

**CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
FLUSHING, MICHIGAN 48433**

810-659-0800 FAX: 810-659-4212

MINUTES OF THE PLANNING COMMISSION MEETING

DATE: SEPTEMBER 12, 2022 TIME: 7:00 P.M.

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

MEMBERS OF PLANNING COMMISSION

Chair – Vicki Bachakes	Ronald Voigt
Vice Chair -Christopher Czyzio	Craig Davis
Secretary - William Mills	Amy Bolin
Terry A. Peck, Board of Trustees Representative	
Mandy Hemingway, Recording Secretary	

PRESENT: Amy Bolin, Vicki Bachakes, Christopher Czyzio, Craig Davis and Terry Peck

ABSENT: Ronald Voigt and William Mills

OTHERS PRESENT: Forty-five (45) other individuals were present.

I. MEETING CALLED TO ORDER at 7:02 P.M. by Planning Commission Chairperson Bachakes with Roll Call and Pledge to the American Flag.

II. APPROVAL OF AGENDA:

COMMISSIONER PECK MOVED, supported by Commissioner Bolin to approve the agenda as presented.

THE MOTION CARRIED.

III. APPROVAL OF PREVIOUS MINUTES:

COMMISSIONER CZYZIO MOVED, supported by Commissioner Peck to approve the minutes of the August 25, 2022 special meeting.

THE MOTION CARRIED.

IV. PUBLIC COMMENTS

OPEN FOR PUBLIC COMMENTS 7:04 P.M.

One comment was made.

CLOSED FOR PUBLIC COMMENTS 7:06 P.M.

V. UNFINISHED BUSINESS

1. Discussion and possible motion regarding Zoning Ordinance Article 18, Special Use Permits Article: Section 20-1804 Requirements for Permitted Special Land Uses (OO) Commercial Solar Energy Collector System (b)(2)
The total area of ground-mounted solar energy collections shall be included in calculations to determine lot coverage and shall not exceed a maximum lot coverage of 25 percent regardless of the residing zoning district.

At this time, Chairperson Bachakes deferred to Jason Ball of Rowe Engineering to discuss the suggested revisions as attached. The commissioners went page by page and discussed several changes. Referenced changes are highlighted and attached to these minutes.

After a lengthy discussion the following motion was made.

COMMISSIONER PECK MOVED, supported by Commissioner Bolin to move this item to Unfinished Business on the October 11, 2022 agenda.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Bolin, Bachakes, Czyzio, Davis and Peck

NAYS: None

ABSENT: Mills and Voigt

THE MOTION CARRIED.

Jason Ball from Rowe Engineering directed by the Planning Commission will construct an updated draft ordinance with the suggested revisions for the next regular scheduled Planning Commission meeting on October 11, 2022.

VI. NEW BUSINESS

1. Consideration of request to rezone Parcel No. 08-12-000-008 from C-2 General Commercial District/RU-3 Residential Urban High-Density District to RU-2 Residential Urban Medium-Density District. The property address is 7533 N. McKinley Road, Flushing, MI 48433.

Dan Brennan, a planning consultant, and Jenna Zyla, a project manager, were in attendance and gave a brief overview of the purpose for the rezoning request. The proposed project would consist of a privately funded 76-unit gated community of garden apartments. After reviewing the application and support material and a short discussion the following motion was made.

COMMISSIONER PECK MOVED, supported by Commissioner Czyzio to hold a Public Hearing.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Bachakes, Czyzio, Davis, Peck and Bolin

NAYS: None

ABSENT: Mills and Voigt

THE MOTION CARRIED.

PUBLIC HEARING OPENED AT 8:22 P.M.

No comments were made.

PUBLIC HEARING CLOSED AT 8:23 P.M.

After reviewing the application and support material and a short discussion the following motion was made.

COMMISSIONER PECK MOVED, supported by Commissioner Davis to approve the request to rezone Parcel No. 08-12-000-008 from C-2 General Commercial District/RU-3 Residential Urban High-Density District to RU-2 Residential Urban Medium-Density District to go to the Board of Trustees for final approval.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Peck, Bolin, Bachakes, Czyzio and Davis

NAYS: None

ABSENT: Mills and Voigt

THE MOTION CARRIED.

This item will be brought to the Board of Trustees at the October 13, 2022 Board of Trustees regular meeting.

2. Consideration of a request for a Special Use Permit for the purpose of a seasonal haunted hayride pursuant to Article XVIII Sec. 20-1804 (d) Agricultural Tourism Facilities at Parcel No. 08-11-100-006, property address 7462 N. McKinley Road, Flushing, MI 48433.

The applicant, Alberto Dimatteo, along with Attorney Michael Gildner and professional engineer Matt Germain were in attendance. An extensive overview of the haunted hayride and other attractions was given by Mr. Dimatteo and Attorney Gildner. After an extremely lengthy discussion, the following motion was made.

COMMISSIONER PECK MOVED, supported by Commissioner Davis to hold a Public Hearing.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Bachakes, Czyzio, Davis, Peck and Bolin

NAYS: None

ABSENT: Mills and Voigt

THE MOTION CARRIED.

PUBLIC HEARING OPENED AT 9:10 P.M.

- Debbie Lawrence, owner of Marcella's Bakery, reported she will be providing all the food and drinks for this attraction. She stated this will be nice for our community; a good, fun thing for the community.
- Karen Fras, of 8246 W. Mt. Morris Road, commented that their Whispering Pines business encounters a lot of traffic coming in and out and there are no issues.

- Gregory Weirauch, of 7428 N. McKinley Road, commented that he is a neighbor and welcomes this seasonal event as long as noise and mess is controlled; respects what applicant is trying to do.
- Lazarus Jones, of 8335 W. Mt. Morris Road, commented he can hear Whispering Pines more than he can hear the hayride rehearsals.
- Annabella, an employee of Michigan's Haunted Musical, commented that there is nothing quite like this, it is a place where people can have fun and will be good for the community.
- Jodi Ellsworth, of 7307 Johnson Road, commented she is employed as a tour guide at Michigan's Haunted Musical and it is going to be a fun, different experience. They are working out quirks and making sure all passengers on wagons are safe, everything goes smooth and everyone has a good time.
- Ginetta Dimatteo, mother of the applicant, commented it is difficult to sell tickets when postponing opening date.

PUBLIC HEARING CLOSED AT 9:17 P.M.

COMMISSIONER PECK MOVED, supported by Commissioner Davis to approve the request for a Special Use Permit with the following conditions:

- The permit is conditional and for this year only; it will require an annual approval from the Planning Commission.
- The hours of operation on Friday and Saturday will have last event ticket to be sold for 10:00 P.M. and on Sunday last event ticket will be sold for 9:00 P.M.
- This permit is for the months of September and October ONLY.
- If required, a driveway permit approval from the Genesee County Road Commission be provided to the township, consistent with *Special Land Use Section 20-1802*.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Davis, Peck and Bachakes

NAYS: Czyzio and Bolin

ABSENT: Mills and Voigt

THE MOTION CARRIED.

At this time, the planning commissioners moved onto reviewing the site plan submitted by the applicant. There was a very lengthy discussion on parking, safety, signage, lighting and inspections.

Jason Ball, of Rowe Engineering provided insight on requirements the site plan submitted by the applicant lacked. He referenced a letter he had previously submitted to Clerk Meinburg, dated August 25, 2022, which highlighted the areas of concern that need to be addressed to be compliant with the Flushing Township Zoning Ordinance.

After futher discussion, the following motion was made.

COMMISSIONER CZYZIO MOVED, supported by Commissioner Peck to approve the site plan as submitted with no conditions.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Peck

NAYS: Davis, Bolin, Bachakes and Czyzio

ABSENT: Mills and Voigt

THE MOTION FAILED.

COMMISSIONER DAVIS MOVED to approve the site plan with conditions that were reflected in the letter offered by Rowe Engineering dated 8/25/22; building inspector be able to inspect the structures, signage approved by building inspector. There was no second on the motion and **THE MOTION FAILED.**

After further discussion, the following motion was made.

COMMISSIONER PECK MOVED, supported by Commissioner Davis to move this item to Unfinished Business for the next Planning Commission meeting.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Peck, Bolin, Bachakes, Czyzio and Davis

NAYS: None

ABSENT: Mills and Voigt
THE MOTION CARRIED.

VI. PUBLIC COMMENTS

OPEN FOR COMMENTS: 10:16 P.M.

No comments were made.

CLOSED FOR COMMENTS: 10:17 P.M.

VII. COMMISSION COMMENTS

Commissioner Bolin thanked Jason Ball from Rowe Engineering for his help, insight and direction.

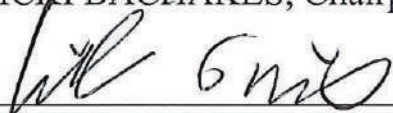
**VIII. NEXT REGULAR SCHEDULED MEETING IS TUESDAY,
OCTOBER 11, 2022 AT 7:00 P.M.**

IX. ADJOURNMENT

With no further business, the meeting adjourned at 10:18 P.M.



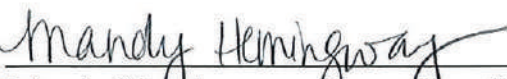
VICKI BACHAKES, Chairperson



WILLIAM MILLS, Secretary

9-26-22

Date of Approval



Mandy Hemingway, Recording Secretary

**Flushing Township
Solar Energy Zoning Ordinance Provisions
AMENDED MONTH, YEAR**

Article 2 DEFINITIONS

LANDSCAPED BERM: An earth mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

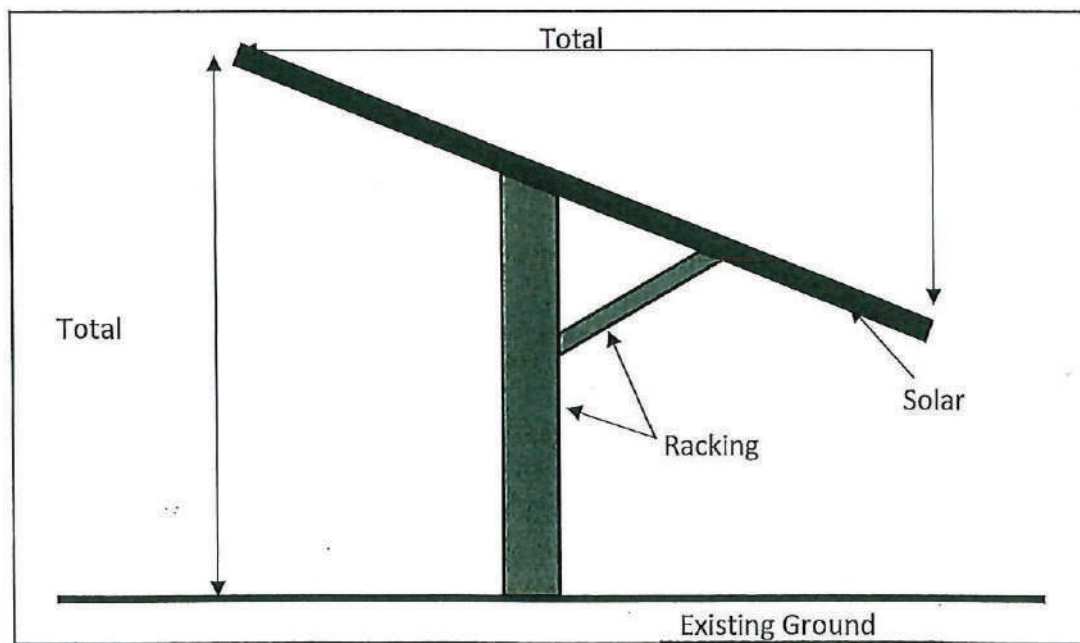
GREENBELT: An open area which may be cultivated or maintained in a landscaped state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

SOLAR ENERGY COLLECTOR: A device, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

SOLAR ENERGY COLLECTOR, GROUND MOUNTED: A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located (Figure 1).

SOLAR ENERGY COLLECTOR, ROOF-MOUNTED: A solar energy collector that is attached to a building's roof on the parcel of land including solar shingles.

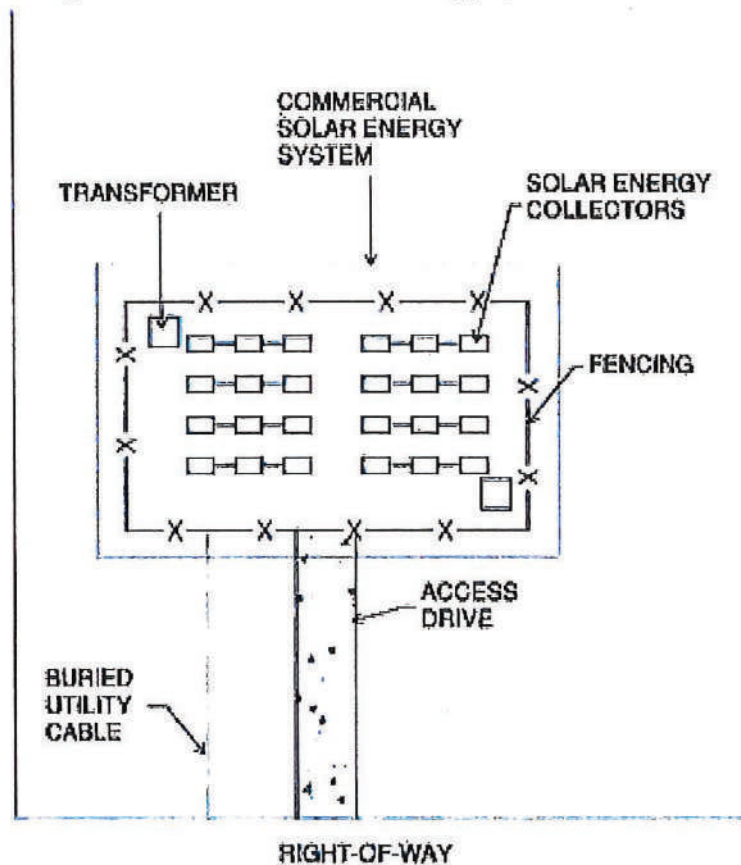
Figure 1: Ground Mounted Solar Energy Collector Illustration



SOLAR ENERGY SYSTEM: One or more solar energy collectors or structural design features of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use.

SOLAR ENERGY SYSTEM, COMMERCIAL: A utility-scale facility of ground-mounted solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity, commonly referred to as solar farms. A commercial solar energy system includes the solar panels, **internal roadways**, spacing for service, fencing, and any other structure, transformer, or devices of the like needed for solar production or operation of the system. See Figure 2.

Figure 2: Commercial Solar Energy System Illustration



SOLAR ENERGY SYSTEM, ON-SITE: A solar energy system designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted. An on-site solar energy system may include ground-mounted, roof-mounted solar energy collectors, or a combination of the two. The majority of the electricity generated by an on-site solar energy system must remain on the site, and not be utilized for wholesale or retail sale.

RACKING: Racking is any structure or building material used in the mounting of a solar panel.

SOLAR PANEL: A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

Article 3 General Regulations

Section 20-324 Landscaping and Screening

The planning commission may require the installation of a Landscaped Berm and/or Greenbelt to visually screen special land uses from the right-of-way or other uses, and when a commercial, industrial, or multi-family land use or zoning district abuts a single-family residential zoning district or use. The following are minimum standards and may be amended by the Planning Commission during site plan review.

- (a) Greenbelt: Where required, greenbelts shall conform to the following standards:
 - (1) A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular access.
 - (2) Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, with the exception of sidewalks and driveways.
 - (3) A minimum of two (2) deciduous trees or two (2) evergreen trees shall be planted for each thirty (30) linear feet or portion thereof of required greenbelt length. Required trees shall be at least five (5) feet tall and may be planted at uniform intervals, at random, or in groupings.
 - (4) Four (4) - eighteen (18) inch high shrubs shall be required for each thirty (30) linear feet of greenbelt area. Required shrubs may be planted at uniform intervals, at random, or in groupings.
 - (5) For the purpose of determining required plant material, required greenbelt area length shall be measured along the exterior periphery of the greenbelt area inclusive of all driveways.
 - (6) Trees or shrubs shall be planted at least three (3) feet from any property line.
- (b) Landscaped Berms: Where required, landscaped berms shall conform to the following standards:
 - (1) The berm shall be at least three (3) feet above the grade elevation and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.
 - (2) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
 - (3) A minimum of one (1) deciduous or one (1) evergreen tree shall be planted for each thirty (30) linear feet or portion of required berm.

- (4) Eight (8) shrubs may be planted as substitute for each tree required in subsection 3 if the same visual screening effect is achieved.
- (5) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
- (6) For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.
- (7) The edge of the berm shall be at least three (3) feet from any property line and shall not cause any additional stormwater runoff onto adjacent properties.

Article 4 SITE REGULATIONS

Section 20-420 Solar Energy System Regulation

(a) All Solar Energy Collectors

- (1) The installation of any solar panel (on-site or commercial) shall not negatively impact adjacent properties with additional or excessive stormwater runoff and/or drainage.
- (2) It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
- (3) All panels shall have tempered, non-reflective surfaces.
- (4) Solar energy collectors shall be repaired, replaced, or removed within three months of becoming nonfunctional.
- (5) Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
- (6) Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the building inspector prior to installation. Building inspector approval is required.
- (7) Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state requirements.

(b) On-Site Roof-Mounted Solar Energy Collectors shall:

- (1) Be such a weight to be safely supported by the building. Building inspector approval is required.
- (2) Be considered part of the building and meet all the required building height and setback requirements.
- (3) Not project more than 2 feet above highest point of roof or exceed maximum building height limitations allowed in that zoning district.
- (4) Not be located within 3 feet of any peak, eave, or valley to maintain adequate accessibility.

(c) On-Site Ground-Mounted Solar Energy Collectors:

- (1) Are only permitted in the side and rear yards, unless permitted in front yard by issuance of a discretionary special use permit pursuant to Section 20-1804(A) of the Ordinance.
- (2) Shall not extend into the side yard or rear setback when oriented at any designed tilt angle.
- (3) Shall not exceed 12 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.
- (4) Shall be a minimum of 25 feet from all-natural features including water courses, wood lots, wetlands, and 100-year floodplains.
- (5) Shall be included in calculations to determine lot coverage and shall not exceed the maximum lot coverage permitted in the relevant zoning district.
- (6) Shall be considered an accessory use in the RU-1, RU-2, RU-4, RSA, C-1, C-2, C-3, M-1, and M-2 zoning districts if the total area of ground mounted solar energy collectors and other elements of the on-site solar energy system account for fifteen (15%) percent or less of total lot coverage.
- (7) Shall require a Discretionary Special Use Permit if the total area of ground mounted solar energy collectors and other elements of the on-site solar energy system account for more than fifteen (15%) percent of total lot coverage.
- (8) Ground-mounted solar energy collectors and other elements of an on-site solar energy system shall meet the requirements of Section 20-400 Accessory Structures.

Article 7 DISTRICT REGULATIONS
Section 20-701 Zoning District Uses

ZONING DISTRICT USES										
SCHEDULE OF USES - Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A)										
TYPE OF USES	DISTRICTS									
	RSA	RU-1	RU-2	RU-4	C-1	C-2	C-3	M-1	M-2	
ACCESSORY USES, STRUCTURES, AND BUILDINGS										
On-Site Roof-Mounted Solar Energy Collector	A	A	A	A	A	A	A	A	A	A
On-Site Ground-Mounted Solar Energy Collector (15 percent Lot Coverage or Less)	A	A	A	A	A	A	A	A	A	A
On-Site Ground-Mounted Solar Energy Collector (Over 15 percent of Lot Coverage)	DS	DS	DS	DS	DS	DS	DS	DS	DS	DS
INDUSTRIAL AND RELATED USES										
Commercial Solar Energy Collector	DS								DS	DS

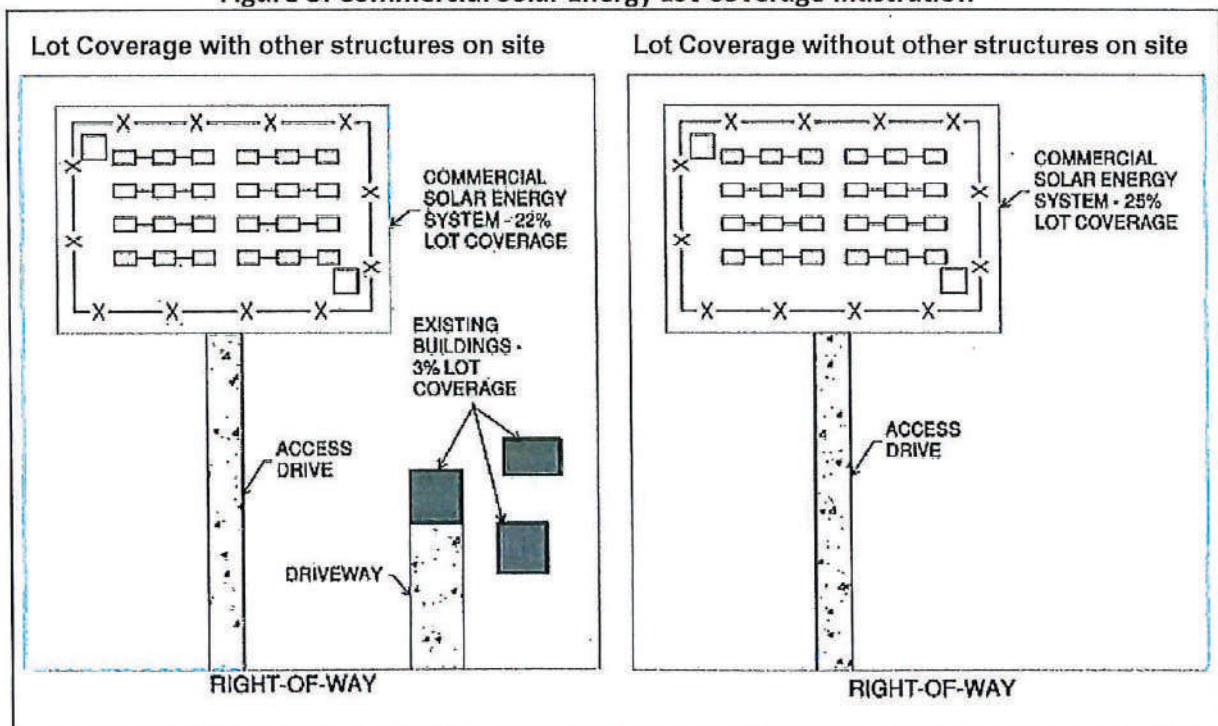
Article 18 SPECIAL USE PERMITS

Section 20-1804 Requirements for Permitted Special Land Uses

(OO) Commercial Solar Energy System

- (a) The commercial solar energy system must meet all requirements in Section 20-420 (a) all solar energy collectors.
- (b) All commercial solar energy systems shall follow the following requirements:
 - (1) Ground-mounted solar energy collectors shall not exceed 12 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.
 - (2) The total area of the commercial solar energy system shall be included in calculations to determine lot coverage and shall not exceed a maximum lot coverage of twenty-five (25%) percent regardless of the residing zoning district (Figure 3). **If a commercial solar energy system is located on multiple parcels that form a single contiguous site, lot coverage shall be calculated based on the total area of all parcels on which the commercial solar energy system is located.**

Figure 3: Commercial Solar Energy Lot Coverage Illustration



(3) Commercial solar energy systems must be located on lots larger than 2 acres.

(4) Visual Buffer Requirements:

- (i) **Residential Property:** When a commercial solar energy system is adjacent to a residential use, the system shall be set back at least **three hundred (300)** feet from the property line and at least **five hundred (500)** feet from any dwelling unit. A landscaped visual buffer shall be provided within the setback area that obscures the commercial solar energy system from view.
- (ii) **Street Frontage:** Commercial solar energy systems shall be setback at least **three hundred (300)** feet from any road right-of-way. A landscaped visual buffer shall be provided within the setback area that obscures the commercial solar energy system from view.
- (iii) **Visual Buffer:** A required landscaped visual buffer, including a greenbelt and/or landscaped berm, that meets the minimum standards of Section 20-324 shall be installed to effectively screen the commercial solar energy system from view. The visual buffer shall be installed prior to the placement of solar collectors to the extent feasible and must be maintained by the property owner. The Planning Commission may require the installation of additional vegetation and other landscaping or visual screening in excess the minimum requirements to screen residential districts and uses. The planting of native ground covers shall be maintained on site during the operation, until the site is decommissioned.
- (iv) **Setback:** Required setback areas and visual buffers may be used for agricultural purposes or left in a natural state. In addition to the residential and street frontage setback requirements in this section, commercial solar energy systems shall meet the required front, side, and rear setbacks for the RSA zoning district. If a commercial solar energy system is located on a site that includes multiple parcels that form a single contiguous site, the setback requirement may be waived by the Planning Commission during site plan review.
- (v) The Planning Commission may approve substitution of vegetation for an obscuring fence, wall, and other protective barriers as long as it meets requirements in Sec. 20-408.
- (vi) The planting of native ground covers shall be maintained on site during the operation, until the site is decommissioned.

(5) The applicant shall provide verification that adequate infrastructure exists to transport the electricity generated by the commercial solar energy system into the larger grid system.

- (6) Power and communication lines running between banks of solar energy collectors may be placed above ground, provided the lines are placed no higher than the top of the solar panels.
- (7) Power and communication lines to electric substations or interconnections with buildings shall be buried underground. The requirement for underground power and communication lines may be waived in the following circumstances.
 - (i) Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
 - (ii) When required by the utility company.
 - (iii) When granted a waiver by the Planning Commission during site plan review.
- (8) The installation of the ground-mounted solar energy collectors shall not disturb the existing topography.
- (9) Commercial solar energy systems shall be centrally located on a property, or in the least visibly intrusive location whenever possible.

(c) Decommissioning:

- (1) Any commercial solar energy system that is not operated or found to be inoperable due to disrepair for a continuous period of six (6) months shall be considered abandoned. If it is found abandoned, the Planning Commission, upon notice by the Zoning Administrator, shall provide written notice to the applicant/owner/operator of a hearing before the Planning Commission to hear evidence that the commercial solar energy system should not be decommissioned.
- (2) If a commercial solar energy system is repaired, a Licensed Professional Engineer (hired at the expense of the owner or operator) shall certify its safety prior to the resumption of operation.
- (3) Within ninety (90) days of the hearing where the Planning Commission has determined that a commercial solar energy system is abandoned or inoperable, the owner/operator shall obtain a permit from the township, and any other necessary entities to remove all structures and equipment, consistent with the approved decommissioning plan.
- (4) Failure to obtain necessary permits within the 90-day period provided in this subsection shall be grounds for the township to remove the commercial solar energy system at the Owner's expense, consistent with the decommissioning plan.
- (5) Decommissioning shall include removal of all equipment, including all materials above and below ground, and internal or perimeter access roads. The site shall be restored to a condition that reflects the character of the site prior to installation of the commercial solar energy system including topography, vegetation, soils, drainage, and any unique environmental features.

- (6) The restoration shall include road repair and hazardous waste cleanup, if any, all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the commercial solar energy system.
- (7) The restoration process shall comply with all state, county, or local erosion control, soil stabilization, and/or runoff requirements or ordinances and shall be completed within one year. Extensions may be granted upon request to the Planning Commission prior to expiration of the one-year requirement for completed decommissioning.

(d) Decommissioning Plan:

- (1) Prior to site plan approval, a commercial solar energy system shall have a plan approved by the township for decommissioning the site that describes the expected duration of the project, how the improvements will be decommissioned, a Professional Engineer's estimated cost of decommissioning, and the financial resources necessary to accomplish decommissioning. The decommissioning plan shall address all applicable items in the previous subsection as well as the following.
 - (i) The financial resources for decommissioning shall be in the form of a bond or similar financial instrument with a replenishment obligation and shall be deposited by an agent acceptable to the township.
 - (ii) The financial resources for decommissioning shall be one hundred twenty-five (125%) percent of the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount from a Professional Engineer.
 - (iii) The planning commission, building official, and zoning administrator shall annually review the amount deposited for removal, site restoration, and administration costs to ensure it is adequate for these purposes. If the Planning Commission determines that these amounts are not adequate, the township shall require the owner/operator to make additional deposits to increase the amount of the surety bond to cure such inadequacy.
 - (iv) If decommissioning is not completed by the applicant within one year of receiving the necessary permits for decommissioning, the township shall have access to the financial resources for the expressed purpose of completing decommissioning. Funds may be used for administrative fees and costs associated with decommissioning.
 - (v) The township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.

- (vi) The township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the applicant or applicant's successor for decommissioning costs in excess of the amount provided for in the decommissioning plan and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

(e) Change in Ownership

- (1) The Township must be notified in advance of any change in ownership of a commercial solar energy system. The following information shall be provided in the notification:
 - (i) The current owner's name, address, and contact information (email and phone number).
 - (ii) The proposed new owner's name, address, and contact information (email and phone number).
 - (iii) The property address, including Parcel ID number.
 - (iv) If there is to be a change in responsibility for oversight and operation of the system, the name, address and contact information for the new operator (email and phone number) will be required as well.

Planning Commissioner Comments and Requested Revisions

Draft Two Solar Ordinance Amendments from 9/12/22 meeting

Page 2

- Add internal and perimeter roadways
- Clarify onsite battery storage; i.e. hazardous storage, long-lasting secondary containment.
- Adding battery storage to the diagram on pg7

Page 4

- Add requirement of continued maintenance of ALL landscaping to Article 3

Page 7

- Clarify language each parcel must have some portion of the system.
- Add another graphic for clarification at planning commission's discretion.

Page 8

- Add the word "of" in the phrase "visual screening in excess of the minimum"

Page 9

- Add missing parentheses (90)

Page 10

- Amend township fee schedule to include this item and make a general reference to a new section 20-1804 (OO)(b)(10) stating, "Applicants for Commercial Solar Energy Systems shall pay all fees identified in the Township's Fee Schedule with their Site Plan Review application." This will allow the fee structure and amount to be updated without requiring a zoning ordinance amendment.



August 25, 2022

Ms. Wendy Meinberg
Flushing Township Clerk
6524 N. Seymour Road
Flushing, MI 48433

RE: **Site Plan Review and Special Land Use – 7462 N McKinley Road**

Dear Ms. Meinberg:

ROWE Professional Services Company is in receipt of a site plan and special land use application for a Haunted Hayride located at 7462 N McKinley Road. The proposed activity is to include commercial sales of alpaca fleece and goat milk, inflatables, several tents and stages, a petting zoo enclosure, and a hayride with multiple "stages". The subject parcel is zoned RSA Residential Suburban Agricultural District.

ROWE has completed a review of the site plan against township zoning ordinance standards and found the site plan submitted is deficient relative to multiple standards, which are outlined in this letter. We have also attached checklists that provide additional information regarding zoning ordinance requirements. Please note that the Planning Commission may waive any of the following requirements on an individual basis or by general rule where the information is not necessary to determine compliance with the zoning ordinance requirements.

Information Requirements:

The following items from the list of informational requirements for a site plan in Section 20-1902 of the Flushing Township Zoning Ordinance were not included. The section number at the beginning of each item references where the information requirement is located.

- **Sec. 20-1902 A** site plan draw to a scale of one-inch equals 20 feet, and at least two copies of this site plan shall be submitted to the township clerk. The site plan is drawn to a one-inch equals 70 feet scale.
- **Sec. 20-1902(d)** The location of principal and dimensions of all off-street parking areas including maneuvering lanes, service lanes, off-street loading spaces and other service areas within the development – Sheet 3 includes the proposed location of parking; however, the dimensions of the parking spaces and maneuvering lanes were not provided.
- **Sec. 20-1902(g)** The height and dimensions of all structures – Applicant stated in application the proposed accessory structure is to be one story and 320 square feet. The site plan did not indicate the dimensions of the proposed accessory structure.
- **Sec. 20-1902(h)** Front, rear and side elevations of any typical structure proposed for development. – Elevations of the proposed accessory structure is needed to determine compliance.

Flint, MI (HQ): 540 S. Saginaw Street, Suite 200, 48502 | Phone: (810) 341-7600

Civil Engineering | Surveying | Landscape Architecture | Aerial Imagery/Mapping | Planning

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- **Sec. 20-1902(j) The locations, dimensions, and lighting of all signs** – There is a proposed temporary sign, further information on the type, location, dimensions, and any illumination of the sign is needed to determine compliance.
- **Sec. 20-1902(k) The location, intensity, and orientation of all lighting** – There was no indication of lighting on the site plans, applicant is to confirm any permanent or temporary lighting on the site.
- **Sec. 20-1902(m) A physiographic map showing the natural topography, the soil types, and suitability for intended use, natural features such as wood lots, lakes, drains, streams, and ditches, and surface coverage data (such as paved areas and structures) related to storm water runoff characteristics.** – A physiographic map was not provided. Topographic lines are also required at one-foot intervals per subsection v.
- **Sec. 20-1902(t) Submission of the "State/County Environmental Permits Checklist"** – A State/County Environmental Permit was not submitted with the application.

Zoning Compliance

The following items were identified as potential zoning ordinance compliance issues. Again, the section number at the beginning of each item references the appropriate location in the zoning ordinance.

- **Sec. 20-400 Accessory Structures** – Further information pertaining to the setbacks of the proposed accessory structure are needed to determine compliance. The applicant is to confirm whether the proposed accessory structure is a permanent structure or a temporary structure. If the proposed accessory structure is temporary, the applicant may need a variance.
- **Sec. 20-405. Clear Vision Zone** – The clear vision zone is not indicated on the site plan, and it appears there may be trees and other obstructions within the required 25-foot area.
- **Sec. 20-406 Curb cuts and Driveways** – Applicant to confirm approval from Genesee County Road Commission for proposed driveway located at the north property line along Mt. Morris Road.
- **Sec. 20-408 Fences, Walls and Other Protective Barriers** – Further information pertaining to the height and building materials of the proposed fence is needed in order to determine compliance.
- **Sec. 20-409 Incinerators and Outside Trash Containers** – No indication of outdoor trash containers, applicant to confirm any outdoor trash receptacles.
- **Sec. 20-416 Performance Standards** – The applicant must confirm how they intend to control noise and vibration of the music from the proposed stages, and further information pertaining to trash and waste receptacles.
- **Sec. 20-419 Farm Animals and Horses** – The setbacks of the proposed accessory structure were not provided for the temporary housing of farm animals, the applicant to confirm setbacks of accessory structure.
- **Sec. 20-501 Off-Street Parking Requirements** – Per Section 20.501.a.5, in the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is not mentioned and which such use is like, shall apply. Due to Flushing Township not having the proposed use defined in Section 20.501, the most similar use that is defined is Assembly halls, churches, mortuaries, theaters. This use requires one space per three seats or per 21 square feet of assembly space, whichever will require the larger number of parking spaces. The applicant is to provide the number of seats and/or the square footage of assembly space to determine the number of parking spaces required. Also, the dimensions of the parking spaces and maneuvering lanes, as well as the proposed parking area surface are needed to determine compliance.

- **Sec. 20-702 Table of District Regulations** – Further information pertaining to minimum lot width, minimum lot depth, front, side and rear setbacks and maximum lot coverage is needed to determine compliance.
- **Sec. 20-1800.D Agricultural Tourism Facilities** – Further information is needed pertaining to the number of seats or assembly area is needed to determine compliance with this standard as well as Sec. 20-501.

One additional consideration is whether the entire group of uses proposed at the site is consistent with the definition of "agricultural tourism facilities". The definition is below.

Agricultural Tourism Facilities means commercial facilities are designed to attract visitors through the sale of agricultural byproducts and the sale of gifts, arts and crafts and other similar products. These facilities can also include the provision of agricultural-related activities such as hayrides, sleigh rides and petting zoos.

While the proposed uses listed on the site plan application (hayride, petting zoo/animal education) are consistent with the definition, the presence of three stages and advertising for the site indicates planned musical performances that do not appear to have any relationship to agriculture. This would be more consistent with an amusement park or circus/carnival use. Amusement parks are not permitted in the RSA district, and circuses, carnivals, or other transient amusement enterprises are limited to no more than seven days of operation.

Regulatory and other governmental agencies with jurisdiction may have additional comments or requirements. The developer and designer remain responsible for the design, construction, and any resulting impacts of the project. If you have any questions or require additional information, please contact me at jball@rowepsc.com or (810) 341-7500.

Sincerely,
ROWE Professional Services Company

Jason Ball Digitally signed by Jason Ball
Date: 2022.08.25
12:48:51 -04'00'

Jason Ball, AICP
Senior Planner

Attachment

CC: Flushing Township Planning Commission

Charter Township of Flushing
Zoning Ordinance Compliance Checklist
 Haunted Hayride, 7462 N McKinley

Site Plan Received Date: 8/11/22

Article 3: General Provisions Requirements	Does Site Plan Include This Information			
	Yes	No	N/A	Comment
Sec. 20-304. Common Driveways. Are the proper Right-of-Way (ROW) shown on the plan (33 ft ingress/egress for not more than 2 residences)? The applicant provides there are records with the Genesee County Register of Deeds, written agreement with all lot or residences to be served by the common driveway, and staked boundary survey of driveway easement.			X	No proposed common driveway.
Sec. 20-305. Private Roads. Are the required information provided and the road has a minimum 66ft ROW and follow other requirements?			X	No proposed private roads.
Sec. 20-309. Non-Conforming Use Generally. Is this a non-conforming use and if so it is not being enlarged, altered, or changed in area, activity, content, and has not ceased business for a period of 1 year or more?			X	The proposed use does not appear to be non-conforming.
Sec. 20-310. Non-Conforming Structure. Is this a non-conforming structure and if so there is no change in use, location, modification, or structure in setback requirements or other dimensional requirements?			X	Proposed structures do not currently exist.
Sec. 20-314. Non-Conventional Dwellings. Does any proposed dwelling comply with the prohibition against dwelling in a cellar, garage, or incompletely constructed structure after 1989?			X	Proposed use is not a dwelling.
Sec. 20-318. Temporary Dwelling Structure, Fixed, or Movable. If a temporary structure is proposed for a dwelling, has it been granted the required Special Use Permit (SUP).			X	The temporary structures are not proposed as a dwelling.

Article 4: Site Regulations Requirements	Does Site Plan Include This Information			
	Yes	No	N/A	Comment
Sec. 20-400. Accessory Structures. Is any accessory structure being proposed that follows these requirements?	?			Proposed 320 square foot metal siding accessory structure. Setbacks not provided; however, it appears that the proposed structure meets setback requirements. Applicant to confirm if the proposed accessory structure is a temporary accessory structure, the accessory structure would need a variance of 176 square feet. See Sec. 20-400(d)
Sec. 20-403. Lot Sizes. Is the lot not served by municipal water and sanitary sewer have a minimum lot size of 30,000 sq ft with at least 100 feet of frontage on a public road and other septic system requirements?	X			The subject parcel is 56.73 acres and complies with the minimum lot size.
Sec. 20-404. One Family Dwelling Regulations. Do any proposed the one family dwellings meet the requirements?			X	Proposed use is not a one family dwelling.

Flushing Township- Zoning Compliance Checklist

Article 4: Site Regulations Requirements	Does Site Plan Include This Information			
	Yes	No	N/A	Comment
Sec. 20-405. Clear Vision Zone. Does the development meet the requirement to have a 25ft area from the intersection of 2 public ROW with no structure, objects, or existing topography over 2 ft, besides some tree exceptions?		?		It is not clear based on the site plan whether the clear vision area requirement has been met.
Sec. 20-406. Curb Cuts and Driveways. Do any proposed curb cuts or driveways have approval from the Genesee County Road Commission for curb cuts or driveways?	?			Applicant to confirm approval from Genesee County Road Commission.
Sec. 20-408. Fences, Walls, and Other Protective Barriers. Do any proposed fences conform to the Flushing Township Fence Ordinance?	?			Further information on height and building materials is needed to determine compliance of the proposed fence.
Sec. 20-409. Incinerators and Outside Trash Containers. Do any proposed incinerators and outside trash containers follow these requirements?	?			No outdoor trash container identified. Applicant to confirm use of trash receptacles.
Sec. 20-410. Lot Grades. Does the site plan include a sloping grade cause the surface drainage to flow away from the walls of such structures and does new construction it does not jeopardize existing drainage systems?	X			The temporary use should not have an impact on existing lot grades.
Sec. 20-411. Setback. Does the site plan comply with the prohibition of parking or storage of vehicles with the required front yard in a residential district?	X			No setbacks provided; however, all temporary structures are located in the rear yard.
Sec. 20-413. Storage in Front Yard. Does the proposed storage, parking of any vehicle, or permanent structure outside of the front yard?			X	The proposed use is to be located in the rear yard of the subject property.
Sec. 20-414. Water Supply. Does the proposed development have safe, adequate, and sanitary water supply?			X	No proposed connection to water services.
Sec. 20-415. Private Water Supply. Does the proposed development met the requirements to have a private water supply?		X		No proposed connection to private water supply.
Sec. 20-416. Performance Standards. Does the proposed development meet performance standards for the below categories?	?			See below.
(a) Smoke Control.			X	Does not appear that the proposed use would increase smoke.
(b) Control of Noise.		?		Applicant to confirm how they intend to control the noise of the music from the proposed stages.
(c) Odors.			X	Proposed use does not appear to increase odors.
(d) Control of Glare or Heat.			X	Proposed use does not appear to increase glare or heat.
(e) Control of Vibrations.			X	Proposed use does not appear to increase vibrations.
(f) Control of Radioactivity or Electrical Disturbance.			X	Proposed use does not intend to use radioactivity or electrical disturbance.

Article 4: Site Regulations Requirements	Does Site Plan Include This Information			
	Yes	No	N/A	Comment
(g) Outdoor Storage and Waste Disposal.	?			Applicant to provide further information regarding trash and waste disposal.
Sec. 20-417. Mobile Home Park Development. Does the proposed mobile home park meet these requirements?			X	Proposed use is not a mobile home park development.
Sec. 20-418. Industrial Parks. Does the proposed industrial park meet these requirements?			X	Proposed use is not an industrial park.
Sec. 20-419. Farm Animals and Horses. Within the RSA district, are the requirements being met?	?			Temporary housing of farm animals is proposed. Setbacks were not provided; however, the proposed temporary housing of the farm animals appears to be in compliance.

Article 5: Off Street Parking Requirements	Does Site Plan Include This Information			
	Yes	No	N/A	Comment
Sec. 20-500. Off-Street Loading and Unloading. Is a loading/unloading space provided as required?			X	No proposed loading areas.
Sec. 20-501. Off-Street Parking Requirements. Do any proposed parking spaces meet these requirements?	?			Per Sec. 20-501.5 the most similar use is assembly halls, churches, mortuaries, and theaters. Further information pertaining to seats or square footage of assembly is needed to determine compliance.

Sec. 20-501(b)(1) Off-Street Parking Requirements	Required	Provided
Parking Spaces-	1 space per 3 seats or 21 square feet of assembly space, whichever will require the largest number of parking spaces.	216
Loading Spaces-	N/A.	N/A.

Flushing Township- Zoning Compliance Checklist

Article 7: District Requirements
What is the use: Agricultural Tourism Facilities
Is use permitted in the district it is located in RSA Residential Suburban Agricultural
By Right: By SUP: X

Sec. 20-702 Table of District Regulations		
District Requirement	Ordinance Standard	Proposed Plot Plan
Minimum Lot Area (sq. ft.)	30,000 sq ft	56.73 acres
Minimum Lot Width (ft.)	100	?
Minimum Lot Depth (ft.)	200	?
Minimum Setbacks – Front (S)	20	?
- Sides (E)	10	?
- Sides (W)	10	?
- Rear (N)	25	?
Maximum Building Height (Stories)	2.5	1
Maximum Lot Coverage (%)	25%	?
Are there any required conditions for this district?	N/A	

Article 18: Special Use Permits Requirements Sec. 20.1800.D Agricultural Tourism Facilities	Does Site Plan Include This Information			
	Yes	No	N/A	Comment
(1) Adequate off-street parking is provided for the peak generation times of the proposed use.	?			Further information pertaining to number of seats or assembly area is needed to determine compliance.
(2) Hours of operation are established that take into account the impact of traffic and noise on the surrounding land uses.		X		Not provided.

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Charter Township of Flushing
Site Plan Information Checklist
 Haunted Hayride, 7462 N McKinley

Site Plan Received Date: 8/11/22

Sec. 20-1902 Site Plan Review Requirements				
<i>Required Information</i>	<i>Does Site Plan Include This Information</i>			
	Yes	No	N/A	Comment
A site plan drawn to a scale of 1 inch equals 20 feet.		X		See Sheet 3. Scale 1" = 70'
(a) Statistical data including: number of dwelling units, size of dwelling units (e.g., one-bedroom, two-bedroom, and three-bedroom), if any, and total gross acreage involved. In all other cases, the location, type, horsepower, fuel, dimensions and other data of all machinery to be used on the proposed site.	X			Total acres located on title sheet. No indication of machinery to be use for proposed use. Applicant to confirm any location, dimensions and other data of any proposed machinery needed.
(b) The location of principal and accessory buildings on the lot and the relationship of each structure to the other.	X			See sheet 3.
(c) Vehicular traffic and pedestrian circulation features within and without the site.	X			See sheet 3.
(d) The location and dimensions of all off-street parking areas including maneuvering lanes, service lanes, off-street loading spaces and other service areas within the development.	?			See sheet 3 for location of proposed parking area. Dimensions of parking spaces and maneuvering lanes not provided.
(e) The location, dimensions and proposed use of all on-site recreation areas, if any.	X			See Sheet 3.
(f) The location of all proposed landscaping, fences or walls.	X			See sheet 3 for location of proposed fence.
(g) The height and dimensions of all structures.		X		Not provided.
(h) Front, rear and side elevations of any typical structure proposed for development.		X		No indication of proposed elevations of temporary structures and stages.
(i) The location and capacity of private or public water and sanitary services and solid waste disposal facilities servicing the site.			X	No proposed connection to private or public water or sanitary sewer services.
(j) The locations, dimensions and lighting of all signs.		X		Proposed temporary sign. Unclear location, height, dimensions of proposed temporary sign.
(k) The location, intensity and orientation of all lighting.		?		No indication of proposed lighting. Applicant to confirm any permanent or temporary lighting.
(l) A location map indicating the relationship of the site to the surrounding land use for an area of not less than 1 square mile.	X			See Title sheet.

Sec. 20-1902 Site Plan Review Requirements				
<i>Required Information</i>	<i>Does Site Plan Include This Information</i>			
	Yes	No	N/A	Comment
(m) A physiographic map showing the natural topography, the soil types, and suitability for intended use, natural features such as wood lots, lakes, drains, streams, and ditches, and surface coverage data (such as paved areas and structures) related to storm water runoff characteristics.		X		Not provided.
(n) The site plan shall be sealed by a professional engineer, architect, landscape architect or community planner.	X			See Sheet 2 – licensed professional engineer.
(o) Location and size of interior and exterior areas and structures to be used for storage use, loading/unloading, recycling, or disposal of hazardous substances.			X	No proposed areas for disposal of hazardous substances.
(p) Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.			X	No proposed locations of underground or above ground storage of hazardous materials.
(q) Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store to transport storm water or waste water. The point of discharge for all drains and pipes shall be specified on the site plan.			X	Proposed temporary structures for proposed haunted hayride. No proposed detention areas or drains.
(r) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.			X	No indication of suspected areas of contamination.
(s) Submission of the "Hazardous Substances Reporting Form for Site Plan Review."			X	No submission of the Hazardous Substances Reporting Form for Site Plan Review was submitted with the site plan; however, it does not appear the proposed use is to have hazardous substances.
(t) Submission of the "State/County Environmental Permits Checklist."		X		No submission of the State/County Environmental Permits Checklist with site plan.
(u) 100 year floodplain.	X			See sheet 2. Property is outside of a 100year flood plain.
(v) Topographic lines at 1' intervals.		X		See Sheet 2 – Topographic Map. Lines are not provided at 1' intervals.
(w) Proposed and existing utilities including water, sewer, storm sewer and lighting.			X	There are no proposed connections to utilities.
(x) Driveway location.	X			Proposed driveway location on Sheet 3.
(y) Current zoning of parcel and if the proposed use is not permitted in the district the parcel is zoned, an indication as to the proposed zoning.	X			Existing zoning located on sheet 2. Subject parcel is zoned Residential Suburban Agriculture District.

Sec. 20-1902 Site Plan Review Requirements				
Required Information	Does Site Plan Include This Information			
	Yes	No	N/A	Comment
(z) Statement on the plan as to whether wetlands exist on the site.	X			See Sheet 2.

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