

MINUTES  
LONG LAKE TOWNSHIP PLANNING COMMISSION  
8870 N. LONG LAKE ROAD  
TRAVERSE CITY, MI 49684

REGULAR MEETING

TUESDAY, MARCH 23, 2010

1. CALL TO ORDER: The meeting was called to order by Chair Cuthbert at 6:00 p.m. at the Long Lake Township Hall.

The Pledge of Allegiance was recited.

2. COMMISSIONERS PRESENT: Robert Verschaeve, Michelle Marsh, Joy Tobin, Pam Cuthbert, Mark Humitz and Carol Hoffman present. Mike Witkop was absent and excused.

Township staff present was Leslie Sickterman, Township Planner, Shirley Mesch, Zoning Administrator and Sara Kopriva, Recording Secretary.

Fifteen members of the public were present.

3. APPROVAL OF AGENDA: Hoffman, supported by Verschaeve, to approve the agenda as presented. Motion carried.
4. CONFLICT OF INTEREST STATEMENT: Verschaeve stated a conflict with Item 8.A. because the company that he works for worked on the proposal.
5. APPROVAL OF MINUTES: FEBRUARY 23, 2010 (REGULAR MEETING) Tobin supported by Humitz to approve the Minutes with a change to page 2, 3<sup>rd</sup> paragraph, last sentence to read "All information must be turned in 15 days prior to meeting". Motion carried.
6. BRIEF PUBLIC COMMENT: (Any person may speak for up to 3 minutes). There was none.
7. POSTPONED BUSINESS: There was none.

**Verschaeve excused himself and left the room**

8. PUBLIC HEARINGS:

- A) GLEN & ELLA NOONAN (OWNERS), 1245 W. TRAVERSE HWY, MAPLE CITY, MI 49664 AND BAY AREA TRANSPORTATION AUTHORITY (APPLICANT), 3233 CASS ROAD, TRAVERSE CITY, MI 49684. PURPOSE: CLU 01-10-01 AND SPR 01-10-02, REQUEST FOR A CONDITIONAL LAND USE PERMIT AND A SITE PLAN REVIEW FOR A COMMERCIAL WIND TURBINE WITH A TOWER HEIGHT NOT TO EXCEED 199-FEET WITHIN AN AG, AGRICULTURAL DISTRICT, AS PER THE REQUIREMENT OF ARTICLE 13 – AG AGRICULTURAL DISTRICT, SECTION 13.3.14, WIND ENERGY CONVERSION SYSTEMS (WECS), ARTICLE 14 – CONDITIONAL LAND USES, SECTION 14.35 WIND ENERGY CONVERSION SYSTEMS (WECS), AND ARTICLE 24 – SITE PLAN REVIEW, OF THE LONG LAKE TOWNSHIP ZONING ORDINANCE #60, AS AMENDED. PROPERTY DESCRIPTION: PROPERTY ID. NO. 28-08-002-001-00, LEGALLY DESCRIBED AS LL 17 V E ½ OF NE FRL ¼ SEC 2 T27N R12W EXC COM NE COR SD SEC TH S 88 DEG 17'W 774.71' ALG N LN OF SD SEC TO POB TH S 88 DEG 17'W 540.05' ALG N SEC LN TH S 0 DEG 26'W 423.49' ALG E 1/8 LN TH N 88 DEG 17'E 442.78' TH N 13 DEG 15'E 438.06' TO POB. 85.32 A EXC RD R/W, LONG LAKE TOWNSHIP, GRAND TRAVERSE COUNTY, PROPERTY ADDRESS TO BE ASSIGNED. THIS PARCEL IS LOCATED IN AN AG – AGRICULTURAL DISTRICT.

Sickterman presented the application. This is for a 164-foot in height wind turbine on approximately 83 acres in Section 2 of the Township. The total height including the blades is 215-feet. There was an noticed public hearing held with the Planning Commission on January 26, 2010, with the hearing being postponed and discussed at the February 23, 2010 meeting. Due to changes to the site plan, this public hearing was re-noticed to allow the public to comment on the new information. The only written comments received have been from the Leelanau County Planning Commission. Staff recommends approval with conditions and has provided a sample Findings of Fact in the packet.

Tom Menzel, representative from BATA, gave a presentation and overview of the project.

The height to the top of the tower is 168-feet with the height to the middle of the nacelle being 164-feet. Though not clarified on the site plan, the crane pad is to be leveled with on-site materials.

OPEN PUBLIC HEARING TO PUBLIC COMMENT- 6:23 pm

There were no comments

CLOSE PUBLIC HEARING- 6:24 pm

The Planning Commission reviewed the Findings of Fact. Cuthbert read the conditions aloud.

Marsh, supported by Humitz, to approve the applicant's requested Conditional Land Use, CLU 01-10-01 and Site Plan approval, SPR 01-10-02 for placement and operation of a large wind energy conversion system (WECS) on the subject property, parcel ID number 28-08-002-001-00, subject to the express conditions specified below.

1. Provision of a finalized site plan sealed and signed by the preparer.
2. Provision of a "phase 2" noise analysis that measures actual ambient noise levels on the site when weather conditions permit, demonstrating that the standards of the Ordinance relating to noise have been met. This study is to be submitted for administrative review. Further, if necessary after installation of the turbine, sound muffling measures are to be taken to lower the noise levels to meet Ordinance standards. If the noise standards cannot be met, Conditional Land Use approval shall be withheld.
3. Provision of, for administrative review, certifications from a registered engineer regarding the following:
  - a. The system complies with all applicable local, state, and federal building, structural and electrical codes.
  - b. The rotor and overspeed control have been designed for the proposed use on the proposed site.
  - c. The proposed tower can withstand winds of 90 miles per hour.
  - d. That if the turbine were to fall, no building would be damaged.
4. Any required lighting shall meet the requirements of the Ordinance.
5. The WECS shall have no advertising displayed on the tower or turbine, or any component intended to be visible to the general public.
6. The WECS shall be grounded in compliance with the Ordinance.
7. The operator must maintain insurance as described in the Ordinance in an amount that will cover installation and maintenance of the large WECS.
8. The WECS must be warranted against system failures.
9. The WECS shall be subject to the removal requirements of the Ordinance in the event that the system is not operational for a continuous period of one year.

10. Approvals by all affected outside state, local and federal agencies.

Motion Carried.

Motion amended to include "including the General Finding of Fact on pages 1 through 7 of the Decision Form". Carried.

**Verschaeve returned to the meeting**

B) ZOA 03-10-01, ZONING ORDINANCE

OPEN PUBLIC HEARING- 6:45 pm

Sickterman presented changes that have occurred since the last public hearing.

There was no public comment.

PUBLIC HEARING CLOSED-6:53 pm

There was discussion on core living area in the Lakefront District, hospitals and long term care in the Low Density Residential District, how to measure water frontage, manufactured home community parking and local business setbacks.

Cuthbert supported by Verschaeve to recommend approval of ZOA 03-10-01, March 20, 2010 Zoning Ordinance as corrected to the Township Board. Motion carried.

9. PENDING BUSINESS: There was none.

10. NEW BUSINESS:

A) REQUEST FOR CREATION OF TAX ABATEMENT DISTRICT BY EDWARD GIRRBACH, PROPERTY ID 28-08-002-001-10, COMMONLY ADDRESSED AS 6806 EAST TRAVERSE HWY, TRAVERSE CITY, MI 49684. THIS PARCEL IS LOCATED WITHIN A C-2 GENERAL BUSINESS DISTRICT.

Sickterman presented history of creating a Tax Abatement District. Staff reviewed the application against the criteria required in the Resolution 12-90-1.

Cuthbert, supported by Hoffman, to recommend to the Long Lake Township Board that they consider a Tax Abatement District for parcel ID 28-08-002-001-10, 6806 E Traverse Hwy, in the C-2 General Business District as it meets the intent of the Master Plan

11. PUBLIC COMMENT (Any person may speak for up to 3 minutes):

There was no public comment.

12. REPORTS:

- A) PLANNER report was received. Sickterman thanked everyone who attended the training on March 13. The Township is moving ahead with the tree planting program.
- B) ZONING ADMINISTRATOR report was received.
- C) TOWNSHIP BOARD REPRESENTATIVE: Spring Clean Up has been scheduled for June 19. Hoffman asked everyone to help the snow birds fill out their Census form correctly so everyone gets counted. Long Lake Township has the highest return rate in the area. Hoffman also corrected some errors that were in the Record-Eagle this weekend regarding the Fire Department.
- D) ZONING BOARD OF APPEALS: There was no meeting last month and no meeting is scheduled for April.

12. CORRESPONDENCE: None

13. COMMISSIONERS COMMENTS: Verschaeve stated that he is working with TCAPS on the new elementary school and that it will be Silver LEED certified. Cuthbert was happy that the Zoning Ordinance was done and thanked everyone for their hard work.

14. ADJOURNMENT: Tobin supported by Hoffman to adjourn at 7:45 pm. Motion carried.

JOY TOBIN, SECRETARY  
LONG LAKE TOWNSHIP PLANNING COMMISSION

SARA KOPRIVA, RECORDING SECRETARY  
LONG LAKE TOWNSHIP PLANNING COMMISSION

NOTE: THESE MINUTES ARE SUBJECT TO AMENDMENT AND/OR CORRECTION PRIOR TO THEIR ADOPTION.