

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD MARCH 12, 2009

Agenda

SEECO COMMERCIAL PARK SITE CONDOMINIUM - SITE PLAN AMENDMENT TO EXPAND THE CONDOMINIUM BY INCREASING UNIT #3 SIZE - SEECO DRIVE AND SOUTH 9TH STREET - (UNIT #3 PARCEL NO. 3905-14-332-010, PORTION OF FORMER PARCEL NO. 3905-14- 332-003) AND (LAND TO BE ADDED PORTION OF PARCEL NO. 3905-14-330-015)

WORK ITEM: WIND ENERGY CONVERSION SYSTEMS ORDINANCE - DRAFT #1

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, March 12, 2009, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman
Deborah Everett
Fred Gould
Bob Anderson
Kitty Gelling
Carl Benson

MEMBER ABSENT: Richard Skalski

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; James Porter, Township Attorney, and one interested persons.

Call to Order and Pledge of Allegiance

The meeting was called to order at approximately 7:00 p.m. The "Pledge of Allegiance" was recited by the Commissioners.

Agenda

The Chairman asked if there were any changes to the Agenda. Hearing none, Ms. Gelling made a motion to accept the Agenda as submitted. Mr. Anderson seconded the motion. Upon vote, the motion carried unanimously.

Public Comment on Non-Agenda Items

None.

Minutes

The Chairman asked if there were any corrections to the minutes of January 22, 2009. There being no corrections, Ms. Gelling made a motion to approve the minutes, as submitted. Mr. Anderson seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

SEECO COMMERCIAL PARK SITE CONDOMINIUM - SITE PLAN AMENDMENT TO EXPAND THE CONDOMINIUM BY INCREASING UNIT #3 SIZE - SEECO DRIVE AND SOUTH 9TH STREET - (UNIT #3 PARCEL NO. 3905-14-332-010, PORTION OF FORMER PARCEL NO. 3905-14- 332-003) AND (LAND TO BE ADDED PORTION OF PARCEL NO. 3905-14-330-015)

The Chairman said the next item on the Agenda was a site plan amendment for Seeco Commercial Park Site Condominium. He said the applicant was requesting an amendment to expand the condominium by expanding Unit #3. He stated that the subject site was located at Seeco Drive and South 9th Street. The Chairman noted that Unit #3 was Parcel No. 3905-14-332-010, formerly Parcel No. 3905-14-332-003, and the parcel number for the portion of the land to be incorporated into the site condominium was 3905-14-330-015. The Chairman asked for a report from the Planning Department. Ms. Bugge submitted her report dated March 12, 2009, and the same is incorporated herein by reference.

Ms. Bugge provided background information on the development of the Seeco Commercial Park Condominium. She reminded the Planning Commission that when Walgreens was approved, there was a discussion at that time of dividing the parcel and incorporating the rear portion of that property into the Seeco Commercial Park development. She said the purpose of this request was to consider the expansion.

Ms. Bugge then proceeded to take the Planning Commission through a review of the Site Condominium Ordinance provisions, Section V, Paragraph E. She said if the Planning Commission determined that the proposed preliminary condominium subdivision plan complies with all applicable ordinances and statutes, the Planning Commission should make a recommendation for approval to the Township Board.

The Chairman asked the Commissioners if they had any questions of Ms. Bugge. Hearing none, he asked if the applicant had any comment. Mr. Greg Dobson on behalf of 6649 W. Main, LLC, said he had nothing to add to the presentation, but would be willing to answer any questions. There being no questions for the applicant, the Chairman called for Planning Commission deliberations.

The Chairman said that he recalled the discussions regarding the reconfiguration of the property at the time the site plan for Walgreens was considered. He said he believed it looked quite cut and dried. Ms. Gelling said she thought it was very cut and dried.

Mr. Anderson asked about the run-off from the subject property. Ms. Bugge said it would be handled either on site or on Unit #4 of the condominium per a prior drainage agreement, subject to Township review, when any development is proposed.

The Chairman asked if there was any further discussion, and hearing none, called for a motion. Ms. Everett made a motion to recommend approval of the site condominium amendment as submitted to allow the modification of the condominium documents for expansion. Ms. Gelling seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

WORK ITEM: WIND ENERGY CONVERSION SYSTEMS ORDINANCE - DRAFT #1

The Chairman stated that the next item on the Agenda was the consideration of the Wind Energy Conversion Systems Ordinance Draft #1. The Chairman asked for a report from the Planning Department. Ms. Stefforia submitted a report from the Planning Department dated March 5, 2009. Ms. Stefforia presented the proposed text to the Planning Commission, outlining the provisions and requirements for allowing both large and small Wind Energy Conversion Systems (WECS).

Ms. Stefforia said she modeled the proposed Ordinance after the Ordinance proposed by the Michigan Department of Labor; however, she simplified it to a significant degree. She noted that she was recommending that all of the wind energy conversion systems be approved as a special exception use, including the ones used in residential areas. She said, if they became more common in the future, the Planning Department would likely recommend that they be reviewed.

The Chairman called for discussion on the matter. He began by saying he had three concerns. One concern was the height of the blades off the ground, which he noted had been addressed in the proposed Ordinance. He also raised a concern about the noise level being set at 55 decibels. He said he did not have sufficient information to determine at this point in time whether 55 decibels was an appropriate standard. Ms. Bugge noted that normal conversation was generally at 60 decibels, and noted that the decibel level was consistent with the provisions of the Township's Noise Ordinance. The Chairman said his third concern was the color of the large towers and thought that the term "non-obtrusive" did not provide sufficient clarity. He thought that the Planning Commission and the Township should actually choose the color of the towers.

Mr. Gould asked about what the wind speeds and wind survival provisions were. Attorney Porter and Ms. Stefforia noted that those were all set by the Building Code and manufacturer recommendations. Ms. Stefforia added that the turbines are designed to shut down if wind speed is beyond the system's ability to handle.

Ms. Everett asked where they would measure the sound of the wind generators. Ms. Stefforia said the sound would be measured at the property line.

Mr. Anderson asked if the sound level would depend upon the number of towers. Ms. Stefforia said whether there was one wind generator or 20, the decibel level would be the same at the property line.

Mr. Gould raised some concern about who would maintain and monitor the WECS. He said he thought he would feel better about approving these systems if they were regularly monitored. The Chairman indicated that was true, but the use of these types of facilities was not any different than other facilities, in that, they usually do not get addressed unless there is a problem. At that time, the parties are required to correct the situation. Attorney Porter noted that generally the Township operates on a complaint-based enforcement process, and he thought the same would be true for these types of facilities. He said if they receive a complaint about noise or light flicker or other problems, they would be addressed at that time.

Ms. Gelling expressed a concern about the impact on wildlife. Ms. Stefforia said there are provisions in the Ordinance to address those concerns such as requiring an applicant to submit studies regarding migratory routes.

Ms. Gelling asked if there would be a tax assessment. Attorney Porter said for the large commercial WECS, there certainly would be an assessment. He said he was not aware of whether WECS would be considered as exempt for residential properties, or whether they would be assessed.

Mr. Benson raised a concern regarding roof-mounted units and their location in proximity to the property lines. Ms. Stefforia said the Planning Department would address that issue in the next draft.

Mr. Benson also raised a concern regarding the ability to climb the lattice towers, especially in a residential setting. Attorney Porter noted that they could place restrictions on the homeowners, but thought there was a difference between commercial WECS and residential WECS, in that, residential property owners are on site to make sure that there are no trespassers or that the tower does not constitute an attractive nuisance. The Chairman said that was true, but the problem involved with this type of use is that there is a rotating blade at the top of the tower. Attorney Porter conceded that fact and left the door open to further amendment of the Ordinance to address that issue.

The last issue which Mr. Benson raised was a concern over a continual level of noise. He said this is what is commonly referred to as a “pure tone” and thought that there should be a greater reduction in the decibel level for pure tones than merely five decibels. He said he did not believe it was adequate. The Chairman said he agreed with Mr. Benson’s concern over decibel levels and said that issue should be looked at more carefully, but that was a General Ordinance provision to be considered by the Township Board.

Mr. Anderson asked about the differentiation between a large WECS and a small WECS, or a large turbine or a small turbine. Ms. Stefforia said the primary differentiation was whether the WECS’ primary function was to feed energy into the grid.

The Chairman raised a concern over what would happen to the towers if they were not taken down. A suggestion was made that a bond for the larger units be required in order to facilitate their disassembly if they became inoperable or obsolete.

The Chairman asked if this matter could be moved forward to a public hearing. Ms. Gelling made a motion to set a public hearing on the proposed Wind Energy Conversion Systems Ordinance for April 9, 2009. Mr. Gould seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

Any Other Business

Ms. Stefforia reported to the Commission that they had provided access to the Master Plan Opinion Survey on the Master Plan Web page. She noted the results from the On-line Survey would be kept separate from the official circulated Survey in order to make sure to maintain the integrity of the mailed Survey.

Planning Commissioner Comments

None.

Adjournment

There being no further items to come before the Planning Commission, the meeting was adjourned at approximately 7:59 p.m.

Minutes Prepared:
March 20, 2009

Minutes Approved:
_____, 2009