

CHARTER TOWNSHIP OF FLUSHING

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PLANNING COMMISSION MEETING

DATE: SEPTEMBER 13, 2007

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

ABSENT: None

OTHERS PRESENT: None

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

II. ADOPTION OF AGENDA: PRATT MOVED, seconded by Flowers to adopt the
Agenda as listed. **MOTION CARRIED.**

III. APPROVAL OF MINUTES OF JUNE 25, 2007: BUELL MOVED, seconded by
Gibbs to approve the Minutes of June 25, 2007 as amended. **MOTION CARRIED.**

IV. UNFINISHED BUSINESS:
None

V. NEW BUSINESS:

1. Discussion of Cost of Density

NEWMAN stated the Planning Commission has been trying to resolve some of the issues that have come up for review that don't particularly fit a specific application or some specific matter that has come before the Planning Commission by a citizen. The Planning Commission has been trying to fit the issue into the Agenda so a discussion could be held about each issue. The issues are important to the Planning Commission and thus to the township residents.

FLOWERS stated one (1) township in Genesee County was trying to raise the minimum acreage size from three (3) to five (5) acres. Flushing Township has been trying to decrease parcel sizes from five (5) acres down to a smaller size acreage in order to prevent poor use of land. (**FLOWERS** brought in an article that had been in the Flint Journal regarding Atlas Township).

COMMENTS/CONCERNS FROM THE PLANNING COMMISSION:

- “density does raise resources needed in the township”
- “wasteful ground to have a five (5) acre lot for one (1) house when there could be three (3) houses on a lot.”
- “three-fourths ($\frac{3}{4}$) of an acre is large enough to put a septic system and to have an extra septic bed for the future.”
- “if you could use one (1) acre of property, you could get everything on it and still have an area for children to play and have baseball, etc.”
- “the rationale to have the five (5) acres, could not be understood because there are talks about trying to keep farmland; one would be cutting a large piece of property out of farmland.”
- “there would be the reduction of supply of lots for people to purchase, Goodrich has been a highly rated school district, and now there would be a restriction of the number of people that could come into the area; everything would be more expensive.”
- “there are 2 Constitutional Law issues:
 - a. an illegal taking of property - would the residents have to be compensated or would the residents be “grandfathered” in similar to a pre-existing non-conforming use under zoning.
 - b. lawful contracts couldn’t be impaired by later adopting something similar to the issue at hand (Goodrich School District).”
- “would the Federal or State law supersede the local law – the property rights would be absent.”
- “the issue could be challenged under the Federal or State law.”
- “everyone lives in the township for a reason, the township is not overly populated or overly developed .”
- “has anyone ever actually considered the cost of putting a subdivision together.”
- “would it be the secondary or ripple affect of expenses or costs of density.”
 - a. building inspector would have a lot of time involved with density.
 - b. the Planning Commission would have a lot of time involved. (example: Hyde Park Subdivision).
- “traffic picks up greatly when a subdivision has been installed”
- “the tax base doesn’t cover building the infrastructure to handle the new density”
- “sewer systems have been getting older and the cost would be more to replace/repair”
- “density has got to the point where something has got to take place”

NEWMAN felt it was great for the Planning Commission to have discussions regarding such topics as Density. The topics would stay fresh in everyone’s mind so when a similar project

should come before the Planning Commission, the issue would have already been reviewed. On some of the applications that have come before the Planning Commission, one specific numerated factor on the *Finding of Facts for Site Plan Reviews*, besides the general powers as Commissioners, has been “are support services sufficient”. The Planning Commission has to keep cognizant of the issues and concerns about sewer, roads, etc.

2. Discussion of Site Regulations

NEWMAN stated *Site Regulations* have been discussed and reviewed several times. A number of applications have come before the Planning Commission with a rudimentary drawing of a site plan which required the applicant to leave the meeting and return again to the Planning Commission with a new drawing. **PRATT** has brought the issue up several times as to was there a way to change the rules of the site plan reviews where an updated site plan was not required.

PRATT wanted to know, for example, if an applicant wanted to place an addition onto an existing structure, would the Planning Commission need a certified drawing, or need to hire someone, and spend \$800 to \$1,000 for the information. The issue of consistency is very necessary; a lot of the Michigan Townships Association (MTA) training sessions have stressed consistency. **PRATT** stated he had a concern about the libelous position for the Planning Commission where one applicant was required to get a certified drawing and another wasn't.

- **FLOWERS:** one applicant (A) brought in his first original Site Plan that was complete; the applicant wasn't building outside the Site Plan but was building within the Site Plan. Another applicant (B) had changed businesses during the life of the business; it was never built to the specifications of the original Site Plan.
- **GIBBS:** the Planning Commission had worked with Applicant A several years ago. The original business started out with the Planning Commission for the Site Plan; only additions were made. Applicant B was a new business as far as the Planning Commission was concerned. (The building had previously been other business names).
- **BUELL:** felt there needed to be a philosophical approach to the site plans; the Planning Commission has been sensitive to the costs that are incurred by the applicant. There has to be sufficient information on the Site Plan to make an intelligent decision. When there are questions such as: 1) where the water mains are located, and 2) what direction the water flows and the applicant is contemplating a paving project, the Planning Commission has to know the information in order to make a decision. **BUELL** felt the Commission has never exceeded the needs and requests from the constituent.
- **PRATT:** everyone has been conservative and tried to meet the publics' needs in a fashion that doesn't cost the applicant a lot of money. **PRATT** read the following Review Procedure:

“An application for Special Land Use be made by an owner in interest in the land and in case of discretionary, the application be accompanied by a Site Plan Drawing to a scale of 1 inch equals twenty (20) feet. . .and meeting the requirements of Site Plan, Section 20-1903 Site Plan Review Procedures.”

Site Plan, Section 20-1902 Site Plan Review Requirements:

“Before any building permit shall be issued, a site plan drawn to a scale of one (1) inch equals twenty (20) feet, and at least two (2) copies of this site plan shall be submitted to the township clerk. Such site plan shall contain the following information.

(Please refer to Article XIX, Site Plan, Section 20-1902 for the requirements)

- **PRATT:** Section 20-1902 stated the building permit shall be issued if the site plan has all the details so does that mean there needed to be another drawing or does the Planning Commission just ask questions that aren't on the drawing?
- **NEWMAN:** Section 20-1902(n) stated:
“The site plan shall be sealed by a professional engineer, architect, landscape architect or community planner.”

NEWMAN stated the Planning Commission did not want to get in a situation where they (Planning Commission) were always sending people away from the meetings.

NEWMAN felt if every applicant met the checklist and brought the site plan before the Planning Commission, the Planning Commission could work with the applicant and make a decision in one night. If the site plan was made optional at the request of the Planning Commission, and an applicant came before the Planning Commission and had everything, the Planning Commission reviewed the issue and decided there wasn't sufficient information as there were concerns and that a site plan was needed; the Planning Commission would have the applicant return at a later date.

- **DOYLE:** the site plan information was needed to make a decision; if anything was added, it should be added to the list of things the applicant needed to do.
- **PRATT:** consistency was needed by either going in one direction or another direction.
- **NEWMAN:** the site plan requirements are already in the ordinance.
- **PRATT:** the Planning Commission has always depended upon the applicant for information.
- **DOYLE:** sometimes the proper information has not been correct
- **PRATT:** there have been a few instances where there was only a “shoestring” drawing and other instances where a certified drawing was required. Is the Planning Commission going to take the applicant's word for the application? Sometimes the issue depended upon the familiarity of the situation by the Planning Commission as each commission member has to go out and review the area/issue before the Planning Commission Meeting.
- **DOYLE:** felt the Planning Commission should review the ordinance at each meeting so everyone would know what the requirements were for the applicant.
- **GIBBS:** a copy of the ordinance is given to each applicant .
- **NEWMAN:** each applicant is given a copy of the ordinance and the site plan review checklist by Building Inspector **JERRY FITCH (FITCH)**. A *Finding of Fact* form is filled out by **NEWMAN** for each applicant.

- **SWANSON:** concerning sealed drawings, it would depend upon the applicant's request. If the applicant should come before the Planning Commission with a subdivision request or something similar, the applicant would be going outside the township so there would have to be a sealed drawing. In a pond issue, **SWANSON** would like to have a good scale drawing due to property lines. Anyone bringing in a first-time project, should have a sealed drawing especially in the commercial aspect. Later, if the individual would like to place additions to the structure, the Planning Commission would already have a sealed drawing so all that would be needed would be amendments brought back before the Planning Commission for review.
- **NEWMAN:** (Newman made reference to a comment from Pratt) by taking Section 20-1902(n) and adding "unless waived by the Planning Commission" as the Planning Commission wouldn't know what the situation was until the applicant had come to the Planning Commission Meeting; there wouldn't be a site plan.
- **PRATT:** after checking with **FITCH**, it appeared he (Fitch) has retained some of the site plan drawings from previous projects. The ordinance does not state the drawing has to be up-to-date. Could older site plans be used when the applicants come back for additions to original buildings?
- **FLOWERS:** problem has been when an individual has come before the Planning Commission and declared they own certain amount of property. Unless the property lines have been surveyed, the individual doesn't know exactly where the property line sets. **FLOWERS** felt site plans should be sealed so the Planning Commission would have all the information to make a better decision; sometimes the surveyor should come in with some of the applicants because of survey problems in the past.
- **DOYLE:** sometimes the surveying has not been the problem but the problem has stemmed from the placement of the house on the property which didn't allow for property drainage.
- **PRATT:** recommended the proposed wording be placed under Section 20-1902(n):
"The site plan shall be sealed by a professional engineer, architect, landscape architect or community planner unless petitioner's drawing is adequate enough to satisfy the Planning Commission."
- **NEWMAN:** liked the professional site plan drawings because with the topography maps the engineer would be putting their reputation/license on the line and would know more about the issue than the Planning Commission as to what the land looked like at present and what the land would look like when the project was completed.
- **FITCH:** everyone looked at things differently; something that **NEWMAN** looked at would be comprehended differently from **FITCH**, etc. It has been hard to tell someone to go and spend money. The most difficult situation has been the individual that has come before the Planning Commission and then is sent away at the end of the meeting and has to spend the money. **FITCH** would prefer everyone having the engineered drawing; don't have a problem with redrawing an original site plan. **FITCH** would not accept an original site plan by adding some details to it – take the site plan and redraw it and then present the drawing to the Planning Commission.
- **FLOWERS:** Flushing Township doesn't have that many surveys filed with Genesee County as compared to a lot of the other municipalities.

- **BUELL:** agreed with **PRATT** about consistency but also with **NEWMAN** regarding being consistent as one would look at the treatment of applicants that have come before the Planning Commission; there haven't been any onerous requirements on the applicants but at the same time the Planning Commission has consistently gotten the information which has been necessary in order to make an intelligent decision.

BUELL felt there was a danger to using old site plan drawings. When a plan has been received, it showed a snapshot in time of a certain number of years; a lot of things could happen around the perimeters of the plan in the time period since the original plan was drawn; felt the Planning Commission could get "taken" by using an old site plan drawing.

- **NEWMAN:** some of the site plans that have been received by the Planning Commission have almost been a snapshot of a prediction (plan).
- **PRATT:** what about the larger subdivisions such as Hyde Park, are they required to have an engineered drawing? **DOYLE:** there was a change in the site plan for the amendments for the two (2) locations for the small duplexes and also in the site plan when the single-family residences were constructed in the southwest section of the property. **PRATT** wanted to know if there should have been an engineered drawing for each specific lot because it wasn't according to the original. **DOYLE:** there aren't any lot stakes as for the way the property (Darrin Lum) was laid out; the developer had plans to construct a home on an envelope without any changes in a residential zoning area, multi-unit area; the site plan didn't change.
- **SWANSON:** felt the site plan was on a per basis issue.
- **BUELL:** one Flushing Township resident made five (5) trips to the Planning Commission. **DOYLE:** the resident was requesting two (2) uses: 1) Site Plan on a Commercial Use and 2) a Site Plan on a Residential Use for One Lot; discussion went into other things such as roads, neighbors, ditches, utilities. **BUELL:** felt there needed engineered drawings on any commercial proposal that should come before the Planning Commission and additional courtesies could be extended to residential requests that should come before the Planning Commission. .
- **SWANSON:** after a township resident got the stake survey on some property, he gained property on one side and lost property on the other side. An offset could not be given with imaginary lines.
- **FLOWERS:** has no interest in changing the site plan one way or the other.
- **DOYLE:** when people have constructed houses on property, they had to have some type of layout when they bought property. If there wasn't a layout, it would be up to the Planning Commission to request the applicant to get the information. If the applicant doesn't search and find the information, then how would the Planning Commission know the distances, etc.
- **FLOWERS:** the Planning Commission is trying to make **FITCH's** job easier.

NEWMAN stated two (2) things were derived from the meeting:

1. stay consistent and treat everyone the same and to follow the requirements.

2. keep an eye out and maybe the Planning Commission would start to see a situation where the Planning Commission would want to change parts of the Section.

VI. PUBLIC COMMENTS:

8:15 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS

None

8:15 ½ P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VII. BOARD COMMENTS:

1. **FLOWERS** handed out information on the Genesee County Regional Trail Plan. There is a stall in the Trail Program at present, but when funds become available in the future, the Trail Plan would be ready to jump on the wagon. Copies of the Trail Plan are available upon request. If anyone has any questions or concerns please contact Genesee County or **FLOWERS**.
2. **GIBBS** received an invitation to a Planning Commission Session at the Grand Traverse Resort scheduled for October 17-20, 2007.
3. **BUELL** made reference to having Planning Commission Meetings with adjoining municipalities; the Flushing Township Planning Commission has met with the City of Flushing Planning Commission.
4. **DOYLE** stated some of the Flushing Township Planning Commission Members attended a Michigan Townships Association (MTA) Session in Frankenmuth, Michigan recently regarding what Planning Commissions need to do. With every issue that was brought up, there was an enormous amount of people, for the townships in the State, that are not as advanced as Flushing Township. **ALSO** when there has been extra time, additional items on the “Items to be discussed in the future” could be reviewed.
5. **PRATT** stated per an MTA recommendation, people start loosing interest and abilities after two (2) hours of meetings.
6. **PRATT** discussed the time frame of having the Master Plan updated.
7. **DOYLE** stated it has always been his feeling that if the ordinances have already been reviewed, and when it comes time to update the Master Plan, the information would already be in effect. It would be a lot more expensive to start from scratch and bring the ordinances up to date for the Master Plan.
8. **NEWMAN** felt it was much easier and cheaper to discuss and talk about the ordinances/issues, add to the specific section, continually.
9. **NEWMAN** inquired about the Seminar on Thursday, September 13, 2007 from 9:00 a.m. until 1:30 p.m. at the UM Flint Campus concerning Tax Incentives for Private Land Protection. Please contact the Clerk if interested in attending.
10. **NEWMAN** stated the next meeting would be Monday, September 10, 2007. **FITCH** and **MORFORD** would review the dates for publication for agenda items.
11. **SWANSON** stated the Planning Commission should be prepared for the joint services with the City of Flushing.
12. **NEWMAN** wanted to know if it would help if one of the Planning Commission members occasionally attended a Board of Trustees Meeting for feedback from the Planning Commission.

13. **FLOWERS** stated the State had recommended more regional planning which would include some of Shiawassee and Saginaw County. **FLOWERS** stated the Genesee County Regional Planning area was eight (8) to ten (10) miles from the Detroit Regional Planning Area.

VIII. MEETING SCHEDULE:

REGULAR SCHEDULED MEETING – MONDAY, SEPTEMBER 10, 2007 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, OCTOBER 2007 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, NOVEMBER 5, 2007 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, DECEMBER 2007 AT 7:00 P.M.

IX. ADJOURNMENT: There being no further business items on the Agenda, **CHAIR NEWMAN** adjourned the meeting at 8:45 p.m.

MARK J. NEWMAN, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval

Planningminutes 081307