

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

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PLANNING COMMISSION MEETING MINUTES

DATE: MARCH 14, 2011

TIME: 7:00 P.M.

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

MEMBERS OF PLANNING COMMISSION

Mark J. Newman, Chair

John Cuddeback

Jerome Doyle, Vice Chair

Ronald Flowers

Richard Buell, Secretary

Robert Gensheimer

Mark Purkey, Board of Trustee Representative

Julia A. Morford, Recording Secretary

PRESENT: Mark J. Newman, Jerome Doyle, Ronald Flowers, Robert Gensheimer and Mark Purkey

ABSENT: Richard Buell and John Cuddeback

OTHERS PRESENT: Nine (9) other individuals

I. MEETING CALLED TO ORDER at 7:05 p.m. by Planning Commission Chair **MARK NEWMAN** with Roll Call and the Pledge to the American Flag.

II. ADOPTION OF AGENDA: PURKEY MOVED, seconded by Flowers to approve the Agenda by moving "V. New Business" before "IV. Unfinished Business". **MOTION CARRIED.**

III. APPROVAL OF PREVIOUS MINUTES: FLOWERS MOVED, seconded by Gensheimer to approve the Minutes of January 10, 2011 as submitted. **MOTION CARRIED.**

IV. NEW BUSINESS:

1. Jeffrey and Mary Jo Gray, 9339 Stanley Road, Flushing, MI 48433

Special Use Permit for a Home Occupation per Section 20-1803, Standards for Non-Discretionary Special Land Use Permits (Parcel No. 08-15-100-051).

CORRESPONDENCE RECEIVED REGARDING THE ISSUE:

None

RESPONSE FROM APPLICANTS: (through Interpreter Karen Popovits)

1. The business will be very small.
2. There won't be many people.
3. There will only be eight (8) to ten (10) dogs per month.
4. Other details taken from the home occupation request application:
 - a. The business shall be operated in an 18' x 20' portion of the attached garage.
 - b. There will be no change to the outside appearance of the existing structure or premises of the home.
 - c. No portion of the business shall be conducted in any accessory structure.
 - d. There shall be no sale of goods manufactured elsewhere except for sales incidental to the home business.
 - e. No traffic shall be generated by the business in any greater volume than would normally be expected in a residential area. The property has a drive approximately 120 feet in length as well as an adjacent turn-around capable of holding four (4) to six (6) vehicles.
 - f. No equipment or process shall be used within the business in violation with the noise, vibration, glare, fumes, odors or electrical interference guidelines. The business shall utilize deemed appropriate tools for pet grooming and bathing care only.
 - g. The business shall be carried on by homeowners Jeffrey and Mary Jo Gray and shall not require additional employees to operate.

QUESTIONS/COMMENTS FROM THE PLANNING COMMISSION:

1. **PURKEY:** did a great job filling out the application and very self explanatory. Would there be any boarding of dogs? ANSWER: No, only grooming.
2. **DOYLE:** the application was complete and goes along with the standards for granting a request for such an application; everything seems to be a very acceptable matter.
3. **FLOWERS:** nothing out of the ordinary for the request.
4. **GENSHEIMER:** everything is fine.
5. **NEWMAN:** felt the application was very thorough.

OPENED AT 7:13 P.M. FOR COMMENTS/QUESTIONS FROM THE AUDIENCE:

1. **Sharon Keilor, Gillette Road, Flushing** – “the Grays have a web site that was advertising grooming, bathing, day care, and overnight boarding; are they amending the web site and not doing any overnight boarding?”
ANSWER: The Planning Commission can only approve what is applied for. If the Grays don't ask, then the Planning Commission can only approve the dog bathing, grooming, day care, and obedience training; the web site doesn't pertain to the request. If an individual doesn't ask, then the Planning Commission can't approve; anything the Planning Commission approves, is based on the application for which they have to operate within the limits; penalties/results can be taken if an issue is operational outside the approval per the ordinance
GRAYS: It was their plans before the home occupation request to do overnight boarding; but their request did not meet the requirements of the home occupation so had

to change their plans. When the website was first put together, a young friend was helping her (Mary Jo Gray). The matter has been taken off the web.

2. **Curtis Lanxton, Stanley Road, Flushing** – “is the obedience training program a one (1) day, five (5) day, or thirty (30) day program; there are twenty-five (25) dogs between Gillette Road and Stanley Road; when one dog barks they all bark?”

ANSWER: the obedience training program will be held during the day.

3. **Damon Huffman, 6500 N. Seymour Road, Flushing** – “he lives one hundred (100) yards from the Grays residence; people should be able to do with their property what they want as long as it doesn’t infringe on someone else; he (Damon Huffman) is currently babysitting his son’s dog which barks occasionally; the excessive barking would be a concern to him?”

NEWMAN: first step would be to see if the request is possible under the ordinances; the Planning Commission is granted authority per the ordinances; has to be concerned about how the neighbors feel about the issue and how it impacts the neighbors.

4. **Sharon Keilor** – “a home occupation permit is different from a kennel license; would the limit be three (3) dogs; would there be a limit on the number of dogs that would be bathed, groomed per day; per her kennel permit, she has a set number of dogs that can be on her property”.

PURKEY: a kennel permit is a whole different aspect from a home occupation permit; can’t really tell the number.

FLOWERS: the dogs are supposed to be coming to the Grays home between 8:00 a.m. and 5:00 p.m.

5. **Karl Edgeworth, 9362 Stanley Road, Flushing** – “Grays are good neighbors, but people on Stanley Road can’t get out of their drive and with summer coming on, very concerned with the customers coming in and then trying to get out of the Grays drive.”

NEWMAN: traffic flow is a concern.

PURKEY: the drive is 120 foot in length with an adjacent turn-around and capable of holding four (4) to six (6) cars which allows for cars to turn around. A shorter drive would be more hazardous than if someone could not turn around and drive out.

6. **Carol Bence, 6506 N. Seymour, Flushing** - “where is the grooming going to take place?”

ANSWER: since it is a “home occupation” request, it has to be in the home; it is not allowed in an accessory structure; but business could be taken care of in pole barns or sheds.

PURKEY: the home occupation application states “the business shall be operated in an 18 foot x 20 foot portion of the attached garage totaling three hundred sixty (360) square feet”.

Carol Bence - “will the dogs be let outside like any other grooming business or kept inside the building?”

ANSWER: the dogs will be kept inside the garage, but if they need to go to the bathroom, there is a fenced run outside which goes through the garage and back. The run is 60 foot x 60 foot.

DOYLE: when the animals are brought to the home are they kept in the building until the owner comes and picks them up?

ANSWER: yes, the dogs will be kept inside the building.

DOYLE: How many people do you plan on taking care of during a day's time.

ANSWER: eight (8) to twelve (12) dogs per month.

DOYLE: if you have a large family sometimes the requests for home occupation doesn't bring as much traffic as a large family.

7. **Carol Bence** – “where will the obedience training take place?”

ANSWER: the very basic dog training will consist of walking, sitting, etc and would take place inside the garage where there is a large opening.

Carol Bence: “how many cages are there to hold the dogs inside the garage?”

ANSWER: there are five (5) cages for dogs.

CLOSED TO AUDIENCE PARTICIPATION AT 7:34 P.M.

COMMISSIONER'S COMMENTS:

1. **FLOWERS:** there would probably be one (1) to two (2) dogs per week. Business could pick up.
2. **DOYLE:** as part of the approval of the request, a condition can be placed as to the number of dogs allowed.
3. **PURKEY:** if there is an ordinance that allows a particular issue, the Planning Commission can't tell the individual they can't operate unless it is in violation. As long as the Grays are following all the rules for the Home Occupation and no one can come up with a reason why they can't, the Planning Commission can't deny the request.
4. **NEWMAN:** the ordinance states the home occupation is a non-discretionary issue; the review in the process is the application and the intended use and conformance of the ordinance.

DOYLE MOVED, seconded by Gensheimer to recommend they (Grays) be granted a Special Use Permit for a Home Occupation with all the conditions specified as well as what the minutes state and that the request be approved.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Doyle, Flowers, Gensheimer, Purkey, and Newman

NAYS: 0

ABSENT: Buell and Cuddeback

MOTION CARRIED.

V. UNFINISHED BUSINESS:

1. Continued Review of Accessory Structures in Front Yard

After a review of what has been discussed in past Planning Commission Meetings regarding amendments to the Accessory Structures in the Front Yard, a motion was made.

CLARIFICATION OF DIFFERENCE:

A Temporary accessory structure doesn't have the facilities (water, sewer, etc) to live in.

A Permanent accessory structure is a building with footings.

DOYLE MOVED, seconded by Purkey to set the proposed ordinance for Public Hearing at the next regular scheduled meeting on Monday, April 11, 2011 at 7:00 p.m. **MOTION CARRIED.**

2. Continued Discussion Regarding Medical Marijuana Act

A memorandum from Attorney Steve Moulton (Attorney Moulton) has been received by the Planning Commission which was self explanatory on moratoriums. Moratoriums are not part of the Planning Commission and has to come from the Board of Trustees. The Planning Commission recommends "issues". If there was a moratorium it would be on dispensaries.

Attorney Moulton recommends to put a hold on the medical marijuana issue. The Planning Commission agreed with the attorney and felt they (Planning Commission) should wait on the issue.

Once clarification has been received from Attorney Moulton, since Attorney Moulton has the latest information on the Medical Marijuana Act and corresponds with his associates, then the Planning Commission would proceed.

PURKEY MOVED, seconded by Flowers that for the time being, to remove the medical marijuana issue from the Agenda as a reoccurring issue under Unfinished Business. **MOTION CARRIED.**

VI. PUBLIC COMMENTS:

8:05 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS

None

8:06 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VII. BOARD COMMENTS:

1. **PURKEY** was frustrated because of all the work the Planning Commission has done on the Medical Marijuana issue.
2. **DOYLE** felt the Planning Commission has a lot of information to store for future reference. New Zoning Maps were received from Rowe Engineering - Doyle recommended comparing the former Zoning maps with the new Zoning Maps recently completed by Rowe as of January 6, 2011. It was felt the colors should be different because some of the dark colors could be confused with each other; and a

- particular color should represent a different zoning district. **DOYLE** will contact Rowe Inc.
3. **FLOWERS** mentioned there would be a Free Seminar sponsored by Rowe Professional Services on Wednesday, April 27 and Thursday, April 28, 2011 regarding "*Understanding the New Census*". Some members of the Flushing Senior Center might be interested in attending. Please let the Clerk know the date you would like to attend.

VIII. MEETING SCHEDULE: NEXT REGULAR SCHEDULED MEETING WILL BE HELD ON MONDAY, APRIL 11, 2011 AT 7:00 P.M.

REGULAR SCHEDULED MEETING DATES:

MONDAY, MAY 9, 2011 AT 7:00 P.M.

MONDAY, JUNE 13, 2011 AT 7:00 P.M.

- IX. ADJOURNMENT:** Due to lack of business matters, **NEWMAN** adjourned the meeting at 8:21 p.m.

MARK J. NEWMAN, Chair

JULIA A. MORFORD, Recording Secretary

RICHARD BUELL, Secretary

Date of Approval

Planning minutes 03 14 2011