

CHARTER TOWNSHIP OF FLUSHING

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FLUSHING, MICHIGAN 48433

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PLANNING COMMISSION MEETING MINUTES

DATE: JUNE 14, 2010

TIME: 7:00 P.M.

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

MEMBERS OF PLANNING COMMISSION

Mark J. Newman, Chair

Jerome Doyle, Vice Chair

Richard Buell, Secretary

Mark Purkey, Board of Trustee Representative

John Cuddeback

Ronald Flowers

Julia A. Morford, Recording Secretary

PRESENT: Mark J. Newman, Jerome Doyle, Richard Buell, Ronald Flowers, John Cuddeback, and Mark Purkey

ABSENT: None

OTHERS PRESENT: Eight (8) other individuals

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

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Purkey to switch Number V, "New Business" and Number IV, "Unfinished Business" in order that "New Business" could be taken care of first. **MOTION CARRIED.**

III. APPROVAL OF MINUTES OF MAY 10, 2010: DOYLE MOVED, seconded by Purkey to approve the Minutes of May 10, 2010 with one correction on Page 6. **MOTION CARRIED**

IV. NEW BUSINESS:

1. Armando Barry, 4717 Ennismore, Clarkston, MI 48346

Formal Hearing regarding a Special Use Permit for a Residential Adult Foster Care located at 8163 Coldwater Road, Flushing, MI 48433 (Parcel No. 08-23-200-015)

Mr. Armando Barry of Clarkston, Michigan and Dr. Daniel Duffy of Saginaw, Michigan were both in attendance. An informal hearing had been held at the April 2010 Planning Commission Meeting where it had been discussed as to how the proposed property on Coldwater Road could be used.

Under the Flushing Township ordinances, a use of this particular type of property and area zoned RSA required a special use permit and could only be obtained by coming before the Planning Commission. AS A SPECIAL NOTE: The particular use is one of those uses of property, that by the Township's ordinance and State Statute, that if the property is properly zoned for the particular use under the Township Ordinance and there are no zoning violations currently and if the facility is licensed by the State of Michigan it would not be a discretionary special use permit. If the requirements are met, the permit should be approved by the Commission.

PETITIONERS' COMMENTS:

- Dr. Duffy is a physical medical rehabilitation doctor trained in East Lansing, Wayne State and has been located in Saginaw, Michigan as part of a career change for ten (10) years.
- The patients involved have special catastrophic needs such as high speed collisions, falls down stairs, and were recovery places the person in the hospital for months, nursing homes for months and trying to get home. Most of the people want to be in their own area when they go into the specific places.
- People of this type of injuries go to Hurley Hospital and then on to a rehab center.
- Flushing Township looked like the most peaceful community; another friend is opening a facility similar close to Genesys Hospital; there are other facilities in Caro, Bay City, Midland, etc.
- Facility would provide:
 - a. Nursing assistant to help get individuals from chairs to beds, etc.
 - b. Licensed for up to six people at one time
 - c. Six bedrooms
 - d. Large area for gym where they could exercise on large equipment.
 - e. Large back yard for nature walks etc.
 - f. Half way between the area of Saginaw and Clarkston
 - g. Want to be part of the community by hiring local people that understand the town and local people

PLANNING COMMISSION COMMENTS:

- Will there be 24 hour nurses aid assistance
- Would it be the intent now or in the future to use the facility for a half-way house for drug rehabilitation to house prisoners?
- ANSWER: it would not be in the plans.
- If a prisoner should have head injury would they be a potential candidate for the use of the facility?
ANSWER: the funding would not be available as they would have to go through the prison rehab system; no prison would pay for the service.
- Would marijuana be used in the facility for a patient.
- ANSWER: it would not be something the facility would recommend; if a private physician subscribed it would be under the State law; the facility would not be growing the plants (marijuana). There are no plans for a greenhouse.
- Would there be plans in the future to expand the facility on the site?

- ANSWER: Yes, a concrete slab similar to a small apartment size facility to be used for training facility. There would not be a two story size building.
- What is the difference for being licensed for 6 as compared to 12.
- ANSWER: there are certain guidelines such as fire, availability of water and sewer inspections, but it would not be difficult to advance from six to twelve residents.
- Six people is the right amount to for the assistants to manage. (There are eight bedrooms but two could be used for overnight emergencies if there was an emergency). The building is already laid out for six people.
- Would the traffic flow be the same as the traffic when it was a church?
- ANSWER: it would be less because there wouldn't be the big business items such as baseballs, etc; the workers at the facility would come and go; an occasional delivery truck; but no more than 10 (ten) vehicles per day; there would be no more traffic than for a family of six.
- Would the facility be an inside care facility only? If a patient went outside would someone be with them? Would there be a need for a fence?
ANSWER: It would be an inside care facility; there would be a walk out patio outside so the patient could go outside (if in a wheelchair) on the slab to enjoy the air; most of the patients in the facilities cannot walk that well but could sit at a table outside; the patients would be supervised 24 hours so if someone was confused, they would have someone with them all the time; there would be no need for fences.

OPENED TO AUDIENCE AT 7:22 P.M.

1. Bill Bain, 8101 Coldwater Road, Flushing MI – “if expanded would they have to go back before the Planning Commission”. ANSWER: If the use of the facility should change, the new company could not change and would have to restart all over again by going to the State and then come back before the Planning Commission. The zoning would not change; the special use permit would only be for an adult foster care facility.
2. Sam Cesaro, 8146 Coldwater Road, Flushing MI - “what kind of medication would be administered to the patients; the neighbors have complained in the past regarding the traffic flow; would a fence be put around the facility; would it change the value of his home; was concerned about medical waste.” ANSWER: the persons that will be in the facility are rehabilitation residents due to an unfortunate incident; there would be supervision; there are State requirements for medical waste; the fencing and signs would be left up to the facility as long as follow the State and Township laws.
3. Lillian Rolla, 8158 W. Coldwater Road, Flushing MI – “there are people going in and out of the church property during the night.” ANSWER: Chief Stevenson stated the pastor had a tent in back of the church but the pastor has left; since he has been Chief that is the only concern the Police Department has been resolved. The Chief lives close to a head injury facility in Caro and does not affect the value of his home and there isn't any problems with the facility.”
4. Scott Burtrum, 9062 Vista Del Arrova, Flushing MI – “there is a rehab facility next door to the Flushing Township Hall.” ANSWER: the facility is located in a RSA

- zoning district and are accepted in the district; there is no difference than if there was a one family home. Commercial use would be different.
5. Carl Clark, 8137 W. Coldwater Road, Flushing MI – “as of now there would only be six people in the facility, if more the facility would have to come back before the Planning Commission; are there plans for expansion in the future.” ANSWER: if anything should change, the facility would have to go back before the State for approval and then come to Flushing Township for a special use permit or zoning change, notices would have to be sent out to the residents; (Per Mr. Barry, perhaps down the road there might be a change to a medium facility which is 7 to 12, but for now focus would only be six (6) people which each person can get their own individual attention); if an addition would be added, a site plan would have to be presented to the Planning Commission; inspections by the State would have to be done for heating, cooling, water, sewer, etc.
 6. William Bain, 8101 W. Coldwater Road, Flushing MI – “felt the distance should be amended from 300’ to 1,000 foot for the notification of a special use permit request.” ANSWER: the requested permit only affects people close to the facility; the State determines the distances for the facilities and it “trickles” down to the township level. (PURKEY will check into the matter with Attorney Steve Moulton)

PUBLIC COMMENTS FROM THE AUDIENCE CLOSED AT 7:40 P.M.

DOYLE MOVED, seconded by Buell to approve the special use permit as submitted without any outside conditions.

DISCUSSION:

The church will be vacating the facility on August 4, 2010.

ACTION OF THE MOTION:

ROLL CALL VOTE

AYES: Doyle, Flowers, Buell, Cuddeback, Purkey, and Newman

NAYS: 0 MOTION CARRIED.

2. Scott Burtrum, 9062 Vista Del Arroya, Flushing, MI 48433

Informal Hearing regarding property split of Parcel No. 08-22-200-062

SCOTT BURTRUM, 9062 Vista Del Arroya, Flushing, Michigan, Parcel No. 08-22-200-062 was present for an informal hearing to split Parcel No. 08-22-200-062.

COMMENTS FROM MR. BURTRUM:

- What is the minimum lot size in the township? ANSWER: 300’ x 100’ – ¾ of an acre in case another septic area has to be installed).
- Would like to make the property 100’ x 200’
- The septic is in the front yard.
- The well is in the back yard. (The well has to be 50’ way from the septic.)

- A pole barn is currently directly behind the house on Parcel No. 08-22-200-062 but if the approval was given for the split, it would then be on Parcel No. 08-22-200-063
- The pole barn would be seventy-five (75) feet from where the newly established property line.
 - a. There are actually two pole barns bumped up together.
 - b. 32' x 32' and 60' x 40'
- There would be two hundred (200) feet to leave with the house.
- The pole barn, which has been on the property for ten (10) years, is used by Mr. Burtrum to restore furniture.
- Mr. & Mrs. Burtrum are seeking other property for a new residence house; while constructing the new house, they would reside in an apartment.
- The intent of the property split would be to sell the smaller parcel (08-22-200-062).
- The request is not an actual split but similar to an easement.

3. Replacement of Recording Secretary

V. UNFINISHED BUSINESS:

1. **Continued Review of Accessory Structures in Front Yard**
Pending for draft ordinance
2. **Continued Discussion Regarding Medical Marijuana Law**
Pending for draft ordinance

VI. PUBLIC COMMENTS:

8:51 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS

None

8:52 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VII. BOARD COMMENTS:

VIII. MEETING SCHEDULE: NEXT REGULAR SCHEDULED MEETING WILL BE HELD ON MONDAY, JULY 12, 2010 AT 7:00 P.M.

FUTURE REGULAR SCHEDULED MEETING DATES:

REGULAR SCHEDULED MEETING – MONDAY, JULY 12, 2010 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, AUGUST 9, 2010 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, SEPTEMBER 13, 2010 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, OCTOBER 4, 2010 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, NOVEMBER 8, 2010 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, DECEMBER 13, 2010 AT 7:00 P.M.

IX. ADJOURNMENT: Due to lack of business matters, NEWMAN adjourned the meeting at 8:58 p.m.

MARK J. NEWMAN, Chair

JULIA A. MORFORD, Recording Secretary

RICHARD BUELL, Secretary

Date of Approval

Planning minutes 06/14/2010