

**PLANNING COMMISSION**  
**Minutes for Regular Meeting of**  
**April 1, 2009**

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

**ALSO PRESENT** Zoning Administrator Don Sandel and 6 interested parties.

**CALL TO ORDER** Chairperson Kooistra called the April 1, 2009 meeting to order at 7:00 p.m. and led those in attendance in the Pledge of Allegiance. She then welcomed Steve Nagengast as a new member of the Planning Commission and gave a brief description of his background.

**AGENDA** **Motion by Jan Deur, second from Brian Lernowich, *ADOPTED*, to accept as written.**

**7 AYES**

**ELECTION OF CHAIRPERSON**

**ELECTION OF VICE CHAIRPERSON**

**ELECTION OF SECRETARY**

**Motion by Jan Deur, second from William Josephson, *ADOPTED*, to nominate and elect Carol Kooistra as Chairperson, Tom Thompson as Vice Chairperson and to re-elect Brian Lernowich as Secretary for 2009-2010.**

**7 AYES**

**MINUTES** **Motion by Jan Deur, second from Sue Hertel, *ADOPTED*, to accept the March 4, 2009 regular meeting minutes as written.**

**7 AYES**

**PUBLIC COMMENT**

- Fruitland Township Supervisor Sam St. Amour, expressed gratitude to the newly appointed and re-appointed Planning Commissioners for all the hard work that has been done and all the work they will continue to do.

**NEW BUSINESS**

1. Set public hearing to add Agricultural Overlay to parcel 61-06-108-300-0002-00 located on the Northeast corner of Michillinda and Nestrom Road per owner Gilbert Norwick's request.

**Motion by Jan Deur, second from Sue Hertel, *ADOPTED*, to set public hearing for the May 6, 2009 meeting.**

**7 AYES**

Chairperson Kooistra explained this request was made by the Township Board a few years back but a public hearing was never set by the Planning Commission. The applicant recently came in and requested it again. Zoning Administrator Sandel confirmed this parcel is being used for an agricultural use and meets

our definition of Agriculture Use (A farm of 40 or more acres in 1 ownership, with 51% or more of the land area devoted to an agricultural use).

2. Accept and set public hearing for Special Land Use Permit Application received from McCormick, LLC requesting to operate a Convenience Store with Fuel in the Neighborhood Commercial District on the Southeast corner of Whitehall Road and White Lake Drive, Whitehall, Michigan.

**Motion by Sue Hertel, second from Jan Deur, *ADOPTED*,  
to set public hearing for the May 6, 2009 meeting.**

**7 AYES**

Zoning Administrator Sandel stated that Joel McCormick is working closely with the township and the other entities to insure we have everything needed before the public hearing.

3. Accept and set public hearing for Private Street Application received from Hugo Ferrari for the construction of a Private Street – Ferrari Drive to serve more than two (2) lots located in Section 31 off Scenic Drive in the Medium Density Residential District.

**Motion by Jan Deur, second from Brian Lernowich, *ADOPTED*,  
to set public hearing for the May 6, 2009 meeting.**

**7 AYES**

Zoning Administrator Sandel stated Mr. Ferrari and his sister each own a parcel and applied for land division before the Medium Density Residential District minimum lot size changed to two (2) acres and minimum lot width changed to one hundred fifty (150) feet. To approve the land divisions the private street must be constructed for the lots to meet our definition of Street Access (All lots shall front upon a public street or private street right-of-way for the minimum lot width required by this Ordinance).

4. Accept and set public hearing for Special Land Use Permit Application received from Gerald Hobby requesting to operate a sub, pizza and ice cream shop in the Neighborhood Commercial District at 5706 Whitehall Road, Whitehall, Michigan.

**Motion by Tom Thompson, second from Brian Lernowich, *ADOPTED*,  
to set public hearing for the May 6, 2009 meeting.**

**7 AYES**

Zoning Administrator Sandel explained the applicant Mr. Hobby had applied once before and was granted a Special Land Use Permit contingent on a list of things that needed to be done by a certain date. Mr. Hobby did not comply and the Township Board revoked the Special Land Use Permit. Mr. Hobby has been made aware of such list of things. Nothing has changed as far as the township requirements for the use, however, we do not know about the other entities until we receive their responses.

## **OLD BUSINESS**

1. Wind Energy System (WES) Ordinance

**Motion by Sue Hertel, second from Jan Deur, *ADOPTED*,  
to recommend changes for Sections 23.03 (1<sup>st</sup> paragraph)  
and 23.04 (2) and recommend approval to the Township  
Board of the Wind Energy System (WES) Ordinance with  
changes to said sections.**

**7 AYES**

- The language below is before suggested changes were made:

**SECTION 23.03 STANDARDS FOR ALL WIND ENERGY SYSTEMS**

All WES shall require a public hearing by the Planning Commission and comply with the following:

**SECTION 23.04 WIND ENERGY SYSTEMS ALLOWED AS A PERMITTED USE**

- (2) A permit shall be required to be obtained from Fruitland Township to construct and operate any WES 65 feet or less in total height. A permit shall be issued after an inspection of the WES by Fruitland Township or an authorized agent of the Township, and where the inspection finds that the WES complies with the requirements of this Section and all applicable state construction and electrical codes, local building permit requirements, and all manufacturers' installation instructions.

The WES shall not operate nor remain on the property unless a permit has been issued. A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township.

- Below is the changed language being recommended:

**SECTION 23.03 STANDARDS FOR ALL WIND ENERGY SYSTEMS**

All WES applications shall require fees as established by the Township Board and submitted along with the Zoning Compliance Permit Applications and comply with the following:

**SECTION 23.04 WIND ENERGY SYSTEMS ALLOWED AS A PERMITTED USE**

- (2) Prior to issuing a permit the Zoning Administrator shall notify neighbors on adjoining parcels. The Zoning Administrator shall inform the Planning Commission when a permit has been issued and if there were any comments or concerns.

A Permit shall be issued after an inspection of the WES by the Fruitland Township Zoning Administrator or an authorized agent of the Township, and where the inspection finds that the WES complies with the requirements of this Section and all applicable state construction and electrical codes, local building permit requirements, and all manufacturers' installation instructions.

The WES shall not operate nor remain on the property unless a permit has been issued. A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township.

Chairperson Kooistra and Commissioner Deur explained that there have been discussions among some township staff, the township supervisor, and some planning commission members about alternative language to address the problem of a large application fee for a "Use by Right" as well as eliminating the requirement of a public hearing for such applications.

**2. Duck Lake State Park Zoning**

Chairperson Kooistra explained she has disbanded the previous sub-committee and she is setting a new sub-committee of three (3) Planning Commissioners. She asked Commissioner Hertel if she would be chairperson and if Commissioner Thompson wanted to continue to be on the sub-committee and said that either she or Commissioner Deur would be the other person. Commissioners Hertel and Thompson agreed to be on said

sub-committee. The sub-committee will review the proposed language with suggested changes from Planner Tim Johnson.

- 3. Zoning Ordinance Review Committee – Proposed language and update on things to follow.

**Motion by Jan Deur, second from Steve Nagengast, ADOPTED,  
to set public hearing for the May 6, 2009 meeting.**

**6 AYES  
1 NAY  
(Thompson)**

Commissioner Josephson, Chairperson of the zoning ordinance review committee provided overview of the proposed language amendments and the importance of the amendments being done as soon as possible.

**COMMISSIONERS COMMENTS**

Chairperson Kooistra handed out new Zoning Manuals and requested the Commissioners read one (1) chapter per month, write down questions/comments and bring to the following meeting for discussion.

Commissioner Deur updated the Planning Commission on the status of Fruitland Township’s participation with the JPC. Also, he indicated that a representative of JF New will be working with Don Sandel to develop a brief tutorial for the Planning Commission on the capabilities of the GIS system that Fruitland Township purchased, and how we might utilize it for development of a natural resources inventory. Finally, he reminded the group of the Countywide Planning Commission meeting on April 29, 2009.

**PLANNING/ZONING UPDATES**

**ADJOURNMENT**

**Motion by Tom Thompson, second from Sue Hertel, ADOPTED,  
to adjourn the April 1, 2009 regular meeting at 9:15 p.m.**

Respectfully Submitted,

Sally Garvey, Recording Secretary