

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800

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PLANNING COMMISSION MEETING

DATE: MARCH 9, 2009

TIME: 7:00 P.M.

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

MEMBERS OF PLANNING COMMISSION

Mark J. Newman, Chair

Richard Buell

Jerome Doyle, Vice Chair

Ronald Flowers

Eric Swanson, Secretary

David Gibbs

Mark Purkey, Board of Trustee Representative

Jerald W. Fitch, Building Inspector

Julia A. Morford, Recording Secretary

PRESENT: Doyle, Flowers, Gibbs, Purkey, Fitch, and Morford

ABSENT: Newman, Swanson, Buell,

OTHERS PRESENT: 5 other individuals

I. MEETING CALLED TO ORDER at 7:05 p.m. by Planning Commission Vice Chair **JEROME DOYLE (DOYLE)** with Roll Call and the Pledge to the American Flag.

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Purkey to adopt the Agenda as submitted. **MOTION CARRIED.**

III. APPROVAL OF MINUTES OF FEBRUARY 9, 2009: FLOWERS MOVED, seconded by Purkey to approve the Minutes of February 9, 2009 as written.

IV. NEW BUSINESS:

- 1. Informal Discussion regarding Home Occupation, Section 20-1803a for Property Located at 7394 W. Mt. Morris Road, Flushing, Michigan (Parcel No. 08-01-300-005).**

CHRISTINE GODFREY (GODFREY) would like to purchase a home located at 7394 W. Mt. Morris Road and have a home occupation permit to have her barber shop in the home. Important facts:

- a. Currently, the barber shop is located at the corner of Mt. Morris and Seymour Road but due to an increase in the monthly rent, it is not feasible to stay at the current location.
- b. Before GODGREY purchased the home, she wanted to inquire as to whether the home occupation issue would be feasible.
- c. She would prefer to stay in the area since she (Godfrey) has had the barber shop business in the area for one and one-half (1 1/2) years.
- d. Currently, there is a septic system at 7394 W. Mt. Morris but **GODFREY** could hook up to the sewer system.

RESPONSE FROM THE AUDIENCE:

1. “lives across the street from the proposed home and felt it was great”.
2. “an employee that works with **GODFREY** so felt the proposed home occupation would be great”

DOYLE stated the only thing the Planning Commission could do, at the time, would be to give the conditions whereby the home occupation could be accepted.

DOYLE read the conditions of *Article XVIII, 20-1803(a)* whereby the home occupation could be approved:

1. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used for the purposes of the home occupation, and shall be carried out completely within such dwelling.
2. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign not exceeding two (2) square feet in area, non illuminated, and mounted flat against the wall of the dwelling.
3. No home occupation shall be conducted in any accessory structure.
4. There shall be no sale of any goods manufactured elsewhere in connection with such home occupation except for sales incidental to the home occupation.
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking, generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
7. Home occupations shall be carried on by a member or members of the family residing on the premises, and not over one (1) employee not residing on the premises.

COMMENTS FROM THE COMMISSION:

1. **PURKEY** felt **GODFREY** should make sure that people who would come to the barber shop could turn around and pull out onto Mt. Morris Road. **GODFREY** stated there was an area to pull up, turn around, and then pull out onto Mt. Morris Road.
2. **DOYLE** stated the home occupation would be set up so that it would not be any different from a home.
3. **FLOWERS** felt everything should be in writing including the turn around issue, when **GODFREY** returned to the Planning Commission. There should also be a model of the home and where the sign would go.
4. **DOYLE** would like to have a floor plan and plot plan as to where everything would be located.
5. **PURKEY** wanted to know what **GODFREY** needed at the time to proceed with the purchase. **GODFREY** stated the only thing she needed was for the Planning Commission to state it would be “ok” for her to go ahead and purchase the property. **DOYLE** stated **GODFREY** would also have the minutes from the meeting.
6. **DOYLE** stated the Planning Commission has reviewed the home occupation issue and recommended that **GODFREY** follow the conditions of Section 20-1803(a) so there wouldn't be any problems.
7. **FLOWERS** stated when the time arrived when the home occupation increased in business from three (3) to four (4) employees and the zoning changed, **GODFREY** would have to come back to the Planning Commission.

QUESTION FROM A NEIGHBOR IN ATTENDANCE:

What would happen if the home occupation does really good and continues to grow?

DOYLE stated to keep the issue as a home occupation, it would have to be done under the conditions of Section 20-1803(a) but if **GODFREY** decided she wanted to do something else, she (Godfrey) would have to come back to the Planning Commission.

DOYLE stated **GODFREY** would have to return to the Planning Commission to receive her final approval to have the home occupation.

2. Adoption of Amendments to the Charter Township of Flushing Planning Commission By-Laws and Rules of Procedures

DOYLE stated the Charter Township of Flushing Planning Commission By-Laws and Rules of Procedures have been reviewed and a decision has been made. **MORFORD** stated the changes from the previous By-Laws were: **1)** 3.7 Voting/Conflict of Interest was change to 3.5 so there would be an even flow of numbering; **2)** 3.6 Order of Business – “Public Comments and Non Agenda Items were placed after New Business” and **3)** the word “directly” under “For purposes of this policy, a conflict of interest is defined as follows” was eliminated. (Per the Building Inspector, No. 1, “Authority” the statute was **changed** from Public Act 168 of 1959 to Public Act 33 of 2008 to conform with the recent amendments).

FLOWERS MOVED, seconded by Gibbs to adopt the Charter Township of Flushing Planning Commission By-Laws and Rules of Procedures on March 9, 2009

ROLL CALL VOTE:

AYES: Doyle, Flowers, Gibbs, and Purkey

NAYS: 0 MOTION CARRIED.

ABSENT: Newman, Buell, and Swanson

3. Update of the “Items for Discussion” List

DOYLE stated a discussion was held at the February 9, 2009 meeting regarding the *List of Items to be Discussed at Future Planning Commission Meetings (October 23, 2006)*. Listed below are the completed projects and remaining projects for future discussion:

COMPLETED PROJECTS:

1. Joint Meeting with the City of Flushing – April 16, 2007
2. Natural Features – September 10, 2007
 - a. Most natural features belong to someone
 - b. Flint River and banks of River
 - c. Wetlands
3. Cost of density – August 13, 2007
4. Septic Systems – January 8, 2007
5. Site Regulations – August 13, 2007
6. Townhouses verses Duplexes – September 10, October 15, and November 5, 2007
7. Grading and Drainage – June 25, 2007
8. Farmland – October 6, 2008
9. Conflicts of Interest – August 11, 2008
10. Day Care Homes – August 11, 2008

REMAINING PROJECTS:

1. Accessory Structures in the Front Yard
2. Review of Master Plan (up for review 2012 – decided to have updates to stay on top of the matter in order to avoid a lot of work in 2012)
 - a. Vision for future development

COMMENTS FROM THE PLANNING COMMISSION:

1. **GIBBS** wanted to know how the *Grading and Drainage* issue was brought up.
2. **DOYLE** stated the major reason for discussing the *Grading and Drainage* issue was due to the septic systems. Since there were a lot of raised septic systems on properties, which in turn shed the water onto the neighbor’s property. The water was supposed to be graded to a ditch that would run between the properties so that water would not drain to the neighboring property. The other drainage problem was with farmland draining to county drains such as Carpenter Road/Duffield Road, etc. The issue started out mainly with septic systems.

DOYLE felt that by having the list of items to discuss, the ordinances have been kept up to date.

UNFINISHED BUSINESS

1. Discussion Regarding Wind Turbines

DOYLE stated additional information on wind turbines, including sample ordinances, has been received. **FLOWERS** received and passed out to the Planning Commission Members information on *Guidelines for Wind Energy Systems* and maps of the *Wind Speed of Michigan and Wind Resource of the Great Lakes*.

NEWMAN is working on getting a sample ordinance for Flushing Township Planning Commission to review. **DOYLE** stated the interest of the Planning Commission would be to continue with the proposed ordinance at the next meeting.

COMMENTS AS TO WHAT TO INCLUDE IN THE PROPOSED ORDINANCE:

1. **PURKEY** made reference to the Planning Commission Minutes of February 9, 2009:
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- a. Fifteen (15) foot from the ground to the bottom of the blade.
 - b. FAA regulations and guidelines
 - c. Anti Noise Regulations
 - d. Safety Zone (setbacks, fall zone)
 - e. Headed toward forty-five (45) decibels for the norm
2. **DOYLE** stated a lot of questions would be answered if an individual come before the Planning Commission for a wind turbine request.
 3. **PURKEY** stated the only problem would be if someone decided to construct their own wind turbine and engineering information was not available.
 4. **DOYLE** felt the engineering information should be part of the conditions to construct the wind turbine.
 5. **GIBBS** stated the wind turbine issue wasn't a fly-by-night project.
 6. **DOYLE** stated it was the responsibility of the Planning Commission to put the conditions together whereby the individual had to come to the Planning Commission for the request.
 7. **GIBBS** wanted to know if the permit specifications would be handed out similar to the construction of a home. In the residential areas, who would protect the people.
 8. **PURKEY** felt the wind turbines should be inspected when they are hooked up.
 9. **DOYLE** wanted to know who was going to inspect the wind turbines?
 10. **GIBBS** stated people have been killed by just bending down and picking up 220 wire.
 11. **DOYLE** stated that was the reason for the height distance between the ground to the blade so if a tractor or machine went under the turbine there wouldn't be any problems.

12. **PURKEY** stated some of the turbines are designed for roof top which wouldn't be any higher than a TV antenna. They are being utilized as architectural decorations in some buildings.
13. **DOYLE** felt there needed to be two (2) parts to the ordinance: one for commercial and one for residential.
14. **FLOWERS** stated if an individual looked on the Wind Map (which was handed out) at Genesee County, Flushing Township, the wind was 11 to 13 miles per hour at 30 meters. The other map would be 50 meters or 160 – 175 ft. The State of Michigan does have good wind density in some areas. On the other side, an individual with less than 100 feet would not capture more wind; it would be down to 8 to 12 miles per hour. Trees make a big difference with the wind.
15. **PURKEY** felt the Planning Commission was looking at building safety regulations and questioned whether the Planning Commission should get involved with telling people they could or could not construct a wind turbine.
16. **DOYLE** felt the sample ordinance from Rose Township was very stringent because everything had been covered. There isn't much to the smaller units so wouldn't have to review so many different issues other than the safety issues.
17. **PURKEY** stated some of the wind turbines were putting out AC power without a converter/inverter. Other turbines are converting from DC to AC and going into the power source. If the power was not used, it would go back into the Grid.
18. **DOYLE** recommended studying the items for an ordinance that have already been mentioned and check to see if there are any other items needed.
19. **FLOWERS** stated in the sample ordinances, there were great suggestions about keeping the first twelve (12) foot of the ladder off the ground which would make it impossible for most people to get onto the ladder.
20. **PURKEY** stated the Chester Township sample ordinance was a decent ordinance talking about commercial or wind power. He (Purkey) felt there would be more problems with the smaller wind turbines for homes.
21. **GIBBS** felt there should be regulations for the people that were installing the wind turbines – safety factor.
22. **PURKEY** stated almost all the wind turbines were tied into the electrical system where an electrical inspection had to be done. He (Purkey) doesn't know how to tie into an electrical box with another power source without getting an inspection.
23. **GIBBS** inquired from **JERRY FITCH (FITCH)** as to the number of turbine requests that Flushing Township had received.
24. **DOYLE** stated everything had to be covered in the ordinance.
25. **FITCH** felt Chester Township had better coverage of all the requirements.
26. **PURKEY** stated it wasn't up to the Planning Commission as to what to do.
27. **DOYLE** stated the information had to be brought to the Planning Commission for approval.

DOYLE recommended going through the Chester Township Ordinance and earmark items for the April 20, 2009 Planning Commission meeting; additional issues could be added to the prior suggestions that had been made for the proposed Flushing Township Wind Turbine Ordinance.

PURKEY wanted to know if the Chester Township Ordinance was a good place to start for a commercial ordinance.

FLOWERS recommended taking out of the Chester Township Ordinance and put in what we (Flushing Township Planning Commission) wanted – it would be a start.

DOYLE felt that if everyone brought their ideas and put everything together it would be a start.

VI. PUBLIC COMMENTS:

8:04 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS

1. **Don Schwieman, 9205 N. Island Drive, Flushing** – “people in the area are trying to sell their homes; someone would have to market the wind turbines to the property owners that have three (3) to four (4) acres of land; someone from a major wind turbine company should come to a meeting a give the correct information; safety would be a main factor.
2. “what happened when someone abandoned a wind farm; where are the batteries stored; the township is at the beginning of the turbine technology.
3. The Planning Commission felt there should be two (2) issues put into the ordinances:
 - a. There should be two ordinances: 1) residential and 2) commercial
 - b. There should be an abandonment clause in the ordinance.

8:16 P.M. - CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VII. BOARD COMMENTS:

VIII. MEETING SCHEDULE:

REGULAR SCHEDULED MEETING – MONDAY, APRIL 20, 2009 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, MAY 11, 2009 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, JUNE 8, 2009 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, JULY 13, 2009 AT 7:00 P.M.

IX. ADJOURNMENT: Due to lack of business matters, **NEWMAN** adjourned the meeting at 8:22 p.m.

JEROME DOYLE, Vice Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval

Planningminutes 03/09/09