

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

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PLANNING COMMISSION MEETING

DATE: JANUARY 7, 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, Buell, Flowers, Gibbs, Pratt, Fitch, and Morford

ABSENT: Swanson and Newman

OTHERS PRESENT: 13 other interested individuals

I. MEETING CALLED TO ORDER at 7:00 p.m. by Planning Commission Vice Chair **JEROME DOYLE** with Roll Call and the Pledge to the American Flag.

II. ADOPTION OF AGENDA: BUELL MOVED, seconded by Pratt to adopt the Agenda as presented. **MOTION CARRIED.**

III. APPROVAL OF MINUTES OF NOVEMBER 5, 2007: FLOWERS MOVED, seconded by Gibbs to postpone the Minutes of November 5, 2007 and December 10, 2007 until the next regular meeting in February due to two (2) Commission Members being absent. **MOTION CARRIED.**

DISCUSSION:

- **BUELL** felt good form was to keep business up to date but since two (2) Planning Commission Members were absent, the minutes from both November and December should be postponed until the February Planning Commission Meeting. **BUELL** recommended that if Chair **NEWMAN** should arrive at the end of the current meeting, the approval of the Minutes could be taken care of at that time.

ACTION OF THE MOTION:

MOTION CARRIED.

FLOWERS MOVED, seconded by Pratt to rescind the motion to postpone approval of the Planning Commission Minutes of November 5, 2007 and December 10, 2007 until February 11, 2008. MOTION CARRIED.

A) **APOVAL OF MINUTES OF NOVEMBER 5, 2007: PRATT MOVED**, seconded by Flowers to approve the Minutes of November 5, 2007 with correction. MOTION CARRIED.

B) **APPROVAL OF MINUTES OF DECEMBER 10, 2007: FLOWERS MOVED**, seconded by Pratt to approve the Minutes of December 10, 2007 with one (1) correction. MOTION CARRIED.

IV. UNFINISHED BUSINESS:

None

V. NEW BUSINESS:

1. **Kelly Richmond, 5179 Lane Street, Flushing, Michigan 48433**
Special Use Permit to Operate a Group Child Care Home at 5106 Tahquamenon Trail, Flushing, Michigan 48433, Parcel No. 08-22-577-008

SPECIFICATIONS FOR REQUEST FOR SPECIAL USE PERMIT FROM KELLY RICHMOND:

- currently owns and operates a group child care home at 5179 Lane Street.
- the **RICHMOND** family has moved to 5106 Tahquamenon Trail but still operates the day care home at 5179 Lane Street
- currently licensed for twelve (12) children so would like to keep her clientele that normally consists of seven (7) or eight (8) children.
- parking would not be an issue because the clients come at different times of the day.

**QUESTIONS FROM THE PLANNING COMMISSION MEMBERS
(ANSWERS FROM KELLY RICHMOND)**

1) QUESTIONS FROM BUELL:

Q. what would happen to the day care on Lane Street if the Tahquamenon Trail home was opened.

A. the Lane Street home would be closed.

Q. had **RICHMOND** already been through the licensing process with the State of Michigan?

A. **RICHMOND** had gone through the licensing process with the Lane Street address, but not through the Tahquamenon Trail address because **RICHMOND** had to have the special use permit approval from the Flushing Township Planning Commission.

- Q.** how many employees did **RICHMOND** have or did she (Richmond) do everything all by herself.
- A.** the employees consist of **RICHMOND**, her husband, son, and step son. The step son has gone through all the training that is required to help in the day care.
- Q.** from time to time, would there ever be twelve (12) children.
- A.** there has only been twelve (12) children two (2) or three (3) times in the summer; normally there are only eight (8) children.
- Q.** on a regular basis when there are eight (8) children, how many people are employed?
- A.** there are two (2) employees – herself (Richmond) and one other person. The requirement is six (6) children for one employee.
- Q.** How many people reside at the Tahquamenon Trail home?
- A.** there are four (4) people that reside in the home: **RICHMOND**, her husband, and two (2) sons. The sons are not of driving age.
- Q.** how long has **RICHMOND** lived at 5106 Tahquamenon Trail?
- A.** the family moved to 5106 Tahquamenon Trail in December 2007 but hasn't completely moved into the home.
- Q.** has **RICHMOND** talked with her neighbors about the new business?
- A.** **RICHMOND** stated so far she hasn't had the time to talk to the neighbors.
- Q.** what is the age of the youngest client.
- A.** the youngest client was a little over two (2) years old.
- Q.** is **RICHMOND** licensed for younger clients?
- A.** she was licensed for infant, toddlers, and up.

2) **QUESTIONS FROM PRATT:**

- Q.** how many employees would be living in the home?
- A.** the employees would be **RICHMOND**, her husband, and her step-son; all would be involved in the operation of the child care home.
- Q.** **PRATT** wanted to know if the home had been brought up to all the State Regulations at this point?
- A.** **RICHMOND** stated everything has been brought up to date. The State would be coming in to do a final inspection before **RICHMOND** received her license for 5106 Tahquamenon Trail.
- Q.** what are the hours of operation for the child care home?
- A.** currently, **RICHMOND** has a twenty-four (24) hour operation at 5179 Lane Street. **RICHMOND** would like to have a sixteen (16) hour (5:00 a.m. to 7:00 p.m.) operation at 5106 Tahquamenon. The days would be Monday through Saturday.

3) **QUESTIONS FROM FLOWERS:**

- Q.** does the chain link fence go completely around the back yard?
- A.** the back yard is completely enclosed by the fence.

4) **QUESTIONS FROM DOYLE:**

- Q.** for clarification - there are four (4) individuals currently residing in the home with a possibility of three (3) residents that would be working in the group child care home.
- A.** there were four (4) individuals currently residing in the home.
- Q.** is there a gate to the fence in the back yard? Does the gate come into the **RICHMOND** property or someone else's property?
- A.** there is a gate located next to the garage and it does come onto the **RICHMOND** property.
- Q.** would the structure of the residence be changed for the special use request?
- A.** there would not be any changes to the structure as it was "just a home."
- Q.** would the operation of the child care be located on the first floor of the home?
- A.** everything would be operated from the first floor of the home.
- Q.** would the other traffic that would be coming to the home be parents dropping off their children at various times.
- A.** **RICHMOND** stated that would be the only other traffic.
- Q.** do the children all come at one time?
- A.** the children come at different times throughout the day. Two (2) of the families each have three (3) children which would take care of half of the children involved.
- Q.** **DOYLE** inquired from Building Inspector **FITCH** as to the current Act, and the Flushing Township Ordinance, regarding two (2) underage children. **FITCH** stated there could only be two (2) children under the age of two (2) years of age.
- A.** **RICHMOND** stated she normally didn't take infants, but if she did, there would only be one (1) child because that was all she could handle.
- DOYLE** recommended as part of the conditions to state **RICHMOND** could have one (1) child under the age of two (2) years of age.

- 5) **Q.** **AN INDIVIDUAL FROM THE AUDIENCE** wanted to know the age of the oldest child.
- A.** the oldest child in **RICHMOND'S** care is eight (8) years of age.

7:25 P.M. – OPENED TO THE AUDIENCE REGARDING QUESTIONS PERTAINING TO KELLY RICHMOND'S GROUP CHILD CARE HOME

1. **Eugene Tomaszewski, 5147 Tahquamenon Trail, Flushing** – "since everyone has a septic field on Tahquamenon Trail, and since 5106 Tahquamenon Trail recently had a new system installed, would the current system for the particular home handle sixteen (16) people; concerned about the traffic on Tahquamenon Trail as it is a main thoroughfares for the North section of the subdivision; the City of Flint has a different system for operating Group Child Care Homes and has recently been denying some licenses; the City of Flint has a full time fire department." **FITCH** stated septic systems were handled by the Genesee County Health Department (Health

- Department). **DOYLE** stated Flushing Township has been allowed to give as many permits that make the request that are able to obtain a permit from the State as long as the homes are 1,500 feet away from each other. **DOYLE** stated Flushing Township is a different organization and the township has to follow its own ordinances.
2. **Eugene Tomaszewski** – “would the Flushing Fire Department Chief be doing inspections at the home; the City of Flint has a full time fire department and Flushing only has a part-time department.” **DOYLE** stated the individual had to request a license and everything that was requested by the State had to be done in order for the individual to obtain the license. The license is bought from the State and the State decided what was right and what was wrong as far as the group child care home was concerned; the State enforces the law. **RICHMOND** stated an inspection was done before the license was obtained, another inspection was done in sixty (60) or ninety (90) days, the inspectors also do “surprise” visits to make sure that everything is up to code. **RICHMOND** stated the licensing department sends someone from Genesee County to check everyone out.

DOYLE stated in order for the Flushing Township Planning Commission to grant a special use permit, the Planning Commission was not allowed to look at the issue like it was a different type of home but just a regular home which the Act specifies. The approval would be similar to a single family home request coming before the Planning Commission requesting a special use permit; rational conditions could be placed on the issue.

3. **Eugene Tomaszewski** – “instead of going to a group child care home, why not go to a day care home with seven (7) children or less.” **RICHMOND** stated she normally has seven (7) children at one time. A stipulation could be placed to have ten (10) children instead of twelve (12) children and she (Richmond) could only be licensed for ten (10) children.

DOYLE stated first of all, the Planning Commission had to determine what **RICHMOND** wanted and then view the issue as if it were a single family home with nothing specific being requested. Issues such as **1)** how many children could be in a single family home, **2)** how many cars would be parked in a single family driveway, etc. The Planning Commission could not say that the specific special use request was not reasonable because of what the use would be; if the request was for a commercial use, it would be a different situation.

4. **Martin Sweet, 5157 Lane Street, Flushing** – “him and his wife are applying for the same type of special use request as the **RICHMOND’S** and the issue is the number of children (one (1) to six (6) child (children) because sometimes there are situations where the parents want to go shopping, dinner, etc. and would like for the care giver to keep their child (children) longer and there could be seven (7) children at one time. If the State should come in and performed a “spot” check and there were seven (7) children instead of six (6), the individual would be fined. “

5. **Carolyn Sisco, 5096 Tahquamenon Trail, Flushing** – “**1**) what are the hours of operation (**RICHMOND** currently is licensed for a twenty-four (24) hour operation but is only requesting to have a sixteen (16) hour operation; **2**) what are the ages of the children (**RICHMOND** currently is certified to take all ages of children with the top age limit to be thirteen (13) years of age; there are more children during snow days or during the summer time when the schools are closed. Currently during the day, **RICHMOND** is lucky to have two (2) children after the school age children get on the bus); **3**) are there a lot of children that need places to take naps (**RICHMOND** stated there are only two (2) children that take naps and they have mats to lay on the floor or they can lay on the couch); **4**) how many people does **RICHMOND** feed at one time (**RICHMOND** stated normally she feeds seven (7) people at one time, which doesn't happen often); **5**) will the children be catching the school bus for Flushing Schools from her (Richmond's) house (**RICHMOND** stated the children would be getting on the Flushing School bus); **6**) what was the difference between a “day care” and a “group child care home” (**RICHMOND** stated that “day care” and “child care” were the same thing but “family” was considered six (6) children and under and “group child care home” was from seven (7) to twelve (12) children); if there were twelve (12) children plus the four (4) in **RICHMOND'S** own family that would be a total of sixteen (16) people in a home and yard that wasn't that large; there would be a lot of extra water being used for dishes, restrooms, clothes being washed which would produce a lot of extra water.”
6. **Connie Grice, 5173 Tahquamenon Trail, Flushing** – “how old is **RICHMOND'S** step son.” **RICHMOND** stated her step-son was fifteen (15) years old but does not have his license. Anyone that is fourteen (14) years of age could be an assistant care giver but could not be left alone with children. “**GRICE** wanted to know if the care begins at 5:00 a.m. in the morning.” **RICHMOND** stated it would start at 5:00 a.m. and end at 7:00 p.m. – there would not be a twenty-four (24) hour service.
7. **Thomas Lipinski, 5081 Tahquamenon Trail, Flushing** – “concerned about security; was the fence around the entire property.” **RICHMOND** stated the fence was only around the back yard. “**LIPINSKI** wanted to know if there were any ordinances or rules that would not allow the children in the yard unless they were inside the closed fence area, due to the traffic on Tahquamenon Trail.” **RICHMOND** stated the children would stay in the back yard other than when waiting for the school bus when the children walked in single file line to the bus stop; one (1) of the care givers is always in the presence of the children.

PRATT read an excerpt from *Michigan Zoning Enabling Act Section 125.3206, Sec 206(4) (b)* which states:

- b. Has appropriate fencing for the safety of the children in the group day-care home as determined by the local unit of government.

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DOYLE reviewed *Michigan Zoning Enabling Act Section 125.3206 Sec 206* 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 in all residential zones and 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.
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 for other dwellings of similar density in the same zone.
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, 1979 PA 218, MCL 400.701 to 400.737.
 - (iii) a facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
 - (iv) a community correction center, resident home, halfway 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 6:00 a.m. (RICHMOND IS REQUESTING THE TIME PERIOD TO BE 5:00 A.M. TO 8:00 P.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.
5. For a city or village, a group day-care home may be issued a special use permit, conditional use permit, or other similar permit.
6. A licensed or registered family or group day-care home that operated before March 30, 1989 is not required to comply with the requirements of this section.
7. The requirements of this section shall not prevent a local unit of government from inspecting and enforcing a family or group day-care home for the home's compliance with the local unit of government's zoning ordinance. For a county or township, an ordinance shall not be more restrictive for a family or group day-care home than as provided under 1973 PA 116, MCL 722.111 to 722.128.
8. The subsequent establishment of any of the facilities listed under subsection (4)(a) will not affect any subsequent special use permit renewal, conditional use permit renewal, or other similar permit renewal pertaining to the group day-care home.
9. The requirements of this section shall not prevent a local unit of government from issuing a special use permit, conditional use permit, or other similar permit to a licensed or registered group day-care home that does not meet the standards listed under subsection (4).
10. The distances required under subsection (4)(a) shall be measured along a road, street, or place maintained by this state or a local unit of government and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.

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COMMENTS FROM THE PLANNING COMMISSION:

- **BUELL** wanted to know what type of toys would be in the back yard. **RICHMOND** stated most of the toys would be outdoor type toys such as balls, jump ropes, which would promote physical activity.
- **BUELL** wanted to know if the equipment would be put away when not in use. **RICHMOND** stated the equipment was put up when not in use.
- **DOYLE** wanted to know if there would be swing sets or extra equipment at 5106 Tahquamenon Trail. **RICHMOND** stated there was a swing set at 5179 Lane Street but it would not be brought to the 5106 Tahquamenon Trail address.
- **FLOWERS** stated if there were more play equipment, it would change the license.
- **BUELL** wanted to know if inspections were done by the Genesee County Health Department (Health Department), especially with the kitchen. **RICHMOND** stated the State of Michigan did all the inspections. **RICHMOND** also belonged to the Grand Rapids Urban League Food Program, which does inspections every three (3) months checking such issues as to make sure there are no chemicals, the work area is clean in the kitchen, and the food is being prepared correctly and is healthy. If anything is out of the ordinary, the issue is turned in. **RICHMOND** stated the Health Department came out to do the septic/sewer inspections.

- **DOYLE** stated when the Health Department or anyone else went out to inspect septic systems, it was very hard for them (Health Department) to get anything other than what the system originally was without digging up the whole system to find out the condition of the system. The Health Department looks to see if there were complaints, any problems, or if there had been, what was done to take care of the problem, etc. The Health Department could request the owner have the septic tank cleaned out. The Health Department does realize that the homes are not lived in all the time so allowances would be given with twelve (12) children. It could be an expensive issue if overburdened.
8. **Terry Grice, 5173 Tahquamenon Trail, Flushing** – “does the Special Use Permit need to be renewed annually?” **DOYLE** stated the issue was governed by the State. The Special Use Permit runs with the property. “**GRICE** wanted to know if the **RICHMONDS** should move, would the permit stay with the property.” **DOYLE** stated that if **RICHMONDS** should move, the special use permit would not move with them. **RICHMONDS** would have to obtain another special use permit at a new location. “**GRICE** wanted to know if conditions could be placed on the permit.”
 9. **Carolyn Sisco** – “when there was a special use permit given one (1) time does the person ever have to come back for renewal? **SISCO** wanted to know if the permit was ever renewed.” **DOYLE** stated the only time the permit was renewed was if the **RICHMONDS** moved out of the house and it was no longer the particular type of building. If someone else wanted the particular type of permit, they (new owners) would have to come before the Planning Commission and request a special use permit, but a State License would also have to be obtained. The special use permit was tied into the State License and the license was what made the difference.

PRATT wanted to know if there was a provision in the ordinance that could be revoked if the use wasn't maintained as it was granted. **DOYLE** stated any special use which the Planning Commission found that was not being followed, could be a violation as far as the township ordinance, but it would be the violation of the license that would prohibit the use from coming back.

10. **Carolyn Sisco** – “when a special use permit is issued specifically for child care but not exclusively, does the Planning Commission ever go out to the site to make sure the permit was being used properly.” **DOYLE** stated the Planning Commission relied on the first termination of which everything had to be inspected and would be covered by the State. Next, the Planning Commission relied upon complaints against the original special use permit. The Planning Commission doesn't go out regularly to check on the special uses in the township. The first complaint would probably come to the Township Building Inspector. **FLOWERS** stated if the visual characteristics of the neighborhood started looking “junky” and not properly maintained, the individual would be going against the State license.

PRATT wanted to know how large and when the septic system had been installed on Tahquamenon Trail. **RICHMOND** stated the septic system, which had been installed last year, was an engineered system with eight (8) runs.

CORRESPONDENCE:

1. **Mr. & Mrs. Joseph Boike, 5146 Tahquamenon Trail, Flushing** – “does not approve of granting the special use permit for a Group Child Care Home at 5106 Tahquamenon Trail, Flushing, Michigan.”

STIPULATIONS TO BE CONSIDERED:

1. Fencing and safety of the children.
2. Three (3) bedroom home would handle eight (8) people; the children don't live at the home all the time.
3. A copy of the permit would need to be in the possession of the building inspector which would come after the decision by the Planning Commission.
4. According to State requirements, the septic system would have to be checked by the County. The septic system is above ground.
5. Particular care with the children so as not to be unruly while getting on the school bus.
6. Maximum of three (3) employees.
7. Requesting up to twelve (12) children – mostly interested in seven (7) children. Recommended approval for ten (10) children.
8. Parking would not be a problem as the children would be dropped off at different times of the day.
9. People that live in the home would run the business.
10. Hours of operations would be 5:00 a.m. until 8:00 p.m. (a total of fifteen (15) hours).
11. No more than two (2) children under the age of two (2) years of age. **RICHMOND** only interested in children between the ages of two (2) to thirteen (13) years of age.
12. No yard equipment other than playground equipment.
13. New septic system installed in 2006.

FLOWERS MOVED, seconded by Buell to recommend to **RICHMONDS** that the group child care home be licensed for no more than ten (10) children; the hours of operation would be fifteen (15) hours a day with the hours beginning at 5:00 a.m. until 8:00 p.m.; only two (2) children under the age of two (2) years of age; the maximum age limit being thirteen (13) years of age; no signs in the yard.

DISCUSSION:

- **PRATT** stated there had been concerns about the septic system but with the raised system, it should accommodate the issue. There are ordinances that protect the neighborhood for issues such as noise, trash, etc.

ACTION OF THE MOTION.

MOTION CARRIED.

2. **Peggy Sweet, 5157 Lane Street, Flushing, Michigan 48433**

Special Use Permit to Operate a Group Child Care Home at 5157 Lane Street, Flushing, Michigan 48433, Parcel No. 08-24-576-054

SPECIFICATIONS/RECOMMENDATIONS FOR GROUP CHILD CARE HOME AT 5157 LANE STREET, FLUSHING

- Group child care home would be similar to **KELLY RICHMOND'S** Special Use Permit Request.
- Request for twelve (12) children.
- Fence currently all around the house except for the North side of the property coming from the West to the East.
- Property to the South.
- Currently no gate on the driveway.
- The operation of the child care would be on the first floor of the home.
- Employees would be Peggy Sweet, Martin Sweet and one (1) other qualified individual.
- Hours of operation would be 6:00 a.m. until 10:00 p.m. (sixteen (16) hours per day).
- Maximum of five (5) children.
- No child under the age of two (2) years; everyone would be two (2) years to thirteen (13) years of age.
- **SWEET** proposed to finish all the fencing around the yard with a gate across the driveway. Almost one (1) acre of property would be involved.
- **BUELL** was concerned about having a gate on the driveway. **SWEET** stated his driveway approach was 30' x 20'. People could park outside the gate. A second driveway extended along the garage that was approximately 10' or 12' x 130' with the distance from the gate to the garage would be seventy (70) feet. There was a 22' x 40' double parking area in front of the garage. There would be plenty of parking because people would come and go at different times of the day.

**QUESTIONS/COMMENTS FROM THE PLANNING COMMISSION
(ANSWERS FROM THE SWEETS):**

1) **QUESTIONS FROM BUELL:**

- Q. how long has **SWEETS** lived on Lane Street.
A. since 2004.
- Q. has **SWEETS** been in conversation with the neighbors concerning the group child care home.
A. they have not discussed the business with their neighbors because the area is very sparse.
- Q. had **SWEETS** participated in **RICHMONDS** child care.
A. **SWEET** had participated in the child care at 5179 Lane Street and pretty much knew the ropes.
- Q. was there any yard equipment.
A. there was only toys, no stationary swing sets, etc.

- Q.** was there any street lights on Lane Street.
A. a street light was located in front of **SWEETS** home.
- Q.** where would the children board the bus on Lane Street.
A. the children would board the school bus in front of their home (5157 Lane Street).
- Q.** did the school buses travel on Lane Street and would the child not be required to cross the street.
A. **SWEET** stated school buses did travel on Lane Street and the children would not be required to cross the street. **RICHMOND** stated that at present, with her day care at 5179 Lane, none of the day-care children had to cross the road; only the high school students. The bus made the complete circle to pick up the children and the same would be true for **PEGGY SWEET**.
- Q.** **BUELL** wanted to know which Flushing Elementary School picked up the students.
A. **RICHMOND** stated currently the students went to Springview, but she had some children that went to Elms Elementary (Flushing Schools) and caught the shuttle bus; there was one (1) child that went to Seymour Elementary. The shuttle system worked great for all the Flushing School District. **SWEET** stated at the time, she didn't have any children.
- Q.** felt that **SWEETS** were only interested in five (5) or six (6) children but would like to be permitted to have twelve (12) children.
A. if there were "spot" checks and the **SWEETS** were baby-sitting for someone and they would be over the limit of six (6) children, they could be fined.
- Q.** the septic system was great with ten (10) foot of sand in the area.
A. the system was built larger because, down the road, the resale would be better.

2) QUESTIONS FROM FLOWERS:

- Q.** would everything be completed before **SWEETS** filed for the special use permit.
A. There was a question concerning the railing on the deck located on the back of the house.

3) QUESTIONS FROM DOYLE:

- Q.** in order for the special use permit to be completed, it had to comply with the conditions. **SWEETS** could not get a license unless they comply with the codes.
A. **SWEET** stated with the weather, he hasn't been able to complete the railings. **SWEET** stated she had not planned to open the group child care home until August.

4) QUESTIONS FROM PRATT:

- Q.** if the Planning Commission should approve the group child care home, the approval could be subject to approval of the fence being completed before the special use permit is granted.

STIPULATIONS TO BE CONSIDERED:

- Complete the fence which included having the fence completely around the house with a gate at the front.
- Street light in front of the house.
- Operation of the child care on the first floor of the home.
- Two (2) to no more than three (3) employees.
- Hours of operation would be between 6:00 a.m. and 10:00 p.m.
- Maximum five (5) to twelve (12) children.
- No children under the age of two (2) years of age
- Ages of children would be two (2) to thirteen (13) years of age.
- The septic field has been constructed in sand.
- No signs would be posted.

GIBBS wanted to know if the Planning Commission was going to vote on the issue without the issues being completed. **DOYLE** stated the Planning Commission could approve or disapprove the issue with the conditions that the matter had to be completed before the special use permit was accepted. The State looked at the issue as if it were a special use permit that the Planning Commission has granted to **SWEETS** with the conditions mentioned. The State also looked at the Planning Commissions conditions as well as the conditions made by the State and then would go out and inspect the home. **DOYLE** stated in order for **SWEETS** to apply to the State, the conditions placed by the Flushing Township Planning Commission had to be complied.

PRATT MOVED, seconded by Gibbs that the Special Use Permit be granted in this case with the conditions mentioned and that the permit not be issued until the fencing was completed as described with the deck rails. The other conditions being:

1. No signs posted.
2. Total of twelve (12) children between the ages of two (2) years to thirteen (13) years; no children under the age of two (2) years of age.
3. One (1) acre of land would be completely fenced in with a gate across the drive.
4. Street light on the property.
5. No yard equipment, only toys.
6. Flushing School bus would pick up children at the driveway.
7. Deck rails to be completed on the deck.
8. Hours of operations would be 6:00 a.m. until 10:00 p.m.
9. Operations would take place on the first floor of the home.
10. No more than three (3) employees.
11. Flow of traffic.
12. A copy of the permit would be needed by Flushing Township when final with the State.
13. Septic system has been placed in sand.
14. Two (2) people currently reside at the home.
15. Plenty of parking area.

ACTION OF THE MOTION:

MOTION CARRIED.

CORRESPONDENCE:

There hadn't been any correspondence received from any of the neighbors.

3. Election of Officers

It was recommended to place the issue of *Election of Officers* on the February 11, 2008 Planning Commission Agenda.

VI. PUBLIC COMMENTS:

9:02 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS

BOB JOHNSON, new member of the Genesee County Road Commission and former Trustee from Mt. Morris Township, was present and gave a detailed review of the current road situation in Genesee County. Some information **JOHNSON** gave was that with the lack of money, the roads may have to go back to gravel. Currently, chip and seal is being done on a lot of the roads. **JOHNSON** stated they have been trying to get more millage due to the cost of everything keeps going up and the revenues keep going down. A State person from Michigan Department of Transportation (MDOT) had stated to **JOHNSON** that there was going to be drastic reduction in Federal Funding for roads. **FLOWERS** stated State funding for roads in Genesee County is between 27 to 28 mills; by 2012 the cost would be \$2,000,000 dollars for roads for Genesee County. It was great to have **JOHNSON** at the Planning Commission Meeting and hope that he attends more of the meetings with Flushing Township. (**JOHNSON AND FLOWERS** work together at the Genesee County Metro Alliance).

9:10 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VII. BOARD COMMENTS:

1. **BUELL** requested to add the issue of *Permitting Process for Day Care Homes* to the "To Do List" of issues to be discussed at future Planning Commission Meetings
2. It was recommended by the Planning Commission to place on the "To Do List" the issue of *What Type of Dirt Would be Underneath Structures*.

VIII. MEETING SCHEDULE:

REGULAR SCHEDULED MEETING – MONDAY, FEBRUARY 11, 2008 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, MARCH 10, 2008 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, APRIL 14, 2008 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, MAY 12, 2008 AT 7:00 P.M.

IX. ADJOURNMENT: There being no further business items on the Agenda, **DOYLE** adjourned the meeting at 9:20 p.m.

JEROME DOYLE, Vice Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval

Planningminutes 010708