

CHARTER TOWNSHIP OF FLUSHING

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PLANNING COMMISSION MEETING MINUTES

DATE: JUNE 10, 2013

TIME: 7:00 P.M.

WEB ADDRESS <http://www.flushingtowship.com>

MEMBERS OF PLANNING COMMISSION

Jerome Doyle Chair

Aaron Bowron

Robert Gensheimer, Vice Chair

Donn Hinds

Ronald Flowers, Secretary

Mark Newman

Shirley D. Gage, Board of Trustee Representative

Julia A. Morford, Recording Secretary

PRESENT: Jerome Doyle, Robert Gensheimer, Aaron Bowron, Shirley D. Gage, Ronald Flowers, Donn Hinds, and Mark Newman

ABSENT: None

OTHERS PRESENT: One (1) individual

I. MEETING CALLED TO ORDER at 7:00 p.m. by Planning Commission Chair **JEROME DOYLE** with Roll Call and the Pledge to the American Flag.

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Hinds to approve the Agenda with the rotation of Number 4, "*Unfinished Business*" and Number 5, "*New Business*"; "*New Business*" will be listed as Number 4; Ms. Jannette Tahash, Flushing MI 48433 will be listed as Number 2 under "*New Business*". **MOTION CARRIED.**

III. APPROVAL OF MINUTES OF MAY 13, 2013: GAGE MOVED, seconded by Bowron to approve the Minutes of May 13, 2013 as submitted. **MOTION CARRIED**

IV. NEW BUSINESS:

1. **Peter Latus, 7455 Gillette Road, Flushing MI 48433, Parcel No. 08- 501-008**

Formal Hearing for a Special Use Permit to install a wind turbine on property.

Mr. Peter Latus (Mr. Latus) was present to request a Special Use Permit to install a small wind turbine on his property located at 7455 Gillette Road, Flushing MI.

SPECIFICATIONS OF THE WIND TURBINE:

1. The wind turbine would stand nine (9) foot tall with an overall height of eleven (11) foot.
2. The wind turbine would be installed on the roof of the house or on a television type metal pole next to the house.
3. The pole would be no taller than a regular television tower.
4. The wind turbine weighs one hundred eighty (180) pounds.
5. Research on the Turbine:
 - a. Muskegon Junior College, Muskegon MI – has a huge turbine with several solar panels and is able to produce a great share of the electricity for the college.
 - b. Meijers, Traverse City, MI – has wind turbines around the top of the building that generates the power for the facility.

PLANNING COMMISSION COMMENTS/QUESTIONS:

- “Has the issue been discussed with the neighbors?” ANSWER: Yes, the neighbors are very interested in the turbines.
- “Have you talked with Consumers Energy to see if they will buy back the electricity?” ANSWER: Consumers Energy has to buy back the electricity.
- “Is the turbine something that Mr. Latus would like to install on the roof of his house or has he decided? ANSWER: Mr. Latus is looking at installing the wind turbine on a telephone type metal pole.
- “The ordinance goes in the direction of a large type wind mill but not particularly in the turbine in question so some of the set backs are gauged based on the large wind mill in the ordinance. When there is a tower, it has to be so many feet from the property lines. The safety situation with the operation of a large blade.”
- “The ordinance states the blade has to be twenty-five (25) foot off the ground; the proposed turbine is a smaller unit so the requirements would not apply.
- MR. LATUS stated:
 1. The wind turbine would stand nine (9) foot tall with an overall size of eleven (11) foot.
 2. The turbine itself could sit on top of a roof and if it fell, it would fall on the roof of the house.
 3. “Could the pole be smaller than the house?” ANSWER: Mr. Latus would like the pole to be the size of the house in order to collect as much wind power as possible.
- “The literature stated the fan was six (6) foot in diameter and weighed two hundred forty-one (241) pounds.”
- “Has there been any objections from the neighbors?” ANSWER: No, because they (the neighbors) are well aware that Mr. Latus is looking into getting an approval for the project.
- “The wind turbine would be similar to a ventilator that was installed on the home but would be almost noise free.”

- “Literature stated there would be less than thirty-five (35) decibels with thirty (30) miles per hour winds.”

QUESTIONS FROM NEIGHBORS IN ATTENDANCE:

1. What is the noise level? Mr. Latus stated there wasn't any noise from the turbine.

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DOYLE reviewed *Section 20-1804, NN, Provide for the Use and Regulation of Residential Wind Energy Systems*. What the Planning Commission was seeking was based on the unit that stands on a pole for the height, distance, and what the danger would be if the turbine should fall.

- (1) *General* - Residential wind energy systems may be permitted in all zoning classifications subject to a Discretionary Special Use Permit and appropriate building permit. An application for a Discretionary Special Use Permit shall include a current site plan drawn to scale showing all property lines, existing structures, the proposed placement of the wind energy system, including footprint, maximum height, all electrical or utility connections and applicant's preliminary study of sustained winds at the proposed location. **NOTE:** A site plan had not been received. Per Mr. Latus, the wind turbine will generate power with winds as low as two (2) miles per hour.

CHAIR DOYLE – BEFORE A DECISION COULD BE MADE, MR LATUS HAD TO DECIDE IF HE WANTED THE WIND TURBINE ON THE TOP OF THE HOME OR ON A POLE. IF PLACED ON A POLE, IT WOULD HAVE TO BE SO THAT IF THE POLE FELL IT WOULD FALL ON MR. LATUS'S PROPERTY. THE INFORMATION IS NEEDED REGARDING THE DANGER OF SOMEONE ELSE'S PROPERTY. THE SET BACKS MAKE A DIFFERENCE. THE SITE PLAN WOULD BE REQUIRED. THE HEIGHT OF THE POLE IS AN ISSUE ALSO.

FURTHER COMMENTS FROM THE PLANNING COMMISSION:

- “If the turbine was placed on the house, would it be easier to connect the lines for electricity or would it make any difference? In other words, how would the electricity get from the wind mill to the residence? ANSWER: Per Mr. Latus, the system would have to be professionally installed according to how the wind turbine was installed.
- “The wind turbine has a start-up speed as low as 0.5 mph, with an auto shut off at thirty-eight (38) miles per hour. Really impressed with the turbine.”
- “What is the distance on the West side from the neighbor's property to Mr. Latus property?” ANSWER: Approximately twenty-five (25) yards from his (Mr. Latus) property line to his home; the same thing would apply on the other side of Mr. Latus's home.
- “From the aerial drawing of the property that was produced by Mr. Latus showing the possible positions for the wind turbine, on the South side there would be clearance to the next structure and still have thirty-five (35) foot to the property line. If the tower wasn't any taller than thirty (30) foot there would still be room if the pole fell on Mr. Latus property.”

- “The Site Plan needed the height and exact location of the pole. It was recommended fifty-five (55) foot from one dwelling and thirty (30) foot to the property line but it depended upon the precise location of the pole and how tall it was, which had to be a certain height in order to get the maximum wind power.”
- “What type of base would Mr. Latus need to install the pole?” ANSWER: One could use an old antenna because the wind turbine would be light enough. The poles could or would not have to be installed in concrete. The whole issue would be the distance of a falling pole.”
- “What would be the cost difference between the installation of a pole or having the turbine placed on the roof of the house.” ANSWER: Not sure what the cost difference would be. There is substantial wind in the area surrounding Mr. Latus’s home and the turbine would start generating with as little as 0.5 mph wind.”
- “In order to get a Discretionary Special Use Permit, there has to be a current site plan drawn to scale showing all property lines, existing structures, the proposed placement of the wind energy system including footprint, maximum height, all electrical or utility connections and applicant’s preliminary study of sustained winds at the proposed location.”

- (2) *Purpose* - It is the purpose of this ordinance to promote the safe use of small wind energy systems that are designed to reduce the on-site consumption of utility-supplied electricity.

This ordinance applies to all wind energy systems constructed and operated in Flushing Township whether or not the system is capable of feeding produced energy into the local utility grid. NOTE: The wind turbine is only for personal use).

- (3) *Definitions* -

Residential Wind Energy System - A wind energy system consists of a wind turbine(s) tower, and associated conversion electronics which has a rated capacity of not more than ten kilowatts (in total if multiple turbines are placed) and which is intended to reduce on-site consumption of utility power.

Tower - As described in this ordinance, the term “tower” refers to the vertical component of a wind energy system, whether guyed or freestanding for the exclusive purpose of elevating the wind turbine/generator and attached blades or rotors above the ground. The term “tower” may also refer to the structure that elevates a wind anemometer for the purpose of feasibility studies preliminary to placement of a wind energy system.

Shadow Flicker - The phenomenon created by light casting a shadow on moving turbine blades. Where this shadow is cast, creates a potential annoyance to adjoining property owners. (NOTE: there won’t be any shadow flicker)

- (4) *Regulations* -

Maximum height of a freestanding or guyed wind energy installation shall be eighty (80) feet to the top of the blade at the maximum vertical position. Installations, which are attached to existing structures in excess of fifty (50) feet in height, may exceed the eighty foot limitation. (NOTE: the height should be four (4) or five (5) feet above the house).

The minimum height for blade ground clearance shall be twenty feet. (NOTE: the pole should be twenty (20) feet tall in order to be above the roof).

All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

The tower shall be designed and installed so as not to provide a ladder or other publicly accessible means of climbing the tower, for a minimum of height of 12 (twelve) feet above the ground.

Guy wires associated with towers shall be marked and clearly visible to a height of six feet above the ground. (NOTE: There won't be any guy wires. Mr. Latus is hoping that the pole will be set in order to not have to use guy wires. If an antenna type pole was installed, it should be supported at the ground and then supported at the eaves or some place similar in order to eliminate guy wires).

The tower shall not be lighted, used for placement of antennas or other purposes not related directly to the support of a wind turbine.

Setback to the base of the tower shall be no less than one and a half times the total height of the installation. Any guy wire anchors may be no closer than ten feet from any property boundary. (It is noted that for safety reasons, this setback requirement restricts the placement of wind energy systems to relatively large lot sizes).

Noise level associated with a wind energy installation shall be limited to a maximum of 55 decibels as measured at the property line nearest the tower.

All wind energy installations must be equipped with manual and automatic over speed controls to limit the blade speed to the engineered design limits of the installation.

Tower and turbine placement shall be such that shadow flicker does not interfere with adjoining property owners.

A wind energy installation that is not functional for a period of twelve (12) consecutive months, shall be promptly removed by the owner.

A wind energy installation must comply with all applicable FAA regulations, including any necessary approvals for installations close to airports.

A wind energy installation shall not contain advertising and must be constructed of material rendering the installation visually unobtrusive. (NOTE: Mr. Latus will not have any ads on the wind turbine).

Installations of wind energy systems of more than ten (10) kilowatts will be considered commercial installations and be treated on an individual basis.

All installations of wind energy systems shall be done in accordance with State and Federal construction and electrical codes.

DOCUMENTS NEEDED TO PROCEED:

1. The Site Plan drawing which has to conform with all the issues in the ordinance that were reviewed: set backs, height, etc.
2. Bring the Site Plan back to the Planning Commission for approval; the Site Plan is needed in order to obtain the building permit.

3. The next regular scheduled Planning Commission Meeting will be Monday, July 8, 2013.

CORRESPONDENCE:

- **Gregory Disberry, 9315 W. Mt. Morris Road, Flushing, MI, 48433** - “Mr. Latus can build a wind turbine on his property.”

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NEW BUSINESS (CONTINUED)

2. Jannette Tahash, 7461 W. Coldwater Road, Flushing MI 48433

Information regarding placing a modular home on property located at 5506 Johnson Road, Flushing MI 48433

Mrs Jannette Tahash (Mrs. Tahash), 7461 W. Coldwater Road, Flushing was present to inquire about placing a modular home on property located at 5506 Johnson Road, Flushing MI. Previously, a stick built home was on the proposed property (Johnson Road) but was destroyed by fire. Mrs. Tahash has since purchased the Johnson Road property and would like to place a modular home on the property. The modular home in question is located in Swartz Creek, MI. Due to time restraints, Mrs. Tahash would like to have the modular moved to 5506 Johnson and remain on the trailer (wheels) until she has obtained the required permits for placing the modular on a foundation.

PLANNING COMMISSION QUESTIONS/COMMENTS:

- The issue is not a temporary home but a permanent dwelling?
- **DOYLE** reviewed *Section 20-402, Building Regulations* which states:
No dwelling shall be erected...moved into the township...inconformity with the structures....

REQUIREMENTS:

- A Site Plan Drawing is needed to determine if a variance is needed due to the set backs of the property.
- Minimum ordinance lot size of 30,000 square feet – proposed lot at 5506 Johnson Road is 100’ x 196’ (20,000 square feet) – undersized lot - rational would be to go to the Zoning Board of Appeals (ZBA) for a variance.
- Since the former home was destroyed by fire, it is a new situation.
- Purpose of a 100’ x 300’ lot was to allow appropriate space for an alternative system system if the particular system failed, there would be enough room for another septic system to be installed.
- The 30,000 square foot property is also for the benefit of the neighbors who are near the proposed property; if water was flowing from one property to another it couldn’t be in a position that would create a problem for the neighbors where you would be shedding water on the neighbor’s property.

- Per Mrs. Tahash, currently there is a septic system on the proposed property and everything is in tact. The information has to be shown on the Site Plan as to how large the septic system is, the setbacks from the property line. It was recommended to check the septic field to see if the lines which had come from the septic tank were six (6) foot apart. Information is needed from the Health Department as to the status of the septic system in order to obtain a Building Permit.
- Septic lines are supposed to be twenty-five (25) foot from the property line to the septic bed.
- The location of the well is also required on the Site Plan.
- The size of the proposed modular home is 28' x 56'. (A minimum of 1,100 square footage is required for Flushing Township).
- A picture of the proposed modular home was presented.
- A basement had been on the property for the previous house (that had burned) but it had been filled in. A poured foundation is the only thing being requested by Mrs. Tahash.
- "Were there plans for a future garage?" ANSWER: Mrs. Tahash stated there weren't any current plans for a garage but maybe down the road. Even if the garage wasn't a near future issue, the modular would have to be located in an area to comply with the setbacks for the garage.
- In order for emergency vehicles to get between buildings, there had to be ten (10) foot between buildings.
- The site plan drawing also had to include the distance between the neighbors' property and the proposed modular home for both sides.
- The pitch of the roof for the modular had to be a similar type design as the surrounding buildings.
- The proposed variance is being requested because the property (Johnson Road) is a smaller size rather than minimum 30,000 square foot.
- The Township Ordinance does not allow Mrs. Tahash to place the modular home on the property until a building permit has been obtained. The same procedure applies when a stick built home is being constructed, such as a septic permit, site plan, etc.
- "It was ask if Mrs. Tahash could move the modular to the Johnson Road property and leave the home on the trailer until the foundation was poured." ANSWER: The Township does not allow for the request because people have left things on trailers and then decided they were not going to do the project; the Township was then left with taking care of the project.
- Specific Distances Regarding the Johnson Road Property:
 - a. Front of the property to the modular home = 75 foot
 - b. From the middle of the road to the modular home = 117 foot
 - c. From the back of the house to the back property line = 79 foot
 - d. From the closest side of the house to the property line = 12 foot
 - e. From the other side of the house to the property line = 32 foot
 - f. The width of the modular home = 56 foot

- The garage could be located in a different location rather than being attached to the proposed modular home. The location of the garage would make a difference with the septic system due to the proposed lot being narrow.
- There should be ten (10) foot between the buildings and the property line in order to get emergency vehicles through the area. The existing shed should also be placed on the site plan.
- It was recommended to contact an engineer to get all the details on the Site Plan in order to obtain a building permit.
- The next regular scheduled Zoning Board of Appeals (ZBA) is Tuesday, September 4, 2013; a special ZBA could be scheduled sooner.
- There was a fire on the proposed property (Johnson Road) last year; Mr. & Mrs. Tahash have kept the lawn mowed.
- Perhaps the original builder could be contacted to obtain more details. The house was constructed in 1986.

V. UNFINISHED BUSINESS:

1. Finalization of the Master Plan

Doug Piggott of Rowe Engineering will be contacted to see if he can come to the July 8, 2013 Planning Commission to further discuss the next steps for finalization. The costs for the *Update to the Charter Township of Flushing Master Plan* will go to the Board of Trustees for approval on June 13, 2013.

2. When the Master Plan has been completed it was recommended to begin working on the Sign Ordinance.

VI. PUBLIC COMMENTS:

8:20 P.M. – OPENED TO PUBLIC COMMENTS

One (1) person gave a comment.

8:27 P.M. – CLOSED TO PUBLIC COMMENTS

VII. BOARD COMMENTS:

1. **FLOWERS:** impressed with the small wind turbines; if Michigan should put wind farms along the shore lines of Michigan, it would produce enough electricity for Indiana, Ohio, and Michigan. The trend is to have the wind farms on the west side of Michigan due to the wind power.
2. **DOYLE:** if the wind turbine power was used in residents, it would cut down the amount of power that would be sent to the residents from the amount of power which the residents currently receive. The possibility of saving in that direction would be a better way to think of the project rather than back it up and send the power back into the system. The small wind turbines are as economically as you can get and would handle a home very well. The only thing, you would be using the power from the system when there isn't any left.
3. **HINDS:** what the cost factor is for the small wind turbines.

4. **GAGE:** how long would it take to get his money returned from the system.
5. **BOWRON:** residents can obtain the ordinances on line for the projects they are attempting to construct.
6. **DOYLE:** the State Building Inspector works with the codes of the State; when a township/city has their own inspector, they deal with the ordinances of the municipality.
7. **BOWRON:** recommended to review the Notice that goes out to the surrounding neighbors when an issue comes before the Planning Commission.

VIII. MEETING SCHEDULE: NEXT REGULAR SCHEDULED MEETING WILL BE HELD ON MONDAY, JULY 8, 2013 AT 7:00 P.M.

IX. ADJOURNMENT: Due to lack of business matters, **DOYLE** adjourned the meeting at 8:40 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

RONALD FLOWERS, Secretary

Date of Approval

PROBLEM STATEMENTS

The following problem statements were based on the information contained in the data base and on the comments made by township residents on the attitude survey.

Soils:

- 1) Soils pose long term problems for medium density residential development.
- 2) Sewers need to be extended into existing or proposed areas of intensive development.

Water Resources:

- 3) Relatively poor quality of ground water results in requests for extension of municipal water lines.

Current Land Use:

- 4) Urban sprawl results in expensive extension of municipal services, including water, sewer, and road improvements.
- ~~5) There is a lack land identified and reserved for commercial use in the township result in the potential for intermingling of residential and commercial uses.~~

Housing:

- ~~6) There is a current lack of a reasonable mix of affordable housing.~~
- 5) Selection of housing types is limited primarily to single family residential homes.

Agriculture:

- ~~6) Fragmentation of farmland into non-agricultural developments, particularly in areas of prime farmland reduces the viability of township agriculture and results in conflicts between agricultural and non-agricultural land uses.~~

Recreation:

- 7) Hiking/Biking facilities are in demand in Flushing Township.

Natural Features:

- 8) There is potential for inappropriate development in areas with natural features such as flood plains, wetlands, steep slopes and wood lots that are environmentally sensitive and need to be protected.

Surrounding Areas:

- 9) Coordination of land use planning between Flushing Township and the surrounding municipalities including the City of Flushing.

Transportation:

- ~~10) Traffic on arterials can be expected to exceed their design capacity during the planning period.~~
- 10) Traffic on arterials may be considered as per needed in the future.
- 11) Many primary roads are in inadequate condition .

Township Economy:

Completely taken out.