

CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
FLUSHING, MICHIGAN 48433
810-659-0800 FAX: 810-659-4212
SPECIAL PLANNING COMMISSION MEETING
DATE: MARCH 27, 2006 TIME: 7:00 P.M.
WEB ADDRESS <http://www.flushingtowship.com>

MEMBERS OF PLANNING COMMISSION

Aaron Bowron, 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: Bowron and Swanson

OTHERS PRESENT: None

I. MEETING CALLED TO ORDER at 7:00 p.m. by Planning Commission Vice Chairperson Jerry Doyle, in the absence of Chairperson Bowron, with Roll Call and the Pledge to the American Flag.

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

III. APPROVAL OF MINUTES: Minutes were not available for the current meeting.

IV. UNFINISHED BUSINESS:
None

V. NEW BUSINESS:

1. Discussion of Signs in the Agricultural District

Due to the Chairperson being absent, **Vice Chair JERRY DOYLE (DOYLE)**, took charge of the meeting. **DOYLE** felt there needed to be more research on signs in the Agricultural District. Building Inspector **JERRY FITCH (FITCH)** stated the sign issue came up approximately a couple of months ago when a gentleman who owns sixty (60) acres of land has started a tree farm on the property. The owner inquired as to the requirement size of the sign; the township ordinance has limited the sign to a one (1) square foot sign.

BACKGROUND HISTORY ON THE SIGN ORDINANCE:

After researching the matter, **FITCH** stated that in 1996, after the sign ordinance had been completed, the township had to deal with an individual who owned agricultural property. The property owner wanted to put up a 4' x 8' sign. The Township Planning Commission allowed the property owner to replace the existing sign as long as the sign was not replaced with a larger sign. The existing sign was very small. **FITCH** stated at the time of the issue, **DOYLE** suggested the sign ordinance be amended to allow for agricultural signs. It would consist of a piece of property more than twenty (20) acres in size and would allow the property owner to advertise the sale or products which were grown on that particular piece of property. It was recommended the sign be twelve (12) square foot in size. **FITCH** stated the issue was never acted upon but would the Planning Commission like to review the issue?

FLOWERS thought the current agricultural signs fell under the regular sign ordinance. **FITCH** stated the current agricultural signs fell under the sign ordinance but were permitted to one (1) square foot sign. Other signs have not been affected. **FITCH** could contact Township **ATTORNEY MOULTON** if the Planning Commission would be interested in amending the sign ordinance.

FITCH stated most of the temporary signs, such as "real estate" or "lot or house for sale" signs are approximately twelve (12) square foot. **GIBBS** wanted to know what would be the size of the agricultural sign. **FITCH** stated square footage combinations such as: 3' x 4' or 2' x 6' or any combination that would equal twelve (12) square feet. **GIBBS** wanted to know why there was such a change in advertising a house in the agricultural district. **DOYLE** stated that when the sign ordinance had originally been put together, the Planning Commission never got deeply involved with the "meaning" of what might happen in the future. **GIBBS** stated small signs are very hard to see by the road.

FITCH stated permitted uses for residential signs were: **a)** anyone's homes – one (1) square foot; **b)** a single or two (2) family development – twelve (12) square foot; **c)** a single family residence with a home occupation – two (2) square foot. (Section 13.5-57 – page 712.6). Commercial Temporary Signs could be from thirty-two (32) to sixty-four (64) square foot in a commercial district. **DOYLE** felt the sign ordinance was inadequate as stated. **FLOWERS** felt the sign issue would be similar to a farmer selling produce on his property such as a tree farm or nursery sign.

FITCH stated the Land Division Ordinance defined a farm as twenty (20) acres and the ordinance dealing with keeping of horses up to twenty (20) acres which is considered residential use for having farm animals on residential property. The Land Division Act was increased from ten (10) to twenty (20) acres. **FITCH** stated he had no problems going with ten (10) acres or even thirty (30) acres. **GIBBS** stated that a retired person that had ten (10) acres could take seven (7) acres and plant it in a vegetable crop. **GIBBS** stated he had an individual in mind, which had retired and wanted to earn some extra money; he felt twenty (20) acres was too much for the average person. **PRATT** also felt that twenty (20) acres was too much. Weren't there

some five (5) acre tree farms around the area? **DOYLE** wanted to know the size of the raspberry farms. **FLOWERS** recommended getting some points as to the direction the Planning Commission should head. **DOYLE** felt the tree farms would be in the same category as the fruit/vegetable stands that are along side the road. The large sign would not be appropriate in the City.

EXAMPLES OF SIGNS:

- **BUELL** wanted to know if there would be more problems than what it was worth having to explain to individuals, that have small pieces of property, why they could not have a large sign in their yard.
- **FITCH** stated since there has been a sign ordinance, and the offensive was taken on correcting the signs, everything has run rather smoothly. There have been very few variances on sign ordinances and no tickets have been issued on the ordinance.
- **BUELL** wanted to know what happened to farmers putting their names on their barns. **FITCH** stated he did not see an issue with the name on the barns and it would not be contrary to the sign ordinance.
- **GIBBS** stated the sign on his combine was larger than the sign requirement for the township.
- **FITCH** stated that a 4' x 8' sheet of plywood was thirty-two (32) square foot. The Planning Commission would be looking at something between twelve (12) and thirty-two (32) square foot.
- **DOYLE** made reference to an off-site sign on Stanley Road which is a 2 x 4; it would be an off-site directional sign. At the location of the business, there is a boulevard-type drive with a sign.
- **PRATT** stated that if property was designated in the agricultural district the minimum acreages would not have to be specified.
- **DOYLE** stated anything less than twenty (20) acres would have to be specified for farming but could be smaller than twenty (20) acres.
- **PRATT** stated residential did not specify lot sizes; only residential district so the commercial signs should specify commercial district.
- **DOYLE** stated RSA and Agricultural is the same thing. **DOYLE** recommended specifying certain acreage be agricultural if less than a certain amount of acreage.
- **FITCH** stated if a lesser acreage would be specified, something would have to be in the language as to what the sign applied (grown on the property.)
- **DOYLE** stated anyone should be able to advertise their product grown on their land.
- **PRATT** stated that more and more people who owned large acreages were trying to find different income resources such as deer feed, trees, etc.

DOYLE felt signs should stay with square footage. **GIBBS** felt the twelve (12) square foot would just about cover all matters. **FITCH** stated that with a subdivision, one could put up a sign that was twelve (12) square foot.

FITCH stated the signs should be limited to someone who is growing items on their property and wishes to either advertise the sale or just let people know the person has food for sale.

FLOWERS wanted to know what would happen when people bring items, in by the truck load, to sell. **FITCH** stated the items should be specific for agricultural only; **BUELL** felt the sign should be used for items grown on site.

FLOWERS wanted to know if the ordinance could be changed so that agricultural could be more than one (1) foot square in size. **DOYLE** stated the ordinance could be changed from one (1) square foot to twelve (12) square foot.

FITCH will confer with Flushing Township **ATTORNEY STEVE MOULTON** for his opinion regarding a change in square footage from one (1) square foot to twelve (12) square foot. The proposed wording to Section 13.5-57 (page 712.6) would be:

- (a) Deals with the one (1) square foot – would stay the same
- (b) Deals with subdivision signs – would stay the same
- (c) Deals with home occupation – would stay the same
- (d) Would deal with agricultural (Proposed)

FITCH will bring all the information obtained from **ATTORNEY MOULTON** back to the Planning Commission in the near future.

2. **Review of Requirements for Staked Surveys for Splits or New Builds**

DOYLE stated staked surveys have previously been discussed as to stake surveys being reasonable, if they needed to be done, or even if it should be done.

COMMENTS FROM THE PLANNING COMMISSION:

- **DOYLE:** two (2) ways to look at the situation of the staked survey: 1) the township would be getting involved in the resident's personal business and 2) the reason to have staked surveys would be people involved with planning and building permits and lot splits could handle the situation better.
- **FLOWERS:** the township is getting to be a mediation department, with metes and bounds, when a house is constructed – will the house be in the property location.
- **DOYLE:** the individual has to obtain a building permit when the time comes for building on a lot, therefore there would be concern about setbacks; **DOYLE** has always felt it would be better to have something similar to a corrected plot plan. If the property was staked proper this would stop the worry about houses being built on a lot properly.
- **PRATT:** Mortgage Surveys are less expensive than Staked Surveys. The banks are only interested in making sure that everything (buildings etc.) would fit within the lot lines. A bank requires a mortgage survey so every new house that is built, that has a lender, is stating: “buyer you are paying for this to guarantee me that the house sits within the area.” The same procedure applies for an existing home – a mortgage survey is required to make sure when the banks lend the money, the home will not be sitting outside the lot lines.

- **DOYLE:** when there isn't a mortgage it would be a civil problem between property owners and not involve the Planning Commission.
- **FLOWERS:** when you start splitting property, it should be surveyed so the property owner would know exactly what he/she was selling.
- **DOYLE:** what does the Assessor do when there is a property split?
- **FITCH:** the law requires an accurately legal description so how would one get an accurate legal description without surveying?
- **FLOWERS:** there could be nightmares with only legal descriptions.
- **PRATT:** it would be a huge burden to require staked surveys
- **DOYLE:** referred back to the old saying that "you are responsible for what you do – someone else isn't." The matter would be between the two (2) property owners.
- **BUELL:** when **FITCH** goes out to write a building permit or to inspect a foundation and giving his "blessing" to the location of the home on the piece of property; has **FITCH** ever felt any concern that the township could be held partly responsible if the house was in the wrong place.
- **FITCH:** has felt the responsibility of the matter. Most of the newer subdivisions are required to be surveyed and markers placed so subdivisions are not a big issue. If there should be a problem, it would be easy to detect because the markers are in place from a survey.
- **PRATT:** when **FITCH** goes out to issue a building permit does he: 1) ask the resident where the lot lines are located? Based on the resident's estimation of where the lot lines are located, would that be where the setbacks should be based. **FITCH** would not be the person establishing the lot lines, only issuing the building permit.
- **DOYLE:** it throws the responsibility for the person that has the lot, to get a permit and number on the lot from the County – the individual would then put a stake where the property was located – the County would come out and put a house number on the lot – a drive way permit would also have to be obtained through the Road Commission. The responsibility would fall upon the property owners. The responsibility of the Building Inspector would be very little.
- **PRATT:** 2) is the Building Inspector going out on land disputes? **FITCH** stated that if he (Fitch) had issued the permit and someone calls and stated that **FITCH** had issued a permit, and the building is on the neighbor's property, **FITCH** would be called and if the case went to Court, **FITCH** would have to go to Court also.
- **PRATT:** has **FITCH** been called into Court? **FITCH** has never been called into Court for this matter because if a survey hasn't been done, it would have to be done and the issue would be resolved.
- **FITCH:** a lot of times in a dispute, surveys have resolved the issue.
- **PRATT:** if there was any potential responsibility for the township on any lot lines, there should be a disclaimer on the Building Permits that states "this is an absolute no guarantee of lot lines" or something to that effect.
- **FITCH:** felt the responsibility if someone should give him a site drawing and stated the side setbacks were fifteen (15) feet off a property line and **FITCH** went out and the lot lines were actually five (5) feet off the property line – **FITCH** would have the person

move the building. If a staked survey had not been done, **FITCH** wouldn't know where the property line was located.

- **BUELL** wanted to know if other townships required. **FITCH** stated some communities required the building to be staked by a surveyor due to being part of the building process.
- **DOYLE**: the counties south of Genesee County required staked surveys; Flint Township and Hyde Park also required a staked survey. In a site condominium, there is a building envelope where the building has to be constructed inside the envelope which has the actual setbacks of the property line.
- **FLOWERS**: most subdivisions are laid out by engineers and once the roads are put in, the surveyors go in and survey; the property stakes are set prior to the building sites. There are footprints and control points from which to survey. Once the roads have been completed, the metal rods go in behind the curb at each property line even though there is a right of way.
- **FLOWERS**: if the Planning Commission is not happy with a Building Permit with the staked portion, what about a person that has ten (10) acres with four (4) splits? If the person splits his property into four (4) lots and a survey has not been completed, and the individual comes in for a building permit, could the Building Inspector require a survey?
- **DOYLE**: who demands the property have a staked survey in order to function?
- **FITCH**: there is nothing to get an over dig where the foundation goes in and the builder tries to square up the building – suddenly everything has been moved two (2) feet.
- **PRATT**: errors could still be made in spite of staked surveys.
- **FITCH**: if there should be a required survey, the easiest point to require the survey would be at the time the property has been divided.
- **BUELL**: wouldn't it be easier to have nice fresh stakes with surveyor tape when **FITCH** goes out to inspect as opposed to trying to find the old stake with the yellow cap.
- **FITCH**: the requirement for the staked survey at the time of the building permit would be: **1)** how would the permit be written and **2)** would the Planning Commission be looking only at new homes or would the Planning Commission also be looking at accessory structures, etc.? Sometimes there is a delay with the time period the surveying company can come out to survey the property.
- **FITCH**: more issues would be corrected at the time of the land division.
- **DOYLE**: agreed with the staked survey up to a point but felt it would be taking over someone's right to be able to have the freedom to do what they wanted with their property.
- **FLOWERS**: it would be better if there were stakes to work with even if one (1) or two (2) are missing rather than building straddled the property line and uncertain as to where the property line was located.
- **DOYLE**: most people would not build without having a survey.
- **FLOWERS**: people would fight over the issue, but it is coming to a time when city people are moving to the township – there is a change in rural life.
- **PRATT**: felt the Township Attorney should draw up a disclaimer that stated:
“This building permit is being issued based on lot lines that have been divulged and set backs that have been based on those

divulged by the owner and Flushing Township takes no liability for information gathered from the owner. We do highly recommend a staked survey before building your property to keep from having further problems.”

- **FLOWERS:** how many townships have staked survey ordinances.

DOYLE recommended **FITCH** get an Opinion regarding Staked Surveys from **ATTORNEY STEVE MOULTON** and return to the Planning Commission with the results.

MORFORD will check with the surrounding municipalities to obtain a copy of their staked survey ordinance if it is available.

VI. BOARD COMMENTS:

1. **FLOWERS** gave a summary of the different long range transportation plans for the Genesee County Metropolitan Alliance:
 - a. a CD was available for anyone to review regarding the long range plans
 - b. the metropolitan area is getting much larger:
 1. when the new metro lines are drawn, Genesee County will be less than ten (10) miles from Oakland County
 2. the East side of the metro area is now the East side of the River and extends to McKinley Road
 3. the South boundary area would be Elms Road at Corunna Road
 4. the long range plans are to turn Elms Road into five (5) lanes that come into Flushing Township. Elms Road would be another Linden Road.
 - c. Two million dollars would go out for different projects
 - d. I-69 – from M-13 to I-75 - will be tore up again this year due for resurfacing
 - e. The East side of the County will have road work on I-69
 - f. Bristol Road Bridge was completed in 2005.
2. **FITCH** will review the minutes of November 28, 2005 as to the items that needed to be placed on the April 10, 2006 Agenda.

VII. PUBLIC COMMENTS:

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

8:36 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VIII. MEETING SCHEDULE:

PROPOSED SPECIAL MEETING – AT THE DISCRETION OF THE PLANNING COMMISSION, THERE COULD BE A SPECIAL MEETING ON MONDAY, MARCH 27, 2006 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, APRIL 10, 2006 AT 7:00 P.M.

PROPOSED SPECIAL MEETING – AT THE DISCRETION OF THE PLANNING COMMISSION, THERE COULD BE A SPECIAL MEETING ON MONDAY, APRIL 24, 2006 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, MAY 8, 2006 AT 7:00 P.M.

PROPOSED SPECIAL MEETING – AT THE DISCRETION OF THE PLANNING COMMISSION, THERE COULD BE A SPECIAL MEETING ON MONDAY, MAY 22, 2006 AT 7:00 P.M.

IX. ADJOURNMENT: DOYLE MOVED, seconded by Pratt to adjourn at 9:00 p.m.
MOTION CARRIED.

JEROME DOYLE, Vice Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary
Planningminutes 03/27/06

Date of Approval