

# CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800

FAX: 810-659-4212

## ***PLANNING COMMISSION MEETING***

DATE: JUNE 9, 2008

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

Barry Pratt, Board of Trustee Representative

Jerald W. Fitch, Building Inspector

Julia A. Morford, Recording Secretary

**PRESENT:** Newman, Doyle, Swanson, Buell, Flowers, Gibbs, Pratt, Fitch, and Morford

**ABSENT:** None

**OTHERS PRESENT:** None

**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 Doyle to adopt the Agenda as presented. **MOTION CARRIED.**

**III. APPROVAL OF MINUTES:**

a. **APPROVAL OF MINUTES OF APRIL 14, 2008: PRATT MOVED**, seconded by Flowers to approve the Minutes of April 14, 2008 with correction. **MOTION CARRIED.**

b. **APPROVAL OF MINUTES OF MAY 12, 2008: FLOWERS MOVED**, seconded by Doyle to approve the Minutes of May 12, 2008 with corrections. **MOTION CARRIED.**

**IV. UNFINISHED BUSINESS:**

**1. Discussion Regarding the Proposed Changes to Day Care Facilities**

A Memorandum was received by the Planning Commission from Building Inspector **JERRY FITCH (FITCH)** who had discussed the issue of Day Care Facilities with Flushing Township Attorney **STEVE MOULTON (ATTORNEY MOULTON)** and he (Attorney Moulton) stated the Flushing Township Planning Commission could not supersede the State of Michigan Requirements for Day Care Facilities.

### COMMENTS FROM THE PLANNING COMMISSION:

- **BUELL:** why doesn't the Secretary of State issue the special use permits? Why does the Planning Commission have to get involved.
- **NEWMAN:** the issue is directed through the Licensing Bureau of Labor and Economic Growth. The Planning Commission would be involved because of the zoning issue. The individual would be the one to get the State License. The township planning commission doesn't have the ability to say anything, unless the township wanted to waive one of the State Requirements.
- **PRATT:** the ordinance states the "individual has to come before the Planning Commission" but if the issue was non-discretionary, then it would not be a planning commission issue.
- **NEWMAN:** the ordinance was written before the law was changed.
- **DOYLE:** the Township Planning Commission does have the right to put together the zoning ordinance. In order to make decisions, the Planning Commission still needed to hear the information and what was transpiring as far as the zoning ordinances. If the issue was non-discretionary, the local people would not have anything to say. The Planning Commission should review previous minutes and see how many questions the Planning Commission has had for different issues.
- **PRATT: ATTORNEY MOULTON** was going exactly by the wording from the State which says:

**"Section II:** Operation of a child care center, family day care home or group day care home shall require a non-discretionary special use permit as provided in Section 20-1800, et seq. of this ordinance."
- **PRATT:** the Planning Commission could not supersede the State; the Planning Commission could put in the ordinance that here is the State Law and if the matter met the law, a special use permit would be issued. There is nothing the Planning Commission could not do that would make sense to make the issue non-discretionary.
- **DOYLE:** the Planning Commission has certain issues they could decide, and there are certain requirements that **FITCH** has to deal with on the zoning of the property. The question would be to allow **FITCH** the power to go ahead and issue the permits. The Planning Commission would have nothing to say about the issue unless **FITCH** decided to come to the Planning Commission and ask for information?
- **PRATT:** the issue would be non-discretionary.
- **DOYLE:** (interpretation of non-discretionary) the individual would come in to the office and get a special use permit based on what **FITCH** felt was the appropriate decision on the property as far as the zoning was concerned and then forget about a special use permit and the residents of the township having any input into the situation.
- **PRATT:** under the law, the residents don't have a say. The issue is decided by the Law.
- **DOYLE:** it would not make any difference as to what the State said; the State has rules and regulations but the State doesn't have laws that regulate zoning. The Planning Commission still has the right to make decisions about the three (3) or four (4) items in the State Law.

- **PRATT:** the law stated a *family day care home* must be located in an RSA or RU-1 district. If the issue was a *child care center*, it must be located in C-1 or C-2. A *group day care home* must be in RSA. It also mentioned:  
“There had to be appropriate fencing for the safety of the children in the group day-care home as determined by the local unit of government.”  
**PRATT:** the State issued the license based on State Law; the township was not liable for the license.
- **FITCH:** generally, the State sends a form to the Building Inspector to be filled out which was part of the requirements to receive a license.
- **DOYLE:** this is one more privilege the State could take away from the Planning Commission. If the local Planning Commission doesn't take care of the matter, the individual would have to go to the County where they (residents) would never be heard. People need to be heard.
- **FLOWERS:** the Planning Commission would be giving up some of its rights; biggest concern would be not letting the residents know a certain project would be coming into their neighborhood and with the non-discretionary no one would know about the issue until it was located in the neighborhood and after, it would be hard for local residents to complain; it would then be a Township Board issue. There are very few neighborhoods where the neighbors know each other. If **FITCH** was to be the person that would give the special use permit, the neighborhood should know about the project before he (Fitch) signed the permit. Maybe if after fifteen (15) days and no type of correspondence had been received from the neighbors, then something could be done.
- **DOYLE:** can't do anything about people “just not wanting” a project in the neighborhood. Residents would be able to find out information if they attended a meeting and at the same time the Planning Commission would benefit from the input of the residents.
- **FLOWERS:** the main concern would be to make sure the neighborhood would know about a project.
- **NEWMAN:** felt **FLOWERS** had the same idea as to what **MR. DOYLE** had said in that residents should have the opportunity to come in and voice their issues even if it was a forgone conclusion, the neighbors might have some input on the other issues.
- **PRATT:** the township still has a Code Enforcement Officer if there should be a noise or traffic issue it could be taken care of because there still are ordinances that protect particular issues. There has been over \$2,000 saved this year. There are a lot of people that would prefer not to come before the Planning Commission because it seems like a Court of Law.
- **DOYLE:** on the other hand, there should be a system to let people know exactly what was going on. **DOYLE** knows what the law states, but there are still items that are discussed that details were revealed when the audience was in attendance. There should be a process by which people could be informed in order to make their voice heard.
- **SWANSON:** besides being the Building Inspector, **FITCH** also is the Zoning Administrator; in a lot of cases it would be a “no brainer” when it comes to fences, etc. Once in a while there are difficult cases which **FITCH** would have the option to come to the Planning Commission or to the Zoning Board of Appeals (ZBA) where there would

be all types of notification to the residents. **SWANSON** felt that **FITCH** was more than capable of handling what the Planning Commission required.

- **NEWMAN:** appreciated everyone expressing their opinions. The issue would be whether or not to schedule a Public Hearing.

**SWANSON MOVED**, seconded by Pratt to schedule a Public Hearing to be set for the Regular Scheduled Planning Commission Meeting of August 11, 2008. **MOTION CARRIED.**

## **2. Discussion Regarding Wind Turbines**

**NEWMAN** stated the Planning Commission was in the very early stages of putting together information regarding wind turbines (turbines). **FITCH** has obtained information from different resources regarding the turbines for the Commission to review.

### **DISCUSSION AMONG THE PLANNING COMMISSION**

- **GIBBS:** an individual can't work around the turbines without earplugs because there is a lot of noise and the turbines are very high pitched. (This information was mentioned in the *Farm Journal Magazine*.)
- **SWANSON:** alternative energies are very much needed; **SWANSON** has a friend that has a house, on a hill, up north and even though it was quiet you could hear the blade all day long.
- **NEWMAN:** has a friend who has a house on top of a mountain, north of Marquette, who has a turbine; the turbine was able to power a 4,000 square foot lodge with it and it gets to the point where he (the friend) has to turn off the turbine because he (the friend) was off the grid. Since the grid was not there, he couldn't sell the surplus, so when the batteries would get to "full charge" the turbine kept spinning but he (the friend) had to disconnect the flow because he (the friend) would get more than he (the friend) could handle and more than the batteries could store.
- **DOYLE:** the price of the wind turbines and geo-thermals are very expensive.
- **FLOWERS:** pumping windmills are very seldom heard running. The number and design of the blades could make a difference.
- **SWANSON:** his friend manufactured solar panels, but stated solar energy was the future because there was enough light in the middle of the night to charge the panels so they would work 365 days a year; a wind mill would only work when there was wind. Solar energy was much more expensive.
- **PRATT:** saw in one of the *Michigan Township Association (MTA) News* magazines where the legislature has begun a special on windmill turbines.
- **SWANSON:** felt that **FITCH** would be getting more requests for wind turbines and there should be some type of ordinance put together.
- **NEWMAN:** felt the issue was as **DOYLE** had indicated; the first geo-thermal units was \$5,000 and now it would cost \$500 which was similar to the first calculator that had cost \$50 but now you could purchase ten (10) calculators for \$1.00. Technology would make items cheaper which would make the item more assessable to people.

- **GIBBS:** the grain dryer that he installed on his farm was three (3) times the size of the first grain dryer; a person could walk by the dryer and had to listen to see if the dryer was running because it was so quiet. The angle of the blade made a more efficient machine.
- **NEWMAN:** recommended placing the wind turbine issue under “Unfinished Business” so the issue could further be discussed each month.

**V. NEW BUSINESS:**  
None

**VI. PUBLIC COMMENTS:**

**7:51 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS**

**7:52 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS**

**VII. BOARD COMMENTS:**

1. **DOYLE AND SWANSON** will not be in attendance at the July 14, 2008 Planning Commission Meeting.
2. **FLOWERS** reported on the Michigan Zoning Enabling Act:
  - a. **FLOWERS, DOYLE** and **MORFORD** recently attended a free Michigan Zoning Enabling Act Seminar at Mott College.
  - b. **FLOWERS, PRATT,** and **GIBBS** recently attended a Michigan Zoning Enabling Act Seminar at Bavarian Lodge in Frankenmuth. The seminar, which was over three (3) hours in length, would go into effect on September 20, 2008.
    1. **FLOWERS** passed out a Planning Commission “To Do List” that was passed out at the Frankenmuth Seminar.
    2. The Planning Commission has until 2011 to make some of the changes.
    3. How did the Planning Commission become incorporated?
    4. How was the Planning Commission formed?
    5. Proposed New Laws:
      - a. Budget Report to the Township Board
      - b. Annual Report to the Board
3. In order to save paper, it was decided that some of the Planning Commission Members do not want an “Approved” (corrected) set of minutes. If anyone needs a copy of the Approved Minutes, they could come into the township and get a hard copy or get the minutes off the web at [flushingtowship.com](http://flushingtowship.com)

**VIII. MEETING SCHEDULE:**

- REGULAR SCHEDULED MEETING – MONDAY – JULY 14, 2008 AT 7:00 P.M.**
- REGULAR SCHEDULED MEETING – MONDAY – AUGUST 11, 2008 AT 7:00 P.M.**
- REGULAR SCHEDULED MEETING – MONDAY – SEPTEMBER 8, 2008 AT 7:00 P.M.**
- REGULAR SCHEDULED MEETING – MONDAY – OCTOBER 6, 2008 AT 7:00 P.M.**
- REGULAR SCHEDULED MEETING – MONDAY – NOVEMBER 10, 2008 AT 7:00 P.M.**
- REGULAR SCHEDULED MEETING – MONDAY – DECEMBER 8, 2008 AT 7:00 P.M.**

**IX. ADJOURNMENT:** There being no further business items on the Agenda, NEWMAN adjourned the meeting at 8:19 p.m.

\_\_\_\_\_  
MARK J. NEWMAN, Chair

\_\_\_\_\_  
JULIA A. MORFORD, Recording Secretary

\_\_\_\_\_  
ERIC SWANSON, Secretary

\_\_\_\_\_  
Date of Approval

Planningminutes 06/09/08