

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800

FAX: 810-659-4212

PLANNING COMMISSION MEETING

DATE: MARCH 10, 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: Doyle, Flowers, Gibbs, Pratt, and Morford

ABSENT: Newman, Buell, Swanson and Fitch

OTHERS PRESENT: Jayme Allen

I. MEETING CALLED TO ORDER at 7:15 p.m. by Planning Commission Vice Chair **JEROME DOYLE** with Roll Call and the Pledge to the American Flag.

II. ADOPTION OF AGENDA: PRATT MOVED, seconded by Gibbs to adopt the Agenda as presented but to remove number 2, "New Business", *Election of Officers*, and to place the issue on the Planning Commission Agenda for April 14, 2008. **MOTION CARRIED.**

III. APPROVAL OF MINUTES OF JANUARY 7, 2008: FLOWERS MOVED, seconded by Pratt to approve the Minutes of January 7, 2008 with corrections. **MOTION CARRIED.**

IV. UNFINISHED BUSINESS:
None

V. NEW BUSINESS:

1. Jayme Allen, 7433 Mt. Morris Road, Flushing, Michigan 48433

Special Use Permit to Operate a Group Child Care Home (Group Home) at 7433 Mt. Morris Road, Flushing, Michigan 48433, Parcel No. 08-12-100-048

JAYME ALLEN (ALLEN), 7433 Mt. Morris Road, Flushing, Michigan was present to request a Special Use Permit to operate a Group Child Care Home at 7433 Mt. Morris Road.

ALLEN REQUESTED:

1. The License would be for twelve (12) children.
2. Preferred younger children since she (Allen) has a baby.
3. The State License allowed for two (2) children under the age of two (2) years.
4. Ages of the children would be two (2) to thirteen (13) years.
5. There would only be one (1) adult provider.
6. Three (3) people currently live in the home (7433 Mt. Morris Road).
7. A fence has to be around the property since a pond is located in the backyard.
 - a. The fence would be four (4) feet high.
 - b. **ALLEN** has one (1) acre of land, but only the back yard would be fenced.
8. Blue Spruce trees have been planted along the back property, ten (10) feet from the back property line.
9. A gate would be placed next to the garage along the North/South fence line.
10. The hours of operation would be 5:00 a.m. to 7:00 p.m.
11. No signs would be placed in the front yard.
 - a. By law, **ALLEN** would be allowed to have a 1' x 1' sign in her yard without a permit.
 - b. If she should decide, in the future, to have a sign in her yard, **ALLEN** would have to abide by the sign ordinance.
12. The fence would extend from the:

“Southwest corner of the house to the West property line; South along the West property line to within ten (10) feet of the South property line; East to a point that is straight South of the North/South line of the garage; then continue from the Southerly point to the Southeast corner of the garage.”
13. There wouldn't be any problem with the parking because if more space was needed, the driveway could be extended.
14. The parents would be dropping off the children at different times of the day; everyone would not be present at the same time.
15. The property has been surveyed.

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DOYLE read *MCL 125.3206 Section 206(4)*, (Michigan Zoning Enabling Act (MZEA)), from an Opinion received from **ATTORNEY STEVE MOULTON (ATTORNEY MOULTON)** regarding the *Permitting Process for Day Care Homes*.

“For a county or township, a group day-care home shall be issued a special use permit, conditional use permit, or other similar permit, if the group day-care home meets all of the following standards:

- (a) Is located not closer than 1,500 feet to any of the following:
 - (i) Another licensed group day-care home

- (ii) Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act. . .
- (iii) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code. . .
- (iv) 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.
- (b) Has appropriate fencing for the safety of the children in the group day-care home as determined by the local unit of government.
- (c) Maintains the property consistent with the visible characteristics of the neighborhood.
- (d) Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
- (e) Meets regulations, if any, governing signs used by a group day-care home to identify itself.
- (f) Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.

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COMMENTS FROM THE PLANNING COMMISSION MEMBERS:

1. Per the Michigan Zoning Enabling Act, the use would be residential.
2. Inspections are processed through the State Licensing; if there should be complaints, then Flushing Township would get involved.
3. The group home would be licensed for one (1) to twelve (12) children.
4. The hours would be 5:00 a.m. to 7:00 p.m.
5. There would not be any signs in the yard.
6. The parking would be in the driveway – not on the street.
7. There would be a four (4) foot fence surrounding the back yard.
8. There could be two (2) children under the age of two (2) years.
9. The oldest child would be thirteen (13) years of age.
10. There would be a chaperone with the child (ren) when they went out to the bus stop.
11. There would be a swing set in the back yard adequately secured/protected per State requirements.

CORRESPONDENCE:

1. Correspondence wasn't received by or hand delivered from any of the residents.
2. No one was present to protest the group child care home.

FLOWERS MOVED, seconded by Gibbs to allow a Special Use Permit for a Group Child Care Home to be issued to Jayme Allen, 7433 Mt. Morris Road, Flushing, Michigan 48433, Parcel No. 08-12-100-048 with the following stipulations:

1. No more than twelve (12) children.
2. The hours of operation would be 5:00 a.m. to 7:00 p.m.
3. No signs would be placed in the front yard.
4. Parking would be in the driveway only; no parking on Mt. Morris Road.
5. There would be a four (4) feet fence with a locked gate in the back yard.
6. There would only be two (2) children under the age of two (2) years.
7. Ten (10) children would be between the ages of two (2) and thirteen (13) years of age.
8. A swing set would be adequately placed in the back yard.
9. A chaperone would walk the child(ren) to the bus stop.
10. Currently, three (3) people live in the home.

**ACTION OF THE MOTION:
MOTION CARRIED**

2. Election of Officers

The *Election of Officers* will be held April 14, 2008 since some of the Planning Commissioners were absent.

3. Review and Discussion of the Permitting Process for Day Care Homes

It was recommended that due to the absence of some of the Planning Commission Members, the *Permitting Process for Group Day Care Homes* would be placed on the April 14th Agenda.

DOYLE stated he felt the below listed information (from Attorney Moulton's Opinion of January 24, 2008) needed to be placed in the ordinances:

(Page 2) *MCL 125.3206, Section 206 (4) which states:*

- (1) Except as otherwise provided in subsection (2), a state licensed residential facility shall be considered a residential use of property for the purposes of zoning and a permitted use of all residential zones that is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone.
- (2) Subsection (1) does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions. (This is the exception).
- (3) For a county or township, a family day-care home is considered a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required of other dwellings of similar density in the same zone.”

AND

(Page 3-4) “For a county or township, a group day-care home shall be issued a special use permit, conditional use permit, or other similar permit, if the group day-care home meets all of the following standards:

- (a) Is located not closer than 1,500 feet to any of the following:
 - (i) Another licensed group day-care home
 - (ii) Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act. . .
 - (iii) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code. . .
 - (iv) 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.
- (b) Has appropriate fencing for the safety of the children in the group day-care home as determined by the local unit of government.
- (c) Maintains the property consistent with the visible characteristics of the neighborhood.
- (d) Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day-care home between the hours of 10:00 p.m. and 6:00 a.m.
- (e) Meets regulations, if any, governing signs used by a group day-care home to identify itself.
- (f) Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.”

PRATT felt the group day-care homes should be made into non-discretionary. There will be more discussion regarding Group Day-Care Homes at the Regular Scheduled Planning Commission Meeting for April 14, 2008.

VI. PUBLIC COMMENTS:

8:35 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS

8:35 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VII. BOARD COMMENTS:

1. It was recommended that when the Annual Michigan Townships Association (MTA) Conference is announced every January, the Planning Commission should be informed as to the classes that are offered pertaining to Planning/Zoning and if any Planning Commission Member would like to attend, approval should be obtained from the Board of Trustees.

VIII. MEETING SCHEDULE:

REGULAR SCHEDULED MEETING – MONDAY, APRIL 14, 2008 AT 7:00 P.M.
REGULAR SCHEDULED MEETING – MONDAY, MAY 12, 2008 AT 7:00 P.M.
REGULAR SCHEDULED MEETING – MONDAY – JUNE 9, 2008 AT 7:00 P.M.
REGULAR SCHEDULED MEETING – MONDAY – JULY 14, 2008 AT 7:00 P.M.

IX. ADJOURNMENT: There being no further business items on the Agenda, **DOYLE** adjourned the meeting at 8:36 p.m.

JEROME DOYLE, Vice Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval

Planningminutes 03/10/08