure shall be used for signs or advertising.
- **ARTICLE XXIV MET TOWER**
Section 24.03 GENERAL REQUIREMENTS
 (1) The tower shall be setback from all property lines a distance of not less than 1.525 times the height of the tower as measured from the base of the tower.

6 AYES 1 ABSENT

Motion by Sue Hertel, second from Tom Thompson, *ADOPTED*, to recommend that the Township Board consider alternative fee structure for Public Hearing to be held by the Planning Commission on Wind Energy System requests that are allowed as Use by Right.

6 AYES 1 ABSENT

PUBLIC HEARING OPEN 7:20 P.M.

Chairperson Kooistra did brief overview of why the Planning Commission started working on language for Wind Energy Systems. Commissioner Deur did review of each document.

PUBLIC COMMENT

- Jane Missimer, 2721 Scenic Drive, states noise concerns.
- Michael Daugherty, 4979 Brackenwood Lane, questions if the dB (A) is measured is it done during certain conditions? Suggests changing the 65' or less to between 125' and 150' as a Use by Right.
- Denise Irely, 2290 Nestrom Road, states concern of color enforcement
- Kimon Kotos, 6171 Duck Lake Road, states concerns of environmental compliance. Questions if licensed contractors have to install.
- Leonard Noel, 2439 W. Lakewood Road, questions if higher units get more wind.
- Keith Koebel lives in the City of Whitehall – supports language.

CORRESPONDENCE

Email from Julia Hegedus, 2340 W. Lakewood Road, asking if the township was doing anything with wind energy and advising that they have applied to the State of Michigan for an anemometer to see if their farm is a good place for a wind turbine. There are only 25 available so they are on a waiting list.

Email from Laurin & Lois Berghuis, 3510 W. River Road, states they are very supportive of wind energy. Offers suggestion that before adoption of the ordinance that we talk with the companies involved in erecting wind farms to ask them for their input on what regulations they can work with. They hope if the township is going to welcome wind energy that it keeps the permit costs down and red tape to a minimum.

PUBLIC HEARING CLOSED 8:13 P.M.

DISCUSSION

Consensus was to change setback from all property lines for both Wind Energy Systems (WES) and Met Towers and to change the color of WES and supporting structures from only having to minimize disruption of the natural characteristics of the site to having to be non-obtrusive such as white, off white or gray, and to have all WES require a public hearing by the Planning Commission.

4. Neighborhood Commercial v Residential – Resolution 2009-02-04 #3
 - ARTICLE XI NEIGHBORHOOD COMMERCIAL DISTRICT – **Amend**

Motion by Tom Thompson, second from Brian Lernowich, ADOPTED, to recommend approval of Resolution 2009-02-04 #3 with the following change to Section 11.02 Uses Permitted By Right: J. Existing homes in place on or before January 1, 2009 Single family dwellings existing on or before January 1, 2009 and Section 11.04 Site Development Standards A. Maximum Building Height (Residential homes ~~may~~ shall be no higher than thirty-five feet or 2 ½ stories.

6 AYES 1 ABSENT

PUBLIC HEARING OPEN 8:57 P.M.

Chairperson Kooistra did brief overview of the proposed amendments.

PUBLIC COMMENT - None

PUBLIC HEARING CLOSED 9:02 P.M.

OLD BUSINESS

1. Planning Commission Bylaws – Amendment

**Motion by Jan Deur, second from Sue Hertel, *ADOPTED*,
to approve as written.**

6 AYES 1 ABSENT

2. Duck Lake State Park Zoning – Subcommittee update

Commissioner Hertel gave a brief overview of the sub-committees assignment which was to study the Duck Lake State Park and ensure the language in the current Master Plan and Zoning Ordinance provides guidance to the Township if the State of Michigan should ever transition this land to private use. This task was called for in the 2007 Master Plan. Consensus was new zoning regulations would need to be developed to implement this recommendation. Two draft documents with proposed language to amend the Master Plan and a proposed zoning district for Duck Lake Conservation/Preservation District which is meant to cover both the current 728 acres of Duck Lake State Park and the contiguous Ben Marcus Township Park have been handed out and will be reviewed at the March meeting.

COMMISSIONERS COMMENTS

Chairperson Kooistra appointed a sub-committee (Zoning Administrator Sandel, Zoning Coordinator Garvey and Commissioner Josephson (Chair) to review all current zoning ordinances and make recommendation for any amendment they find may be necessary.

Chairperson Kooistra asked commissioners to think hard about goals as only one has submitted a suggestion.

Commissioner Deur read a letter from Erin Charles with the Muskegon Conservation District stating they are working on a proposal to secure grant funding for a Volunteer Stream Monitoring Program for the Duck Creek watershed. Because 85% of the Duck Creek watershed is located in Fruitland Township, the data resulting from this project will be invaluable to the Planning Commission for the purpose of making informed land use decisions they are requesting our assistance in the form of a letter of support to include with the grant proposal.

**Motion by Jan Deur, second from William Josephson,
ADOPTED, to direct Chairperson Kooistra to write a
letter of support and send to the Muskegon Conservation
District.**

6 AYES 1 ABSENT

ADJOURNMENT

**Motion by Sue Hertel, second from Jan Deur, *ADOPTED*,
to adjourn the February 4, 2009 regular meeting at 9:18 p.m.**

6 AYES 1 ABSENT

Respectfully Submitted,

Sally Garvey, Recording Secretary