

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800

FAX: 810-659-4212

PLANNING COMMISSION MEETING MINUTES

DATE: SEPTEMBER 8, 2014

TIME: 7:00 P.M.

WEB ADDRESS <http://flushingtowship.com>

MEMBERS OF PLANNING COMMISSION

Chair: Jerome Doyle

Donn Hinds

Vice Chair: Robert Gensheimer

William Mills

Secretary: Ronald Flowers

Mark Newman

Board of Trustee Representative: Shirley D. Gage

Recording Secretary: Julia A. Morford

PRESENT: Jerome Doyle, Robert Gensheimer, Ronald Flowers, Shirley Gage, Donn Hinds, William Mills, and Mark Newman

ABSENT: None

OTHERS PRESENT: Six (6) other individuals

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 Newman to approve the Agenda by reversing the order of Number 4 and Number 5; Number 5 will be first on the Agenda. **MOTION CARRIED.**

III. APPROVAL OF PREVIOUS MINUTES: GENSHEIMER MOVED, seconded by Gage to approve the corrected Meeting Minutes of August 18, 2014 with changes. **MOTION CARRIED.**

IV. NEW BUSINESS:

1. William P. McCarron, 7456 W. Carpenter Road, Flushing MI 48433

Formal Hearing for the purpose of replacing a new business sign with a different size business sign, that recently was destroyed during a storm, at 7456 W. Carpenter Road, Flushing MI 48433, Parcel No. 08-80-018-594, RSA Zoning District.

Mr. William P. McCarron (Mr. McCarron) was present to obtain permission to replace a former business sign with a new smaller business sign that was destroyed during a recent storm. The old sign was an 8' x 8' sign and was installed before the new laws went into effect regarding signs. The old sign was damaged so much by the storm that Mr. McCarron decided to replace it

with another sign which would be in compliance with the ordinance. The new sign will be 2' x 6', 4' off the ground, and installed on two (2) 4' x 4' posts. The primary purpose of the sign will be to let the public know where the orchard/bakery is located. The proposed sign will be located ten (10') feet North of the road right of way. The proposed sign will be smaller than the former sign.

QUESTIONS/COMMENTS FROM THE PLANNING COMMISSION:

DOYLE reviewed *Section 13.5-57 Residential RSA Permanent Signs:*

- (b) *On single-family or two-family development premises, there shall be permitted one (1) directly or indirectly illuminated development entry wall sign or freestanding sign at each entrance of a subdivision. Freestanding signs shall be set back so that the face of the sign is not less than ten (10) feet back from right-of-way line, and shall not exceed four (4) feet in height. The area of such sign shall not exceed twelve (12) square feet. Permit is required.*

The particular ordinance is for a subdivision sign, but there isn't anything else in the ordinance that pertains to what Mr. McCarron is requesting.

In an RU-2 Zoning District, it makes reference to ninety-two (92) square feet and continues up through RU-3.

- **DOYLE:** he has not found in the ordinance to where it states that Mr. McCarron could not have the particular size sign. It is a business, but it is a business that sells produce from the property. Recommended to go by the residential sign ordinance.
- **GENSHEIMER:** the sign fits the minimum and Mr. McCarron is not asking for anything other than that.
- **NEWMAN:** when the Church on the West side of McKinley Road came in, they took a manually adjusted sign where it had to be slide in and it was a smaller sign. The Church was replacing the same sign, but with an electronic version of it. Mr. McCarron is simply replacing a sign that was damaged and the sign will be smaller and further from the road. He is more than in compliance with the ordinance.
- **FLOWERS:** Mr. McCarron is pretty much in compliance with the 2' x 6' sign which puts him in the 12 square foot range; recommends what it calls for at this time and if it changes in the future will have to abide by the Sign Ordinance, which is being worked on at this time. Has no objection to what Mr. McCarron would like to do.

HINDS MOVED, seconded by Newman, to approve Mr. McCarron's request for the replacement of the sign.

DISCUSSION:

The construction of the sign will be aluminum outside on a wood backing with wood posts; the sign would be double sided. The sign would be a 2' x 6' non-lighted sign that would sit four (4') feet from the ground, and will be located in the same position as the former sign.

ACTION OF THE MOTION: MOTION CARRIED.

1. Joan Lincoln, 8617 Tim Tam Trail, Flushing MI 4843

Formal Hearing for the purpose of a Special Use Permit for a Group Day Care Home for six (6) to twelve (12) children at 8617 Tim Tam Trail, Flushing MI 48433, Parcel No. 08-03-529-018.

Ms. Joan Lincoln (Ms. Lincoln) was present to request a Special Use Permit for a Group Day Care Home for six (6) to twelve (12) children at 8617 Tim Tam Trail, Flushing MI. Ms. Lincoln is currently licensed as a foster care parent and would also like to have a day care. The six (6) to twelve (12) children will also include the foster children; currently, there are no foster children in the home. If there were foster children in the home, there could be no more than twelve (12) children total.

QUESTIONS/COMMENTS FROM THE PLANNING COMMISSION:

- **DOYLE:** do you currently have a permit from the State? ANSWER: informed by the State to first do "Step 1" and go before the Planning Commission. Ms. Lincoln currently has a foster care permit and is a relative provider.
- **DOYLE** read *Section 20-200, Group Day Care Home:*

Definition: Group Day Care Home means a private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

C. Group Day Care Home:

 1. *The applicant is the owner or lawful occupant of the property proposed for use as a group day care home.*
 2. *The property is located in an area zoned RSA.*
 3. *The applicant is licensed by the State of Michigan to operate a group day care home.*
 4. *The property is located no closer than 1,500 feet to any of the following:*
 - a. *another licensed group day-care home...*
 - b. *another adult foster care small group home or large group home licensed under the Adult Foster Care Faculty Licensing Act...*
 - c. *a facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code...*

- d. *a community correction center, resident home, half way house, or other similar facility, which houses an inmate population under the jurisdiction of the Department of Corrections.*
5. *Has appropriate fencing for the safety of the children in the group day-care home a determined by the local unit of government.*
- **DOYLE:** 1) your property is Lot Number 83 on Tim Tam Trail next to the corner lot on Tomy Lee Trail; the property is 200' deep and 97' wide in the front and back. Further Questions:
 - Q = is there a fence around the outside property where the children will be inside?
 - A= Yes.
 - Q = Where does the fence go?
 - A= It goes to the back property and side property on both sides and across the back part of the house with a double gate on the drive side and a single gate on the other side.
 - Q= there is a garage in the back of the house with a drive that goes back to the garage, does the fence go from the garage to the back of the existing house moving to the East?
 - A="yes," there is a pole barn and a garage.
 - Q= we just want to make sure that the area where children will be is completely enclosed with a chain link fence.
 - A="Yes". The fence will be four (4') foot high.
 - Q= will the ages of the children be up to age twelve (12)?
 - A="Yes"
 - Q= what kind of property is in back of the "play field" in the back of Ms. Lincoln's property?
 - A= there are a lot of woods.
 - Q= the Planning Commission has to be concerned about the safety of the in the area and what is in the woods. It is up to the State to issue the license.
 - Q= what floor of the house will be children be using?
 - A= it is on the first floor but the basemen is completely finished. Ms. Lincoln had thought about making the area for such activities as quiet time, reading books, etc. especially over the winter months.
 - Q= are there any plans for egress out of the building?
 - A= there are egress windows in the house; there are steps to get up to the windows.
 - Q= the outside of the structure will not be changed.
 - Q= what hours will the group day care be open?
 - A= One (1) parent comes at 5:30 a.m. sometimes. Everyone is gone by 5:00 p.m.
 - Q= will there be a sign in the yard?
 - A= No
 - Q= will there be employees?

A= There will not be any employees; Ms. Lincoln's Mother helps with the day care but lives elsewhere and has a vehicle.

Q= is there enough parking for everyone that comes to pick up their children?

A= there is plenty of parking.

Q= how many children does Ms. Lincoln currently take care of?

A= Six (6) at present and three (3) small children of her own. The six (6) children are from one (1) family and there is only one (1) vehicle involved.

Q= the ordinance addresses off-street parking for employees, so you sort of have one (1) employee?

A= "Yes." There will be more space when the travel trailer moves to the back of the house in the fenced area. The whole side of the driveway will be cleared out for other vehicles. The travel trailer is currently parked out front of the house.

Q= is the driveway twenty (20') feet wide?

A= it was the maximum at the time. **FLOWERS** thought it might be sixteen (16') to eighteen (18') feet wide and would be wide enough to

park

two (2) cars once the trailer is moved to the back of the house. The Mother parks on the road so that the parents can park in the driveway when they bring the children to the day care.

Q= on the "Sketch/Area Table Addendum" it shows a pool, is there a four (4') foot chain fence around it?

A= "No," the above ground pool is enclosed with a deck around it with privacy side panel entrances which are both locked and no one can get into them unless they go through the house, which those doors are locked. There is a security system set up throughout the whole house.

- **NEWMAN:** if the request was approved, it should be stated that it is subject to approval by the State with all the conditions of a group day care.

NEIGHBORS OPINIONS:

1. Ms. Lincoln always has the snow plowed during the winter; very conscious about the children; very well run operation.
2. Ms. Lincoln always has control of the children; if his child was of the age to go to day care, he would not have any problem sending his child to the day care.
3. Very good neighbors.

NEWMAN MOVED, seconded by Hinds, that the Planning Commission approve the application request for the operation of a child day home at 8167 Tim Tam Trail, subject to approval by the State of Michigan, to follow the conditions set forth for a group day care home regarding the fencing, steps with railing to the egress/ingress windows, etc. **MOTION CARRIED.**

V. UNFINISHED BUSINESS:

1. Continued Review of Sign Ordinance

At the last Planning Commission Meeting, a discussion was held regarding a cost factor. Shortly after **NEWMAN** joined the Planning Commission and became the Chair, there was an ordinance update and some of the factors included, with the help of former Planning Commission Member Dave Gibbs, an issue for farmers having better signage, farmers selling produce on the side of the road, etc. After many meetings including special meetings, the Planning Commission ended up not changing any of the ordinances. It was felt that because Flushing Township has such a small commercial district, everyone was already serviced and the ordinance didn't need to have any changes. It has been the continuing challenge of the Planning Commission to review ordinances.

Planning Commission Member **FLOWERS** recently attended a Sign Ordinance Seminar and the sign ordinance had been discussed. It was discussed as to whether Flushing Township could support part of an ordinance where a person could only have a sign in their yard for thirty (30) days. The issue will have to be thrown out because time limits can no longer be enforced on one's property due to freedom of speech.

After reviewing the ordinances from other municipalities, it was felt that the Sign Ordinance for Flushing Township was sufficient. It was decided that the main concern was anything that was not legitimate in the ordinance should be changed according to the State.

DOYLE felt the Planning Commission wanted to review the ordinance, keeping it in the same format, and then adjust the ordinances accordingly to the State Laws and Regulations. It was mentioned that something has to be done with the new electronic signs; there currently is an electronic sign ordinance but it needs to be updated with more language.

NEWMAN stated that if there were changes, **ATTORNEY MOULTON** would draft the language for the Planning Commission. If there needed to be a review for compliance with the State Law and to be constitutional **ATTORNEY MOULTON** would also take care of that issue.

FLOWERS felt there were three (3) or four (4) issues that needed to be addressed by **ATTORNEY MOULTON** so that the Planning Commission could support the

GENSHEIMER felt the thirty (30) days sign ordinance was an uncontrollable issue because neighbors get tired of having signs up for a long period of time.

HINDS felt that in the "real world" most people abide by the thirty (30) day ordinance prior to an election.

Enforcement of the sign ordinances is a problem in the Township. **NEWMAN** will get with **ATTORNEY MOULTON** to get an indication of how much it will cost the Township to have **ATTORNEY MOULTON** review the sign ordinance to see if there are things that are not constitutionally, issues that don't come into compliance with the State Law and needed to be changed, and what it would cost to put language together concerning the electronic signage. An email will be sent to the Clerk on the status of the meeting with **ATTORNEY MOULTON**.

VI. 7:51 P.M. -- OPEN FOR PUBLIC COMMENTS

7:52 P.M. – CLOSED FOR PUBLIC COMMENTS

VII. BOARD COMMENTS:

1. **FLOWERS:** the “9th Annual Genesee County Planning Forum” sponsored by the Genesee County Planning Commission, will be held at the Mass Transportation Authority (MTA) Building, 1401 S. Dort Hwy (Dort Hwy/I-69), on October 24, 2014, from 8:00 a.m. to 12:00 Noon. Please let the Clerk know if you plan to attend so she can get your name sent in.
2. **DOYLE:** the workshops/seminars are always very good so anyone that can attend please sign up.

VIII. MEETING SCHEDULE: NEXT REGULAR SCHEDULED MEETING WILL BE RESCHEDULED FROM MONDAY, OCTOBER 13, 2014 TO MONDAY, OCTOBER 6, 2014 AT 7:00 P.M.

IX. ADJOURNMENT: Due to lack of business matters, **DOYLE** adjourned the meeting at 8:00 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

RONALD FLOWERS, Secretary
08/18/2014 Plann Min

Date of Approval