

CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
FLUSHING, MICHIGAN 48433
810-659-0800 FAX: 810-659-4212
PLANNING COMMISSION

DATE: AUGUST 14, 2006 TIME: 7:00 P.M.
WEB ADDRESS <http://www.flushingtowship.com>

MEMBERS OF THE PLANNING COMMISSION

Mark J. Newman, Chair	Richard Buell
Jerome Doyle, Vice Chair	Ronald Flowers
Eric Swanson, Secretary	David Gibbs
Barry Pratt, Board of Trustee Representative	

Jerald W. Fitch, Building Inspector
Julia A. Morford, Recording Secretary

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

ABSENT: None

OTHERS PRESENT: Jim Sowash, Representative of Ultra Dex, Flushing, Michigan

I. MEETING CALLED TO ORDER at 7:00 p.m. by Planning Commission Chair Mark J. Newman with Roll Call and the Pledge to the American Flag.

NEWMAN stated that since the Planning Commission had not received information for the 7162 Sheridan Road proposal, and the issue has not yet been Noticed, per the Notice Requirements of the changed statute, **NEWMAN** would like to change item No. 1, listed under *V. New Business* to read "Discussion of Permit to Construct an Addition to an Existing Building (7162 Sheridan Road)."

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Pratt to adopt the Agenda as presented with the change to *V. New Business*, being a "Discussion of Permit to Construct an Addition to an Existing Building." MOTION CARRIED.

III. APPROVAL OF PREVIOUS MINUTES OF JULY 24, 2006: DOYLE MOVED, seconded by Pratt to approve the Minutes of July 24, 2006 as amended. MOTION CARRIED.

IV. UNFINISHED BUSINESS:

1. Review and Discussion of Stake Surveys (Section 16-1 of the Code of Ordinances to Require a Survey with a Requested Property Subdivision, Division or Split)

NEWMAN stated that Section 16-1(d) of the Code of Ordinances to Require a Survey with a Requested Property Subdivision, Division or Split had been discussed between the Planning Commission and had been reviewed by Flushing Township **ATTORNEY STEVE MOULTON (ATTORNEY MOULTON)**.

COMMENTS FROM THE PLANNING COMMISSION:

- **PRATT:** with the amendment of Section 16-1(d) (2) “. . .as determined by the Building Department and Assessor,. . .” **PRATT** stated the wording sounded like in the absence of the Building Inspector, the Assessor would have the ability to approve or disapprove a situation.
- **NEWMAN:** the way he interpreted the wording would be the situation would require a two (2) part approval instead of an “or”.
- **FITCH: DENNIS JUDSON (JUDSON),** the Assessor, currently approves the property divisions, under the Land Division Act, which states the Assessor has the authority to approve or deny divisions of land.
- **NEWMAN:** thought the Planning Commission had wanted the term “building department” in general so that if one (building inspector or assessor) or the other wasn’t present, the other one could handle the situation. Because the word “and” is used, it would mean that someone from the Building Department would have to approve the issue and also the Assessor.
- **FITCH:** the Assessor is his own Department Head; **JUDSON** is very good at property divisions; **FITCH** and **JUDSON** converse on most of the property divisions.
- **FLOWERS:** due to the concern of the issue, number 3 of Section 16-1-(d) was put back into the ordinance.

(3) The Planning Commission, in its discretion, may waive the requirements of a survey in those cases where requiring a survey would be unduly burdensome. In exercising its discretion, the Planning Commission shall consider the age of the last survey performed with respect to the premises, or any part of the premises subject to the subdivision, division or split; the ability to locate markers or stakes from an existing survey; the physical characteristics of the premises; the stated purpose for which the subdivision, division or split is requested, including the likelihood that permanent structures will be placed on the premises; the relative cost of the required survey compared to the premises subject to the request; and, any other factor which the Planning Commission believes reasonably relevant to its decision.

- **FLOWERS: JUDSON** is a very bright young man and knows how to read property descriptions.
- **DOYLE:** should the wording be specified so that both the Building Inspector and the Assessor would have to review the issue to determine if there needed to be a stake survey.

- **GIBBS:** what if a decision had to be made and neither the building inspector nor the assessor was present?
- **DOYLE:** (Building Inspector/Assessor) one individual would be looking at the issue from the viewpoint of what the property really had and the other individual would be looking at the property from the assessor's viewpoint; there would be two (2) different views.
- **BUELL:** it would be unwise to assume the two (2) individuals (Building Inspector/Assessor), whom the Planning Commission is currently working with, would be the individuals that would be in those positions in the future.
- **FLOWERS:** there are a lot of avenues for the building inspector and the assessor to work, including sending the issue back to the Planning Commission.
- **SWANSON:** almost every issue that has come before the Planning Commission and the Zoning Board of Appeals (ZBA) has come through the Assessor and then to the Building Inspector due to the building inspector setting the Agenda for the Meetings. The assessor has wanted the authority to tell individuals that he needed the stake survey. In some cases, if an individual would have gotten a stake survey, they would not have had to go to ZBA for a variance.
- **FLOWERS:** there can be a piece of paper with a description on it, but if it isn't recorded, the paper isn't worth anything.

NEWMAN recommended the language in Section 16-1(d) 2 to read:

2. Any owner or other interested party submitting a request to the Township for approval of a subdivision, division, or split of land, shall provide to the Township, a current stake survey as determined by **BOTH** the Building Department and **THE** Assessor, and a stated legal description as prepared by a licenses surveyor showing each parcel which will result from the requested subdivision, division or split.

DOYLE MOVED, seconded by Flowers to have a Public Hearing on Monday, September 11, 2006 for the Amendment to Section 16-1(d). **MOTION CARRIED.**

2. **Review and Discussion of Agricultural Signs (Section 13.5 of the Code of Ordinances to Allow Signs Advertising the Sale of Certain Agricultural Products)**

COMMENTS FROM THE PLANNING COMMISSION:

- **GIBBS** felt the determination of acreage for farms or garden crops was the biggest item. **GIBBS** felt that five (5) acres would be an appropriate acreage. There could be an acre and one-half (1 ½) for almost any house and lawn; there would be three (3) acres remaining to put in a garden or grow a vegetable crop. **GIBBS** felt a farm could consist of fifty (50), sixty (60), or even seventy (70) acres but a garden crop would also be considered a farm and a lot of "stuff" could be grown on three (3) acres. The individual

should be able to have a sign in front of his property large enough to advertise the produce.

- **PRATT:** what happened when an individual owned a farm but drove his tractor down to his house, which was down the road and not on five (5) acres, where the wife sold the produce at their home; the home was not on the farmstead. Under the proposed amendment, the individual could no longer have his wife selling the corn at their home.
- **GIBBS:** if the individual had property where he was growing the corn, he should be entitled to go down the road to sell his corn.
- **DOYLE:** would the situation be a matter of what type of selling situation the Planning Commission wanted a twelve (12) square foot sign located on. Should there be twelve (12) square foot of sign on one-half (1/2) acre where the individual could sell produce or could the matter be handled in another way; perhaps something that would not be a permanent sign so would not have to worry about the situation.
- **GIBBS:** his thought had not been for a permanent sign but a sign that went up when the produce was ready to sell and then taken down when the selling season was over.
- **NEWMAN:** the proposed amendment refers only to permanent signs.
- **FITCH:** currently, the way the ordinance reads is the tree farm would be allowed a two (2) square foot sign. **FITCH** is not sure if there needed to be a twelve (12) square foot sign on each acre of property as one travels down the road. Permanent signs are the only issue being considered. If someone wanted to sell sweet corn or lemonade, the issue would be dealt with under “temporary signs.”
- **NEWMAN** reviewed *Section 13.5-57 Residential RSA, RU-1, Permanent Signs of the Code of Ordinances (page 712.5) – Section 13.5-57(d)* would be placed after Residential RSA, RU-1 Permanent Signs and before *Section 13.5-58 Residential RU-2, RU-4 Permanent Signs*
- **SWANSON** mentioned *Section 13.5-62(6) Residential, all districts – Temporary Signs (page 712.10)* which states:
 6. There shall be permitted in all residential districts, non-illuminated signs for residential sales, such as, but not limited to, produce, rummage/garage sales. Such signs shall not exceed six (6) square feet in area and four (4) feet in height. All such signs shall have the date of the sale as part of the text and shall be removed within two (2) days after the event for which the signs were erected. A maximum of five (5) signs are permitted per sale. A permit is required.
- **PRATT:** thought the signs were going to be for seasonal, temporary signs.
- **FITCH:** the whole idea of bringing the ordinance before the Planning Commission was for a permanent sign. The location of the proposed sign amendment would be where **ATTORNEY MOULTON** had indicated – *Section 13.5-57(d)*. *Section 13.5-62(6)* deals with rummage and garage sales, but reference is also made to such as, but not limited to, produce, rummage/garage sales. Such signs shall not exceed six (6) square feet in area and four (4) feet in height.

- **FITCH:** the whole idea was limiting the acreage so that it applied to bona fide farms; the Planning Commission was not trying to cut out the small parcel of lands but did not want a twelve (12) square foot sign on an acre of land.
- **DOYLE:** *Section 13.5-57(d) Permanent Signs* – doesn't handle the other problem that has come up regarding the people that wanted a small sign or another sign for small things; temporary signs is the only thing mentioned in the ordinance.
- **BUELL:** there have been a lot of wheels spun over the situation that was never a problem in the first place.

NEWMAN MOVED, seconded by Doyle to place the number five (5) in *Section 13.5-57(d)1* of the Code of Ordinances and to place the proposed amendment to the Ordinances on the Agenda for a Public Hearing on Monday, September 11, 2006 and the section of the proposed amendment to read:

(1) On premises consisting of at least **five (5) acres** occupied or used in part for agriculture or agricultural purposes, there shall be permitted on the premises one (1) non-illuminated, free standing sign not exceeding 12 square feet in area or 6' in height. The sign shall be placed no closer than 10' of any right of way line.

ACTION OF THE MOTION:

MOTION DENIED – THE ISSUE WILL NOT BE PLACED ON THE PLANNING COMMISSION AGENDA FOR SEPTEMBER 11, 2006.

V. NEW BUSINESS:

1. **Mark Birchmeier, 7162 Sheridan Road M-13, Flushing, Michigan 48433**
Discussion of a Permit to Construct an Addition to an Existing Building (7162 Sheridan Road) (Commercial Business)

JIM SOWASH (SOWASH), Representative of Ultra Dex, Flushing, Michigan was in attendance for **MARK BIRCHMEIER (BIRCHMEIER)** to give a Preliminary Presentation of the proposed addition.

SPECIFIC FEATURES OF THE ADDITION:

- the business was running out of space for storage space in the back of the existing building at 7162 Sheridan Road.
- addition would be used for:
 1. storage
 2. unloading trucks
 3. could be used as a small assembly area
- addition would be one large empty room
- a restroom would be located in the addition
- drainage flows toward Sheridan Road
- proposed addition would look and be the same as the existing building
- construction:
 1. pole barn construction

2. concrete floor
 3. additional room for new employees
 4. lights would be on the building and in the parking lot
 5. current business has roughly forty-one (41) employees
- **GIBBS:** there needs to be an ambulance entrance to the area
 - **DOYLE:** what is the acreage per the site. **SOWASH:** there is a five (5) acre area for two (2) sites which are combined.
 - **BUELL:** per the drawing (given to the Planning Members on 08/14/06) the proposed addition would be the remaining undeveloped property.
 - **DOYLE: BIRCHMEIER** needed to fill out a Check List. **FITCH** would take care of the matter so there would be a complete submission. **BIRCHMEIER** could be scheduled for the next regular scheduled Planning Commission Meeting.
 - **FLOWERS:** interested in the setbacks for the property

VI. PUBLIC COMMENTS:

7:45 P.M. – OPENED TO THE PUBLIC FOR NON AGENDA ITEMS

7:46 P.M. – CLOSED TO THE PUBLIC FOR NON AGENDA ITEMS

VII. COMMISSIONER COMMENTS:

1. **FITCH** stated that Rowe Inc has volunteered to do the whole 2006 Michigan Zoning Enabling Act Ordinance.
2. **SWANSON** will not be at the Planning Commission Meeting on August 28, 2006.
3. **DOYLE** wanted to know what was on the list that needed to be discussed at the August 28, 2006 Meeting.
 - a. **PRATT** stated the check list needed to be updated.
 - b. **NEWMAN** stated there were plans to work on the Michigan Zoning Enactment Act, but will hold until we hear from Rowe Inc.
 - c. Reference was made to the Planning Commission Minutes of April 10, 2006 as to items that needed to be discussed.
 - d. **DOYLE** felt that transportation, infrastructure, and schools could all be handled at the same meeting.
 - e. For the August 28, 2006 Special Planning Commission Meeting, Transportation will be placed on the Agenda and if other materials are received from Rowe Inc it will also be placed on the August 28, 2006 Special Planning Commission Meeting Agenda.
4. **PRATT** wanted to know if there had been any review of the Ambleside eighty (80) foot frontage issue (cul-de-sac). **FITCH** stated the issue could be done administratively. The issue would be placed on an upcoming Planning Commission Meeting.
5. **BUELL** wanted to know if the Planning Commission could have a flip chart to keep track of the upcoming items for discussion.

6. **PRATT** wanted to know, if on the Agendas listed under *Old Business*, the items for discussion could be kept on a rotating basis.
7. **NEWMAN** would prefer to maintain the list, and at the conclusion of the meeting, decide at that particular point how to treat the issue; what the outlook looked like; what additional work should come before the Planning Commission, etc.
8. **SWANSON** felt the *Old Business* would get confusing with the *Unfinished Business*.
9. **FLOWERS** reminded everyone about the MTA Evening Session Seminar scheduled for Thursday, August 24, 2006 at Frankenmuth, Michigan. The car pool will meet at Flushing Township Hall at 4:00 p.m.
10. **GIBBS** stated there had been an article in the Flushing Observer regarding Tucker Pool – could **PRATT** bring the issue up before the Board of Trustees to see if money was available.
11. **FITCH** wanted clarification regarding two (2) issues: **1) Willowbrook Drive and 2) North Flushing Baptist Church.**
 - a. **was stone supposed to go out on the existing Willowbrook Drive? FITCH** had difficulty deciding if stone was supposed to be on the existing Willowbrook or just the new section?
 1. **DOYLE** felt they were going to widen the street and therefore they would also be adding the stone to the existing drive. **NEWMAN** stated there had been a specific reference to the drive. **PRATT** stated, per the quote, approximately 1,700 lineal feet to be widened from existing width to twenty-two (22) feet removal of top soil, provide and install eight (8) inches of sand base; provide and install six (6) inches of road gravel.
 - b. **North Flushing Baptist Church**
 1. there has been discussion regarding a vegetative bumper between the church and the homes on Morrish Road
 - a. **DOYLE** stated at one meeting, the church had to be moved a little over to the East.
 - b. **FITCH** stated what he recalled and what the minutes reflected were two (2) rows of five (5) foot trees running the length of the fourteen (14) lots
 - c. the location of the trees has created a problem. The church has been set one hundred (100) feet off the property line. **FITCH** had a site drawing that showed a single row of trees starting fifty-five (55) feet from Mt. Morris Road extending to the back of the church. When the site drawing was presented to the Planning Commission, the outcome was two (2) rows of trees running behind all fourteen (14) lots. There are fifteen (15) lots; the church owns the fifteenth (15th) lot located to the North.
 - d. a meeting has been planned with the pastor of the church; specifics are needed as to the location of the trees. **FITCH** stated he would indicate to the Pastor, there had to be two (2) rows of trees – one at forty-five (45) feet from the back property line, the second row at

fifty-five (55) feet from the back property lines of the homes on Morrish Road. The first trees to be planted fifty-five (55) feet off Mt. Morris Road and staggered at ten (10) feet all the way to the North behind Lot Number 14.

1. **GIBBS** felt that was what had been indicated.
2. **FLOWERS** stated the discussion was basically the church was going to put their parking lot behind the houses (East of the homes, West of the Church).
3. **FITCH** stated there hadn't been any changes to the final site plan which the Planning Commission had approved. The church parking lot would be located where the plans had indicated.
4. **FITCH** stated the planting of the trees was the main concern.
5. **FLOWERS** stated the concern had been to have the parking lot with the berm and trees; the berm would prevent the head lights from shining in the back windows of the houses in the winter time.
6. **FITCH** stated at the particular meeting, the berm was eliminated; the single row of trees was eliminated. There was supposed to be two (2) rows of trees. The church would like to place the trees closer to the back of the property line.
7. **FLOWERS** stated originally there was supposed to be a road twenty (20) feet between the houses and the church. **FITCH** stated the road had been moved to the East side of the church, per the last site plan drawing.
8. **DOYLE** stated the berm was eliminated and replaced with two (2) rows of trees. If the trees were spaced correctly, they would stop the glare of the lights.
9. **BUELL** wanted to know what type of trees would be planted. **FITCH** stated there would be evergreens, spruces, etc. **BUELL** stated there were a number of trees that could go there but the spacing might be inappropriate. **BUELL** stated he was assuming the trees would be spruces or pines; spruces would be more expensive than pines. If there could be a mixture of the two (2) trees, it would be more attractive. The trees would be close at ten (10) feet. (**BUELL** grows a lot of the trees).
10. **DOYLE** wanted to know the distance between the rows.
11. **PRATT** stated the main concern was the glare of the head lights of the cars; the ordinance states "you can't shed light

- on another's property." The burden would fall on the Church to not allow the situation to happen.
12. **NEWMAN**, who was not on the Commission at the time, stated the intended goal of the Planning Commission would be permissible.
 13. **PRATT** said he felt the concern was the language as to the density of the trees so the head lights would not penetrate.
 14. **BUELL** stated pine trees are much thinner than spruces and firs.
 15. **FITCH** stated his main concern was the location of where the double line of trees should start.
 16. **SWANSON** stated the trees should be far enough apart so that each tree doesn't crowd the other trees.
 17. **FLOWERS** stated that if staggered, each tree on each row would be fifteen (15) feet apart. The other row, if staggered, would be seven (7) or eight (8) foot diagonal at one end which would help block the light.
 18. **BUELL** suggested calling the MSU Extension Center on Pasadena Avenue; someone would be able to tell the distance between all the trees.
 19. **IT WAS DETERMINED BY FITCH**, and backed by the Planning Commission, there would be two (2) rows of trees fifty (50) foot from the back of the West neighbors' property line.

VIII. MEETING SCHEDULE:

PROPOSED SPECIAL MEETING – MONDAY, AUGUST 28, 2006 – 7:00 P.M.
REGULAR SCHEDULED MEETING – MONDAY, SEPTEMBER 11, 2006 – 7:00 P.M.
PROPOSED SPECIAL MEETING – MONDAY, SEPTEMBER 25, 2006 – 7:00 P.M.
REGULAR SCHEDULED MEETING – MONDAY, OCTOBER 2, 2006 – 7:00 P.M.
PROPOSED SCHEDULED MEETING – MONDAY, OCTOBER 23, 2006 – 7:00 P.M.

IX. ADJOURNMENT: There being no further business, Chairperson **NEWMAN** adjourned the Planning Commission Meeting at 8:14 p.m.

MARK J. NEWMAN, Vice Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary
Planningminutes 08/14/06

Date of Approval