

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

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

MINUTES OF THE PLANNING COMMISSION MEETING

DATE: FEBRUARY 8, 2016 TIME: 7:00 P.M.

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

MEMBERS OF PLANNING COMMISSION

Chair: Jerome Doyle

Donn Hinds

Vice Chair: Robert Gensheimer

William Mills

Secretary: Ronald Flowers

Mark Newman

Board of Trustee Representative: Shirley D. Gage

Recording Secretary: Julia A. Morford

PRESENT: Jerome Doyle, William Mills, Shirley Gage, Ronald Flowers, and Mark Newman

ABSENT: Robert Gensheimer and Donn Hinds - Robert Gensheimer arrived immediately after Roll Call.

OTHERS PRESENT: Twelve (12) other individuals

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

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Mills, to approve the Agenda by changing the next meeting date to March 14, 2016. **MOTION CARRIED.**

III. APPROVAL OF PREVIOUS MINUTES:

1. JANUARY 11, 2016: NEWMAN MOVED, seconded by Gage, to adopt the Minutes from January 11, 2016 as submitted. **MOTION CARRIED.**

IV. UNFINISHED BUSINESS:

1. Vern Martin, 552 N. McKinley Road, Flushing MI 48433
Continued Discussion on Site Plan for the purpose of obtaining a Special Use Permit to place an accessory structure on a lot without a principal building, pursuant to *Article IV, Site Regulations, Section 20-400(c), Accessory Structures and Article XVIII, Special Use Permits, Requirements for Permitted Special Uses, Section 20-1804(A)(2)*, located at 5270 McKinley Road, Flushing MI 48433, Parcel Number 08-23-100-069.

Mr. Vern Martin (Mr. Martin) was present to request a Special Use Permit to build a pole barn on his property. After he builds the pole barn, he would like to build, on the West end of the barn, a Pavilion for family functions. The current issue is the construction of the Accessory Structure to be located at 5270 McKinley Road, Flushing Michigan. The Planning Commission had previously received the specifications for the accessory structure.

DOYLE stated he had not received a Site Plan. Mr. Martin stated there were six (6) pages turned in which would cover more than just a Site Plan. **DOYLE** stated there had to be some type of concrete information which explains exactly what Mr. Martin is proposing to do with everything according to the Ordinance; more information is needed on the pages that were received from Mr. Martin. Mr. Martin had actually turned in nine (9) pages including the topography map. The pages showed all the details including the size of the accessory structure, the grade of the land, aerial views of the property including views of the subdivisions from the North and South, the engineered drawings, a new site plan with all set backs and dimensions of the property, a print of the barn and a rough sketch of the elevation, etc.

QUESTIONS/COMMENTS FROM THE PLANNING COMMISSION:

1. **NEWMAN:** looking at page 9 of the documents that were submitted, is that the elevation of the proposed structure? Is the document that is listed as 50' wide the Pavilion? **ANSWER:** the pavilion will be constructed after the home is built.

2. **DOYLE REVIEWED ARTICLE IV – SITE REGULATIONS**
 - a. Section 20-400 Accessory Structures
(b) Detached Accessory Structures – A detached accessory structure shall not be closer than five (5) feet from the rear lot line and ten (10) feet from the side lot lines, except as otherwise provided in this Ordinance. An accessory structure may be located in the side or rear yards only, unless permitted in the front yard by issuance of a discretionary special use permit pursuant to Section 20-1804(A) of this ordinance.
 - b. *(c) Accessory Structure Without Principal Building – An accessory structure otherwise permissible under this ordinance may be located on a lot without a principal building, by issuance of a discretionary special use permit pursuant to Section 20-1804(A) of this Ordinance.*
 - c. *(d) Temporary Accessory Structures – Temporary accessory structure is defined as a building or other structure which is not connected to water, septic, sewer, natural gas, propane, or any utility except electricity used only to light the temporary accessory structure; and, which is used solely for purposes of storage.*
 - d. Section 20-401 General Area Requirements
No portion of a lot used in complying with the provisions of this chapter for yards, courts, lot area per family or percentage of lot occupancy in connection with an existing or proposed building or structure, including tents and trailer coaches, shall again be used as part of the lot required in connection with any other building or structure existing or proposed.
 - e. Section 20-1804 Requirements for Permitted Special Uses
(A) (2) Accessory Structure on a Lot without a Principal Structure – A structure which would otherwise be an accessory structure may be located on a lot without a principal structure, subject to the following conditions:
 - (i) *The accessory structure is located on the lot such that its*

placement will not interfere with the future placement of a principal structure in accordance with the requirements of this Ordinance, and further, that placement of the accessory structure meets all location and set back requirements of this Ordinance for accessory structures.

- (ii) *The proposed location, size and type of the accessory structure and its intended use are reasonably related to the use and enjoyment of the property.*
 - (iii) *The placement of the accessory structure and its intended use will not adversely affect the value, use and enjoyment of other property.*
 - (iv) *The accessory structure shall not be used for human habitation.*
3. **DOYLE:** the Planning Commission has to look at the request from the view point as to whether the Planning Commission can accept the request to have the building built where Mr. Martin would like it located. For that purpose, the Planning Commission needs to know the distances from different property lines, especially the South property line, order to make a decision. **ANSWER:** Mr. Martin stated there was 292' from the North property line to the proposed structure. The topography map was given to show why Mr. Martin would not be able to build the barn in another 20' West. The house would be constructed on the highest part of the property. Mr. Martin left 20' of foliage around the entire outside of the property.
 4. **FLOWERS:** wanted an explanation of the topography map. **ANSWER:** The highest point is 76 feet and each of the rings on the map is a 6 foot drop. There are two (2) high spots on his property; all the water from the North and South drains on his property and then drains North West to the Ponderosa/Saddlehorn Drive area.
 5. **DOYLE:** the Planning Commission has to have all the information, especially since the accessory structure is going to be built before the house, as to where the house is going to be located, the size of the house, the location of the septic field and well, where the electricity and gas will be coming from, how the house will be heated, and a few other things as requested for a Site Plan. More information is requested to further continue the request for an Accessory Structure.
 6. **DOYLE:** what is the recommendation of the Planning Commission? – continue with the documents that were presented or require more information? The Planning Commission has the authority to approve a request and place conditions on it per the Ordinances. **ANSWER:** Mr. Martin stated he could built a 12,000 square foot house on the property and still be under the percentage rule. For that reason, he felt the information for the house was not necessary at this time.
 7. **DOYLE:** other items for consideration of approval of the Special Use Permit are listed on the *Site Plan Review Checklist:*

THIS DOCUMENT MUST BE COMPLETED BEFORE YOU MEET WITH THE PLANNING COMMISSION. THE COMPLETED DOCUMENT MUST BE TURNED INTO THE ZONING ADMINISTRATOR AT LEAST TEN (10) DAYS PRIOR TO THE MEETING SO THAT COPIES CAN BE MADE FOR THE PLANNING COMMISSION TO REVIEW.

SITE PLAN REVIEW CHECKLIST

Name of Applicant: _____

Mailing Address: _____

Property Address: _____

Parcel Number: _____

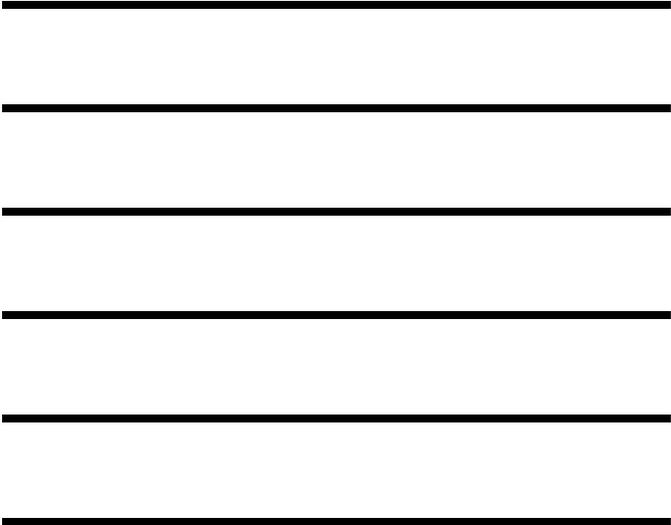
Proposed Use: _____

Existing Zoning: _____

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:

ORDINANCE	PROPOSED	DETERMINATION OF COMMISSIONERS
a) Statistical data including: number of dwelling units, size of dwelling unites (e.g., one-bedroom, two-bedrooms, and three-bedrooms), if any, and total gross acreage involved. In all other cases, the location, type, horsepower, fuel, dimensions, and other data of all machinery to be used on the proposed site.		Information on the septic system and where it will be located so that it doesn't disrupt a project in the future.



<p>b) The location of principal and accessory buildings on the lot and the relationship of each structure to the other.</p>		<p>There are no measurements for the principal structure and the septic system.</p>
<p>c) Vehicular traffic and pedestrian circulation features within and without the site.</p>		<p>There is room for the traffic flow but no measurements are available.</p>
<p>d) The location and dimensions of all off-street parking areas including maneuvering lanes, service lanes, off-street loading spaces and other service areas within the development.</p>		<p>There is plenty of room for parking.</p>
<p>e) The location, dimensions and proposed use of all on-site recreation areas, if any.</p>		<p>There is plenty of room; no problems.</p>
<p>f) The location of all proposed landscaping, fences or walls.</p>		
<p>g) The height and dimensions of all structures.</p>		
<p>h) Front, rear and side</p>		

elevations of any typical structure proposed for development.		
i) The location and capacity of private or public water and sanitary services and solid waste disposal facilities servicing the site.		
j) The locations, dimensions and lighting of all signs.		The area where the electricity is coming on the property.
k) The location, intensity and orientation of all lighting.		
l) A location map indicating the relationship of the site to the surrounding land use for an area of not less than one (1) square mile.		There are aerial views of the property.
m) A physiographic map showing the natural topography, the soil types, and suitability for intended use, natural features such as wood lots, lakes, drains, streams, and ditches, and surface coverage data (such as paved areas and structures) related to storm water runoff characteristics.		No document available.
n) The site plan shall be sealed by a professional engineer, architect, landscape architect or community planner.		
o) Location and size of interior and exterior areas and structures to be used for storage use, loading/unloading, recycling, or disposal of hazardous substances.		There will not be an orchard. Planning to plant 2,000 pine trees.
p) Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste		

storage, collection of contaminated storm water or wash water, and all similar uses.		
q) Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store to transport storm water or waste water. The point of discharge for all drains and pipes shall be specified on the site plan.		
r) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.		
t) Submission of the "State/County Environmental Permits Checklist."		
u) 100 Year Floodplain		No problem.
v) Topographic lines at 1' intervals.		
w) Proposed and existing utilities including water, sewer, storm water and lighting.		
x) Driveway location.		
y) Current zoning of parcel and if the proposed use is not permitted in the district the parcel is zoned, an indication as to the proposed zoning (Amended by adoption July 25, 2002).		RSA Zoning – no problem.
z) Statement on the plan as to whether wetlands exist on the site. (Added by adoption July 25, 2002).		
aa) Easements impacting property.		
bb) Underground utilities		

11. **NEWMAN:** would love to see the Site Plan; he (Newman) is not a builder or surveyor; he has been in construction but feels there isn't enough information, even if all the pages were pieced together, not enough information. Would prefer to see a professional Site Plan with all the information that is listed on the *Site Plan Review Checklist*. Recommends putting the Special Use Request over to the March 14, 2016 Planning Commission Meeting and get the Site Plan submitted, and if there are no final questions for Mr. Martin, perhaps a decision could be made at that meeting.
12. **DOYLE:** gave the example of the residents on Seymour Road who have built homes back by the Flint River and who have requested a Special Use for an accessory structure but there isn't any place to put the structure. With an addition to the Accessory Structure Ordinance the ability to have an accessory structure in the front yard so that it doesn't interfere with the site or the value of the other property owners property, but the structure is put there with conditions such as planting evergreen trees around it so that it doesn't disrupt the view of someone out their front yard looking straight into the pole barn, would be a devaluation of their particular property. When there is a request to build something new, the details have to be taken into consideration because it can devalue their property and sometimes the person that is requesting the special use.
13. **NEWMAN:** in the ten (10) plus years that he had been on the Planning Commission, it is not a popularity contest, if you do come into compliance and have Site Plans, the Planning Commission has an obligation to review the project. There have been projects where at a Planning Commission Meeting, there were twenty (20) people in the room supporting the applicant not one (1) person against the project and the Planning Commission had to deny the request because it didn't comply with the ordinance.

OPENED FOR AUDIENCE PARTICIPATION SO THE NEIGHBORS COULD VOICE THEIR OPINION:

1. **Mark Urbonas, 8536 Apple Blossom, Flushing** – “Lot 12 on Apple Blossom, Southwest of the proposed structure; the pond is part of the storm sewer that goes through the Martin property; the pond goes above ground until it hits McKinley Road; don't have a personal issue with the drainage; 4,000 square foot structure would be 15' away from the property line; there will be a 96' long building; how do you define commercial.
ANSWER: the subdivision was built around the farm.
DOYLE: conditions can be rendered to shield residents view of property. (Doyle gave an example of North Flushing Baptist Church who planted pine trees along the west property line to shield the lights from the automobiles that were attending Church services.
NEWMAN: gave the example of the green metal pole barn on McKinley Road with a pontoon boat sticking out of a “sink hole”; the property was later sold to a Deputy.
ANSWER: the pole barn will be a Morton Style Pole Barn with a 36” dark kaki color; a mild kaki extended to the top of the barn with dark kaki facie on it; the

pole barn will blend great with the area. There will be an apron all the way around the pole barn; the building will have all exposed beams; THE STRUCTURE WILL LOOK LIKE THE SHIAWASSEE SPORTS CENTER IN BIRCH RUN MI. The future home will be two (2) stories with stone and will match the pole barn. The house will be situated on a hill side facing Applewood. (Also craftsman style).

2. **Brad Payne, 5308 Applewood, Flushing** – “the proposed pole barn will be lined up to Mr. Payne’s property, Lot 38; what type of conditions would the Planning Commission place on the proposed project because it would take a large berm for the project?”

DOYLE: what transpired in the past with the Church was to have certain size trees that had to be placed on the property; the trees were 20’ so the foliage covered up the view immediately – not later.

Mr Payne – Mr. Martin is a contractor with trucks and doing different jobs; he will be putting his construction items in the barn; now it is tractors; will there be commercial items placed in the pole barn?

ANSWER: Mr. Martin runs his business out of a 14’ big Chevrolet Cube Van and needs it to be placed in the pole barn; there is a 14’ side wall and makes it convenient to place the Van and his motor home in the proposed barn. Mr. Martin does not bring his work home. (Mr. Martin does kitchens and baths).

3. **NEWMAN:** a question was ask when does something become commercial? **NEWMAN** stated that the area around the proposed request was an RSA Zoning District and there were restrictions on commercial activity. If there is a violation of the ordinance, there is recourse.

ANSWER: as far as the drainage, his property drains low and a gutter can be put on the back half and run it forward; the entire eight (8) acres is golden sand and a mile deep. The home will not have to have a sump because of the storm sewer that drains to the pond.

4. **FLOWERS:** would like to have placed on the Site Plan the area where the sewer comes into the subdivision. **ANSWER:** the area is a creek. The pond in Apple Blossom is spring feed and has a constant overflow. The roads drain into the pond.

Mrs. Payne – “with eight (8) acres of property it is too bad that a large pole barn and pavilion couldn’t have been placed someplace where it is not backing up to someone property.”

5. **DOYLE:** another reason that we need a Site Plan is to show you why Mr. Martin wants to place the proposed pole barn where he wants to place it. The area is the highest piece of property where he wants to place the house so there is drainage away from the building because the property slopes away from where Mr. Martin wants to place the accessory structure and where he wants to place the home; both structures are on a higher knoll and everything else drains to other areas just like the pond drains to the property across the front of his property.

ANSWER: there are other location options – all the way around the perimeter of the edge of the property.

6. **NEWMAN:** owns property in the township and other areas, tries to keep in mind that everyone has the right to build on their property as long as it confines to the

ordinance; just because someone was there first doesn't mean someone else can't build; there is no right to a "view."

NEWMAN: it becomes a balancing test for the Planning Commission to take into consideration of Mr. Martin as well as the property owners' right to use the land.

7. **FLOWERS:** it goes back to the Church that has a 20 acre parcel and agreed to move 100' from the property line instead of the original 20' to keep everyone happy. **ANSWER:** at the last meeting had planned on "shaving" 5 more feet of the trees to get it closer to the property line; but is willing to move 15' or 20' and place a row of pine trees along the property line; Mr. Martin has 5 acres in the City of Flushing, when the Senior Center came through and said they were going to build a small hospital behind the VFW and next to his house, they didn't ask permission from me, they didn't talk about the value of my house, they said "it is done this is what you are getting." Mr. Martin didn't put his house up for sale, didn't cry at a meeting, but started planting pine trees. That is what you do! There was nothing he could do. Now it is proposed for the High School. The land behind the VFW was their land (Senior Center) and that was great.
8. **DOYLE:** all municipalities have different ordinances. Flushing Township is constantly updating their ordinances to try and keep up with what is going on in the community. There is a possibility of moving the structure so that it won't create a problem for the neighbors and could be a condition.
Mrs. Payne: sometimes it is hard to visualize a 48' x 96' building; she went online to get a descriptive drawing – could only find a 42' x 90' building; presented a drawing to the Planning Commission.
DOYLE: another thing that has to be considered when talking about the distance from property in this particular case, this might agree with what the ordinance states as far as the distance from the property for an accessory structure but the Planning Commission will also have to take into consideration the distance between a front property line and the residence and what is the side distance between the side property line and a residence which is both greater than what is being requested here. The Planning Commission would also be taking the issue into consideration and also for the benefit of the next door neighbor.

NEWMAN MOVED, seconded by Gensheimer, to pass on the matter and leave it on the Agenda under "Unfinished Business" for the Planning Commission Meeting on Monday, March 14, 2016 at 7:00 p.m. and direct Mr. Martin to supply a Site Plan and from the comments which he has heard tonight, to move forward with the project; if Mr. Martin doesn't submit the Site Plan, a decision will be made based upon what the Planning Commission has already received.
MOTION CARRIED.

V. NEW BUSINESS:

1. **Matthew Goss, 6087 N. Seymour Road, Flushing MI 48433**
Formal Hearing for the purpose of a Special Use Permit to dig a pond at 6087 N. Seymour Road, Flushing MI 48433, Parcel Number 08-15-300-022, pursuant to *Special Use Permits Article XVIII, Section 20-1804(BB) Ponds*.

Mr. Matthew Goss (Mr. Goss), 6087 N. Seymour Road, Flushing MI would like to get a Special Use Permit to dig a pond. Mr. Goss produced a 2' x 3' Site Plan Drawing. The property is back from the corner of Coldwater Road and Seymour Road with the drive coming off Seymour Road. The drive is a private drive with other houses on the North side of the drive. The home located on the property will be the family residence, but currently Mr. Goss does not live in the home. The home is being remodeled.

SPECIFICATIONS:

1. The pond would be less than two (2) acres in size and be located on the Southeast corner of the property.

DOYLE REVIEWED THE SITE PLAN CHECKLIST:

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SITE PLAN REVIEW CHECKLIST

Name of Applicant: Matt Goss

Mailing Address: 6087 N. Seymour Road, Flushing MI 48433

Property Address: 6087 N. Seymour Road, Flushing MI 48433

Parcel Number: 08-15-300-022

Proposed Use: Pond

Existing Zoning: RSA

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:

ORDINANCE	PROPOSED	DETERMINATION OF COMMISSIONERS
a) Statistical data including: number of dwelling units, size of dwelling units (e.g., one-bedroom, two-bedrooms, and three-bedrooms), if any, and total gross acreage involved. In all other cases, the location, type, horsepower, fuel, dimensions, and other data of all machinery to be used on the proposed site.	Under 1 acre pond; excavators, bulldozers, miscellaneous	
b) The location of principal and accessory buildings on the lot and the relationship of each structure to the other.	N/A	
c) Vehicular traffic and pedestrian circulation features within and without the site.	N/A	Access from Seymour Road; drive is owned by Matt Goss; no maintenance agreement but neighbor uses the drive; maintained by Goss; there has to be a maintenance agreement
d) The location and dimensions of all off-street parking areas including maneuvering lanes, service lanes, off-street loading spaces and other service areas within the development.	N/A	No problem; should be located and specified on the Site Plan
e) The location, dimensions and proposed use of all on-site recreation areas, if any.	Pond – Southeast side of property	Own personal recreation area
f) The location of all proposed landscaping, fences or walls.	N/A	All stuff is applicable
g) The height and dimensions of all structures.	N/A	Put on Site Plan
h) Front, rear and side elevations of any typical structure proposed for development.	N/A	Existing house already on 18 acres; don't need to have because don't need to consider pond request; only considering the pond request due to the acreage
i) The location and capacity	N/A – existing well and septic	Septic system – need size and

of private or public water and sanitary services and solid waste disposal facilities servicing the site.		location on Site Plan
j) The locations, dimensions and lighting of all signs.	N/A	Information needs to be specified on Site Plan (use bullet points/light bulbs on the Site Plan designating lighting)
k) The location, intensity and orientation of all lighting.	N/A	Not necessary on RSA; yard and house
l) A location map indicating the relationship of the site to the surrounding land use for an area of not less than one (1) square mile.	Attached	Received an aerial view
m) A physiographic map showing the natural topography, the soil types, and suitability for intended use, natural features such as wood lots, lakes, drains, streams, and ditches, and surface coverage data (such as paved areas and structures) related to storm water runoff characteristics.	Attached	Soil types – ability for water to be in a pond in the first place; if dig down on the property 3’ does the hole hold water; is there surety there will be water in the pond when it is dug; pond to the North is spring fed; no low or swamp areas; pond has to be 15’ deep; specify on Site Plan
n) The site plan shall be sealed by a professional engineer, architect, landscape architect or community planner.	N/A	OK
o) Location and size of interior and exterior areas and structures to be used for storage use, loading/unloading, recycling, or disposal of hazardous substances.	N/A	Drains on property; no sump; house built up higher than normal grade
p) Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or	N/A	OAB sand; idea thing would be to have clay base; review Soil Erosion document

wash water, and all similar uses.		
q) Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store to transport storm water or waste water. The point of discharge for all drains and pipes shall be specified on the site plan.	N/A	
r) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.	N/A	No contaminated areas
s) Submission of the "Hazardous Substances Reporting Form for Site Plan Review."	N/A	Please note on Site Plan
t) Submission of the "State/County Environmental Permits Checklist."		Don't have any documentation
u) 100 Year Floodplain		Not a flood area
v) Topographic lines at 1" intervals.		The area to the East is woods
w) Proposed and existing utilities including water, sewer, storm water and lighting.	N/A	Easement on the drive (?)
x) Driveway location.	Attached to Zoning	
y) Current zoning of parcel and if the proposed use is not permitted in the district the parcel is zoned, an indication as to the proposed zoning (Amended by adoption July 25, 2002).	RSA	
z) Statement on the plan as to whether wetlands exist on the site. (Added by adoption July 25, 2002).	Attached	There are no wetlands on the property; please note on site Plan
aa) Easements impacting property.	N/A	No easements; nothing came up under Title Research

around the properties.

FLOWERS MOVED, seconded by Newman, to postpone the Special Use Request for Mr. Matthew Goss until the March 14, 2016 Planning Commission Meeting. **MOTION CARRIED.**

VI. 8:59 P.M. OPEN FOR PUBLIC COMMENTS:

None

8:60 P.M. CLOSED FOR PUBLIC COMMENTS

VII. BOARD COMMENTS:

- 1. Discussion at the March 14, 2016 regarding the Article IV – Site Regulations

VIII. MEETING SCHEDULE: NEXT REGULARLY SCHEDULED MEETING WILL BE MONDAY, MARCH 14, 2016 AT 7:00 P.M.

IX. ADJOURNMENT: CHAIR DOYLE adjourned the meeting at 8:53 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

RONALD FLOWERS, Secretary

Date of Approval