

CHARTER TOWNSHIP OF FLUSHING  
6524 N. SEYMOUR ROAD  
FLUSHING, MICHIGAN 48433  
810-659-0800 FAX: 810-659-4212  
**PLANNING COMMISSION MEETING**  
DATE: FEBRUARY 9, 2004 TIME: 7:00 P.M.  
WEB ADDRESS <http://www.gfn.org/flushing/index.html>

**MEMBERS OF PLANNING COMMISSION**

|   |               |
|---|---------------|
| Jerome Doyle, Chair                             | Richard Buell |
| Robert Gensheimer, Vice Chair                   | Brian Bunker  |
| Eric Swanson, Secretary                         | David Gibbs   |
| Ronald Flowers, Board of Trustee Representative |               |

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

**PRESENT:** Doyle, Gensheimer, Swanson, Buell, Bunker, Flowers, Gibbs, Fitch and Morford

**ABSENT:** None

**OTHERS PRESENT:** Mark Birchmeier, Scott Hope, and Aaron Bowron

**I. MEETING CALLED TO ORDER** at 7:05 p.m. by Planning Commission Chair Jerry Doyle.

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

**III. (A) APPROVAL OF MINUTES OF JANUARY 12, 2004: SWANSON MOVED**, seconded by Flowers to approve the minutes of January 12, 2004 with corrections. MOTION CARRIED.

**(B) APPROVAL OF MINUTES OF JANUARY 13, 2004: FLOWERS MOVED**, seconded by Swanson to approve the minutes of January 13, 2004 with corrections. MOTION CARRIED.

**IV. UNFINISHED BUSINESS:**  
None

**V. NEW BUSINESS:**

**1. Update of Aspen Meadows Site Condominium (Gillette Road) – Watermain, Storm Sewer and Road Improvements**

**DAVE ROWE (ROWE)** of Inland Seas Engineering was not present; **SCOTT HOPE (HOPE)**, developer of Aspen Meadows Site Condominium was in attendance to update the Planning Commission regarding the water, storm sewer and road improvements. **HOPE** has received the prints which **ROWE** had submitted to the Genesee County Road Commission (Road Commission) for the approval permit; DEQ for the storm sewer and the Genesee County Drain Commission (Drain Commission) for the water line. When the permits have been received **HOPE** would be able to break ground for the Aspen Meadows Site Condominium.

**JERRY FITCH (FITCH)**, Township Building Inspector, stated there had been no changes in the drawings. **HOPE** will keep the Planning Commission updated as to any future changes.

**2. Renewal of Earth Removal Permit – Dale Chiles, 7101 Coldwater Road, Flushing, Michigan – Parcel No. 08-24-200-031**

**DALE CHILES (CHILES)** of 7101 Coldwater Road, Flushing, Michigan was in attendance to request a renewal of an Earth Removal Permit to complete the removal of dirt around one (1) pond. (There are originally two (2) pond permits.)

**POINTS OF INTEREST:**

- started out with three (3) permits: one permit each for two (2) different ponds and one (1) earth removal permit for the removal of soil from the second (2<sup>nd</sup>) pond
- the ponds have been completed.
- permission is requested to finish removing the piles of remaining dirt.

**POND SPECIFICATIONS:**

- Chiles has been selling dirt to anyone
  - a. previously had certain hours for truckers
  - b. remainder of dirt will be used for Chiles construction customers
- 2,000 yards of topsoil remaining to be sold
- extension of the earth removal permit through the next building season (2004)
- there have been no complaints – a letter had been received from Margaret Behme of 7072 W. Coldwater Road, “no complaints as long as it didn’t interfere with the underground water system”

**BONDS REQUIRED:**

- 1 - \$7,500 bond needed for one (1) pond – when the house lawn has been graded the pond would be graded and finished (2<sup>nd</sup> pond has been completed)
- 1 - \$7,500 bond needed for the earth removal permit

**CONDITIONS FOR THE EARTH REMOVAL PERMIT:**

1. two (2) bonds at \$7,500 each
  - a. one bond for one pond
  - b. one bond for earth removal permit
2. hauling would continue through November 1, 2004
3. bonds to be in affect until January 1, 2005
4. remaining topsoil to be used by Chiles for construction customers
5. another request for the renewal of an earth removal permit would not be issued
6. ponds to be seeded by summer of 2004 – per **CHILES**: pond by house seeded by end of May; second pond seeded by mid-September
7. other original conditions as previously set forth (dust) to be followed

**BUNKER MOVED**, seconded by Flowers to approve the request to extend the Earth Removal Permit to Dale Chiles of 7101 Coldwater Road, Flushing, Michigan per the conditions of the original pond permit dated August 14, 2000; retain two (2) \$7,500 bonds (one earth removal and one pond) for completion of the projects by November 1, 2004; and bonds to be extended (three months beyond the completion date) until January 2005. MOTION CARRIED.

**3. Site Plan Approval for an Accessory Structure on Property Zoned C-2 – Mark Birchmeier, 7144 Sheridan Road, Flushing, Michigan**

**MARK BIRCHMEIER (BIRCHMEIER)** of 7144 Sheridan Road, Flushing, Michigan was in attendance to request a Site Plan Approval for an Accessory Structure which would add a 60 foot by 100 foot storage type garage. There has been a lot of vandalism the last three (3) or four (4) years so **BIRCHMEIER** would like to place his vehicles inside the proposed garage. The accessory structure would be added to the 7144 address which had previously been a gasoline station; there are two (2) separate structures. There would be additional parking spaces to the North of the proposed structure.

**SEPTIC FIELD AND DRIVE SPECIFICATIONS:**

- there would be (10) feet from the existing septic field to the parking area.
- there has to be additional extra seepage field area in case it is needed
- septic field is located on an angle; not square with the property line
- **DOYLE** stated there has to be at least 10 foot from the property line, as well as 10 foot from the drive
- the drive is 40 feet
- the drive has to be large enough for an enclosed box van to enter the proposed garage

**PROPERTY MEASUREMENTS:**

- one parcel of property (A) is 200 feet
- one parcel of property (B) is 300 feet – which is the property for the proposed accessory structure
  - A. 72 feet from the North property line
  - B. accessory structure is 60'
  - C. 168 feet to the South property line

- property lot (B) is 440 feet deep with 136 feet remaining on the property behind the proposed accessory structure
- open space behind the proposed accessory structure (B)
- open space on adjoining property (A) behind the existing building

**STORAGE STRUCTURE:**

- pole barn structure
- shingle roof
- 14 foot ceiling
- wood/steel materials

**MISCELLANEOUS FEATURES:**

- building could be shifted 10 feet to the South to have more room for driveway
- two (2) employees would be working in the proposed building
- two (2) structures would be constructed:
  - a. 20' x 30' storage
  - b. 60' x 104' storage
- connected to cement block structure (former gasoline station)
- gasoline tanks have previously been removed (where the previous gas station was located)
- driveway would continue back to the proposed accessory structure
- garage doors could be placed on the South side of the structure
- not sure of the location of the water well on the South side of structure
- the proposed structure could be started in late spring
- plenty of room to extend the septic field to the East (behind the existing structure)

**BUNKER** wanted to know if **ROWE INC (ROWE)** had reviewed the project. **DOYLE** stated that is a garage and commercial structure. **BUNKER** stated it was the close pavement, terrain radius setbacks, and the septic field which is of concern. **DOYLE** wanted to know if the Planning Commission thought the matter should be reviewed by **ROWE** to make recommendations as to how the Ordinance should handle the matter. **FLOWERS** felt it would not be a bad idea to have Rowe review the matter since the property is zoned commercial. **BUNKER** stated it was an accessory structure and would be bigger than a normal building. **DOYLE** stated if there was intent to place the driveway on the South side of the proposed building, where the water and well is located, if the well was covered by the driveway, there would be a major problem trying to locate the well if it (well) ever went dry.

**GENSHEIMER** wanted to know the distance **BIRCHMEIER** would have to go to extend the septic field, from where the current septic field is located. **DOYLE** stated there were thirty (30) feet from the North property line to where the proposed driveway would be located; if the septic field was in that particular area, **BIRCHMEIER** would be able to extend the septic field straight back adding an equal amount. **GENSHEIMER** stated that if **BIRCHMEIER** had room further East, in the event of a septic mishap, he (Birchmeier) would have the drive covered, so rather than have **BIRCHMEIER** make a lot of changes to move to the South side of the proposed structure, if he (Birchmeier) would be comfortable with the location of where the septic would

be located and it conforms to the ordinance, it would not create a problem for **BIRCHMEIER**. **GIBBS** stated the property in questions has very sandy black ground that is well drained with a lot of rocks.

**DRAINAGE:**

**BIRCHMEIER** stated there was a drainage ditch that cut across the field, behind his property, which extends along the North side of the North property. **GIBBS** stated there was woods behind the property (East) which sloped toward the ditch; the only time there would be water in the ditch would be in the early spring when the snow has melted.

**BUNKER** wanted to know if there were plans to combine both properties: where the Ultra Tex Business is presently located and the property to the South where the previous gasoline station was located. **BIRCHMEIER** wanted the properties to stay as individual properties.

**BIRCHMEIER** stated there had been an addition placed on the existing structure July 1, 1972 which the Planning Commission had required an addition to the septic field.

**BUNKER** wanted to know if all the uses were still consistent with the zoning requirements. **SWANSON** stated the requirements were listed under the Special Use Permit, C-2 Commercial Zoning.

**BUNKER** wanted **FITCH'S** opinion regarding the setbacks: **FITCH** stated he deals with setbacks but felt the Planning Commission should postpone the matter in order to obtain more information from **BIRCHMEIER** concerning the location of the well as opposed to coming into the proposed structure from the South side instead of the North side of the structure. **SWANSON** would like to have the motion include the location of the well.

**RULING FOR DISTANCE OF WELL FROM SEPTIC FIELD:**

In a residential area, the well has to be fifty (50) feet from the septic field. **DOYLE** stated the only concern that he would have putting a driveway over a septic field for drainage would be that it would not work properly. To put a driveway over the well would be the decision of **BIRCHMEIER**. **SWANSON** stated if a new water well was installed, there would be a cap extending out of the ground in the driveway. It would also be beneficial to find the proper location of the septic field.

**SWANSON MOVED**, seconded by Gibbs for approval of a site plan for an accessory structure on property zoned C-2 with the following conditions: **1)** find out where the well and septic field are located; **2)** driveway has to be at least ten (10) feet from the existing drain field or whatever the ordinance requires; **3)** the present setbacks are great; **4)** the height of the building is fine; **5)** the grade of height of the slab would be to make sure that water drains away from the building which would be required on the building permit; **6)** the use of the inside storage of the vehicles would be great; Jerald Fitch, the Building Inspector, would deal with the offsets and ordinances. **MOTION CARRIED.**

**FITCH** wanted to know if there would be some latitude if the door or concrete had to be changed such as the overhead door on the side would be better on the South side of the proposed

structure. **SWANSON** felt if there had to be a great change in the location of the building, itself, **BIRCHMEIER** would have to come back to the Planning Commission; but if there were changes such as the doors, **BIRCHMEIER** would not have to come back to the Planning Commission. **DOYLE** stated that it had been discussed that **BIRCHMEIER** could move the building 10 feet South, if he wanted, to give him more driveway space.

#### **TOWNSHIP HISTORY:**

**BIRCHMEIER** had a question concerning a pipe line from the oil wells behind his business. The owner uses **BIRCHMEIER's** driveway. **DOYLE** wanted to know if there was an easement. **BUNKER** recommended a title search. **BUELL** wanted to know if **BIRCHMEIER** received any royalties from the oil well as there may be more involved than what shows. **BUELL** explained that originally when the individual leased the property for the development of oil and gas drilling, the property owner signed a lease with him that would remain in full force and affect as long as the property produces oil and gas; the contract was originally executed between the property owner and the gas company. The property owner probably kept his royalty when he sold the property, he maintained the mineral rights. **BIRCHMEIER** bought the property without mineral rights; the original owner still owns the mineral rights and as a contingency of ownership of the mineral rights, he (original owner) has the right to bury pipe lines and to access the property to service the oil and gas production that is coming out of the oil field. It would be very expensive to research the issue but in the end it would be determined that he has the right to do what he is doing. **DOYLE** recommended that **BIRCHMEIER** find out who owns the mineral rights. **BUELL** stated that by not owning the mineral rights, a person cannot prevent a person that owns the mineral rights from exercising their right to produce the minerals. **BUELL** stated that **BIRCHMEIER** does have the right to collect for damages to his (Birchmeiers) property if damages were made. If **BIRCHMEIER** owned the mineral rights he would be entitled to free gas for heating his facilities. **BUELL** recommended that **BIRCHMEIER** contact the individual who held the mineral rights to see if some type of agreement could be drawn up.

**DOYLE** reviewed the Site Plan Review Checklist for **BIRCHMEIER**:

Additional information to add to the checklist:

- Building Height – 14' inside the building
- 4-12 roof pitch
- An exterior light would be located on the back side of the building
- Storm drainage would flow to the North ditch
- A building permit has to be obtained from the Building Inspector

#### **VI. BOARD COMMENTS:**

1. Discussion of the Review of the Master Plan *“Report by the Flushing Township Planning Commission on the Five Year Review of the 1992-2012 Flushing Township Master Plan”*

**DOYLE** reviewed the letter which **DOUG PIGGOTT (PIGGOTT)** of Rowe Inc. had requested be placed in the back of the Master Plan Review. **DOYLE** requested the additional wording be added :

“Based on the study by the Planning Commission and the recommendation of the Planner, the Planning Commission at this time does not find a need to update the Plan and confirms the current plan as a Township Master Plan.” (See attachment of Resolution to Minutes).

2. Items for Discussion at the Planning Commission Work Session for Tuesday, February 24, 2004 will be a review of the Goals and Policies to see if there needs to be updating (this could take up to two (2) Planning Commission Meetings. Another item for discussion would be staked surveys before a building permit could be given if there are no property stakes at the time. Private Drives also could be reviewed along with an Engineered Final Approval.

3. **BUNKER** thanked the Planning Commission members for the opportunity to serve on the Commission; he has to spend a large amount of time driving so felt it would benefit everyone if he devoted his spare time with his family. All the members enjoyed working with **BUNKER**.

**VII. MEETING SCHEDULE:**

**PROBABLE WORK SESSION – TUESDAY, FEBRUARY 24, 2004 – 7:00 P.M.**

**REGULAR SCHEDULED MEETING – MONDAY, MARCH 8, 2004 – 7:00 P.M.**

**PROBABLE WORK SESSION – TUESDAY, MARCH 23, 2004 – 7:00 P.M.**

**REGULAR SCHEDULED MEETING – MONDAY, APRIL 12, 2004 – 7:00 P.M.**

**VIII. ADJOURNMENT: FLOWERS MOVED**, seconded by Bunker to adjourn the meeting at 9:07 p.m.

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JEROME DOYLE, Chair

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JULIA A. MORFORD, Recording Secretary

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ERIC SWANSON, Secretary

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Date of Approval