

CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
FLUSHING, MICHIGAN 48433
810-659-0800 FAX: 810-659-4212
PLANNING COMMISSION WORK SESSION
DATE: MARCH 23, 2004 TIME: 7:00 P.M.
WEB ADDRESS <http://www.gfn.org/flushing/index.html>

MEMBERS OF PLANNING COMMISSION

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|---|---------------|
| Jerome Doyle, Chair | Aaron Bowron |
| Robert Gensheimer, Vice Chair | Richard Buell |
| 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, Bowron, Flowers, Gibbs, and Morford

ABSENT: Buell and Fitch

OTHERS PRESENT: Larry Adkins, C.E. Turner, Ryan Whiteherse of Wilcox Associates, Supervisor Andy Trogot, Flushing Nature Park Manager Thomas Enright, and Sherman Hubbard

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

DOYLE would like to place Item No. 2 "Howard Scheuner" listed under Unfinished Business instead be listed under New Business. Item No. 1, "L.A. Construction," will be listed under Unfinished Business and will be open to the audience for comments.

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Gensheimer to approve the Agenda with the change of Item No. 2, Howard Scheuner, be listed under New Business instead of Old Business. **MOTION CARRIED.**

III. (A) APPROVAL OF MINUTES OF FEBRUARY 24, 2004: SWANSON MOVED, seconded by Gibbs to approve the minutes of February 24, 2004 with corrections. **MOTION CARRIED.**

(B) APPROVAL OF MINUTES OF MARCH 8, 2004: GENSHEIMER MOVED, seconded by Flowers to approve the Minutes of March 8, 2004 as corrected. **MOTION CARRIED.**

IV. UNFINISHED BUSINESS:

1. L.A. Construction – Site Plan Review of a Preliminary Plat (Subdivision)

DOYLE read the Motion from the Flushing Board of Trustees Meeting held on Thursday, March 11, 2004 regarding the Coldwater Valley Subdivision, which stated:

“LIEPMANN MOVED, seconded by Fotenakes that the request from L.A. Construction for Coldwater Valley Subdivision as presented, be approved as a “Tentative Preliminary Plat” provide that the drawings and the Site Plan, as presented tonight, receive the approval of the Planning Commission at their March 23, 2004 meeting. MOTION CARRIED.

RYAN WHITEHERSE (WHITEHERSE) of Wilcox Associates was present to update the Planning Commission on changes that had occurred since the Board of Trustees Meeting held on Thursday, March 11, 2004. The changes were:

1. curves in the main road
2. a boulevard at the entrance of Coldwater Valley Subdivision off Coldwater Road
3. reduced the radius on the corners (curves) of the Northeast and both southern corners
4. a stub road to the East has been added
5. the lots along the Boman Drain would drain to the center of the drain

DOYLE reviewed the items which had been discussed at the Planning Commission meeting held Monday, March 8, 2004 with the following changes:

1. there had been a change on the egress and ingress lanes
2. an acceleration lane has been added
3. with the corners changed, Lots 96 to 98 and Lots 37 to 39 the lots would now have a 104 front frontage, from the previous frontage of 98 feet or 99 feet
4. the property along the Boman Drain would be owned by the individual property owners
5. Phase I – the Association would maintain the open space area along the drain as well as the sidewalks
6. there would be deed restrictions where nothing could be constructed along the Boman Drain and would be in the By-Laws
7. the Genesee County Road Commission (Road Commission) would allow L.A. Construction to have an island further back in the subdivision

TOM ENRIGHT (ENRIGHT), Flushing Nature Park Manager, was present at the meeting and very interested in the possibility of giving the management of the open space area in the Subdivision to the Nature Park. The Boman Drain is a berm area - originally the drain was built up. There is an estimated 200 feet of wetland past the drain. The soil survey indicated a Lenawee soil texture (silty clay loam); the wetlands are part of a flood plain area. **ENRIGHT**

indicated it would be great to have open space that would be great for the environment. There are indicators of wetland species.

Per the condensed plat map which Wilcox Associates produced, the dark green area would be closer to 200 feet instead of 100 feet – maybe 175 feet to 180 feet. A fifty (50) foot easement is located on both sides of the Boman Drain. There is an eighty (80) foot drain right-of-way and an additional ninety (90) feet on each side of the drain for a total of approximately 180 feet wide. The wonia soil actually shows 200 feet on each side of the drain. There would be forty (40) feet past the berm.

ENRIGHT wanted to know who would manage the lot behind each house, would the owner be able to fertilize and mow the property; otherwise, the fertilizer would run through the drain.

DOYLE inquired if **ADKINS** had reviewed the correctiveness of the flood plain with the Drain Commission and if it could be reseeded. **ADKINS** has been waiting to hear from Rowe Inc as for the results of the borings for the elevation for the Flushing Middle School. **ADKINS** stated the correctiveness of the flood plain would be lower, hopefully it would fall under the five (5) acres. The ground is very soft. There is a lot of wooded vegetation at present such as dogwoods and willows, but in the spring and summer, one might find high indicated species. **ADKINS** has plan to hire a wetland consultant to tour the proposed subdivision site and make a determination as to the staking so that he (Adkins) has knowledge as to where everything is located on the site.

DOYLE wanted to know the intentions of **ADKINS** as to the open space :

- leave as is for the open space appeal
- grading and lawns, or things like that
- or etc. **ADKINS** stated it was the pleasure of the township to direct him as to what the township would like to have.

TROTOGOT stated that until the DEQ had come to review the site, there wasn't much the township could do. **ENRIGHT** would like to see exactly the distance the wetlands. **ADKINS** stated that in Phase I, there were only twenty-four (24) lots. The first thing would be to get the Planning Commission's approval and then proceed to hire a wetland consultant.

DOYLE wanted to know the size of Lot 1 – it would be 276 feet deep and 90 feet on the front; or 19,000 square feet – depth being 130 feet. **WHITEHERSE** stated that with the Boman Drain and the protected wetland area being eliminated, the size would still be larger than Lot 17 and would almost double the lot.

DOYLE stated that **ADKINS** had mentioned he would mitigate the land to where he would develop the wetlands in exchange for something else. **ADKINS** stated if Phase IV was high and dry he could make wetlands in that area and not development or fill in the wetlands across the street. **DOYLE** stated once the information of the amount of rain and how far back it extended, the area of wetlands could be determined. **ADKINS** stated there was a ten (10) foot drop of the property. **ADKINS** felt the people that cleaned out the ditch had blocked the drainage. **DOYLE** stated if there were higher berms in some spots or if there was a continuous berm left on the

other side of an area that would be wet all the time with no ability for the water to drain around the berm and get into the drain, that would be another situation. **ENRIGHT** stated there was an area on the proposed subdivision property where there is standing water with vegetations, which has a little drain extending to the main drain and is still wet. **DOYLE** stated the property to the East of the drain was high and dry; the property to the West of the drain has more of a problem.

WHITEHESE stated the first plan of order was to get the Tentative Preliminary Plat approved, then proceed to the designer, the wetland determination, and then come back to the Planning Commission for a Final Preliminary Plat approval.

DOYLE reviewed what has been accomplished to date:

1. From Minutes of March 8, 2004:
 - a. Statistics
 - b. Environmental - a DEQ permit has to be obtained to build on Lots 1-3 and Lots 8-13; storm water detention area would be located in the flood plain
 - c. Roads, Sewer and Water
 - d. Miscellaneous
2. Letter from Dave Rowe of Inland Seas dated March 2, 2004 consisting of 11 items.
3. Site Plan Checklist from L.A. Construction consisting of 23 items.
4. Steps of Approval for a Subdivision Plat Plan consisting of 8 items
5. Conditions that were stated for a Tentative Preliminary Plat approval were requested at the Planning Commission of March 8, 2004; the conditions also went to the Board of Trustees Meeting of March 11, 2004.

GENSHEIMER wanted to know if **ADKINS** has discussed with C.E. Turner, the possibility of an access drive to Johnson Road through Turner's property. **ADKINS** and **TURNER** have discussed the possibility; it could be between three (3) to six (6) years before Phase IV of the Coldwater Valley Development would be ready for development. **TURNER** stated there was a thirty-five (35) foot strip of land along the East side of the proposed Coldwater Valley Subdivision property, that has been of no use to **TURNER**, so if there should be a space problem, an agreement could be worked out. **DOYLE** stated his main concern would be to have two (2) access drives from the Coldwater Valley Subdivision. **DOYLE** stated that one of the required conditions was that the Planning Commission recommended there be an access drive located between Lot 101 and Lot 102 to Johnson Road, property owner C.E. Turner. (On the revised plat drawing, the access drive is shown between Lot 71 and Lot 104.)

DOYLE stated the sewer and water would be installed from Coldwater Road to the Flushing Middle School located at Carpenter Road, which would be part of the rationale for putting the subdivision together. No houses would front on the roadway either in Turner's proposed site condominium or Coldwater Valley Subdivision.

GENSHEIMER MOVED, seconded by Flowers to accept this re-clarification with the ideas that the Planning Commission would get more distinct clarifications as far as the permits, once **ADKINS** has received more directions as far as the wetlands, along with the items which the Chairperson reviewed as far as direct review, and all the conditions set forth, and **ADKINS** would return for the Final Preliminary Plat approval.

ROLL CALL VOTE:

AYES: Bowron, Gensheimer, Flowers, Gibbs, Swanson, and Doyle

NAYS: None MOTION CARRIED.

ABSENT: Buell

V. NEW BUSINESS:

1. Howard Scheuner – Information Regarding Hyde Park Development (Phase I)

DOYLE stated that Flushing Township Building Inspector, **JERRY FITCH (FITCH)** had received inquiries from individuals as to off-site constructed homes in the Hyde Park Development.

When the original plan was approved it was for two, three, and four structured townhouses, which would be built on site. At the last amendment approval dated March 8, 2004, reference was made to page 11, number 8 and number 12 which states:

8. no changes in style of the homes, requirements, or conditions that were originally placed on the development by the Planning Commission.
12. some of the ranch homes will have option to have lofts; same architectural exterior designs as originally requested – restrictions the same

DOYLE stated the amendment approval was for the same type of structure but reduced to two (2) units rather than three (3) and four (4) units. **SWANSON** stated that he specifically ask **SCHEUNER** if he was going to keep the same type of architecture.

SHERMAN HUBBARD (HUBBARD), Builder/Developer was present at the meeting and stated that he would like to place modular type structures on the lots – not manufactured homes. There would not be any “garbage” type structures in the development. The units could be placed on lots in the development within thirty (30) days or less. **HUBBARD** presented a drawing to the Planning Commission of the proposed units and stated he would not change anything.

DOYLE stated the Planning Commission had to look at the matter from a view point of what had been presented to the Planning Commission on what the decision had been made as to what had been intended. **FLOWERS** stated that **FITCH** had been concerned about the situation and wanted the opinion of the Planning Commission. The property involved which consists of two, three, and four-plexes was reduced to duplexes. **SCHEUNER** owns the property.

HUBBARD stated that since the development project scope has continued for four (4) years, **SCHEUNER** had requested changes from tri and quads to duplexes, he (Hubbard) did not want to create a problem. **HUBBARD** stated he could not put four (4) stick-built homes up within a month and have quality. The modulars would be all wood and built inside; the same scope and style as the others would be kept. The plans for the modular homes have been presented to the State of Michigan. **HUBBARD** stated there were some excellent ideas where an individual would be offered more property for the money for which an individual would be able to spend; **HUBBARD** wanted to come to the Planning Commission to keep them (Planning Commission) informed as to what was being considered in the development.

SWANSON recommended reviewing previous minutes to see exactly what had been indicated as far as the development.

HUBBARD stated the features would have:

- 7/12 pitch for the roof
- stone work on the sides
- all the siding would be completed upon site – not from the factory
- porches would be built on site
- homes would be in the area of 1,500 square feet on the first floor
- finished basement
- homes with 1,800 square feet of living space would sell for \$167,000
- 2 ½ baths
- 2/3 bedrooms – option

DOYLE recommended having a meeting that involved **FITCH**, all the Planning Commission, and **HUBBARD** so that everyone would know exactly what was being presented and then a decision could be made. **DOYLE** was concerned that, whatever had been assembled, that it did not penalize the individuals that constructed structures in the first place.

DOYLE stated the smaller units in the Hyde Park Development were approved for retired people that would be interested in living close to the Assisted Living Center.

GENSHEIMER wanted to know if there was a demand, that time was of the essence, to have something done within ninety (90) days. **HUBBARD** has been working with **SCHEUNER** and others from HJM, Inc. and it was the ability for **HUBBARD** to look at the development from a stick-built basis as compared to a modular basis; it would be the only way in which **HUBBARD** could control the cost with a quality home.

GENSHEIMER felt the perception of the project would not be an enhancement to the project. It is one of the finest pieces of developmental land when it started in Flushing Township. There is nothing against the product which **HUBBARD** is trying to promote. If **HUBBARD** has bought the property, **GENSHEIMER** would love for him (Hubbard) to figure out a way to restructure with stick built homes. **GENSHEIMER** stated that **HUBBARD** would be selling the image. **HUBBARD** was approached by **SCHEUNER** to come up with a way to solve the situation. **GENSHEIMER** wanted to know if **HUBBARD**, since there was such a high cost to

deal with, could come up with a product more desirable rather than a high cost product that was less than perfect. **HUBBARD** compared the four (4) stick built units that were at the entrance of Kings Way, which were in the neighborhood of \$220,000, very nice units; the modular units would have the same square footage, same look as the units located at the entrance of Kings Way and would sell for \$167,000.

DOYLE stated the Planning Commission approved the development in a certain manner and the people bought the units; the people that are living in the development have to be satisfied that the Township would not renege on them. The Planning Commission has been trying to put the project together so that if there was some wrong move, made by the developer in the first place to put the program together, or it wasn't promoted properly, that it did not happen; that is beyond the Planning Commission, it is the developer's problem. In the Planning Commission's eyes, to make the project less of a subdivision, than was originally proposed and what was approved, would be going back on the word of the Planning Commission.

GENSHEIMER felt that if high-end, nice two-unit condominiums had been constructed six (6) years ago, they would have taken off like "rockets" as there are a lot of retirees around the area that would have bought the units. **DOYLE** felt the project was not marketed properly.

2. Agenda Items for the March 29, 2004 Meeting:

1. John Robinson, 4430 Seymour Road, Flushing, Michigan - Special Land Use Permit for Placing a Temporary Dwelling While Constructing a Dwelling Sec. 20-1803 (B)
2. Ronald Lyden, 6292 Turner Road, Flushing, Michigan – Informal Discussion Regarding Private Drive Ordinance
 - a. Ruby Drive off Turner Road
 - b. built private road off property
 - c. 33 foot right-of-way
 - d. large piece of property in back – small piece of property in front
 - e. placed another house on the back property
 - f. previously came to the Planning Commission to request permission to construct a house – did not do as originally requested
 - g. two (2) ways to grant permission:
 1. only place one more house on the property
only have a 33 foot driveway – only have two houses per the ordinance on one driveway
 2. if the 33 feet was used for the drive way and wanted to put a site condominium together and placed all the development property (ditch, electrical and gas) on private property on an easement – it might be possible to put together and the roadway would still be 24 foot.
3. Rolling Meadows #3 – Construction Drawing Review for Rolling Meadows #3 Phase I (Site Condominium)

VI. BOARD COMMENTS:

1. **GENSHEIMER** recommended that if the Hyde Park Project requested to be on the Agenda again, it should be the only item on the agenda for that particular meeting.
2. **MARY JANE HUTSON** has requested to come back to the Planning Commission the second time for the same purpose. Everyone within 300 feet will be notified.

VII. MEETING SCHEDULE:

REGULAR SCHEDULED MEETING – MONDAY, MARCH 29, 2004 – 7:00 P.M.

PROBABLE WORK SESSION – TUESDAY, APRIL 27, 2004 – 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, MAY 10, 2004 – 7:00 P.M.

PROBABLE WORK SESSION – TUESDAY, MAY 25, 2004 – 7:00 P.M.

VIII. ADJOURNMENT: There being no further Work Session business, **DOYLE** adjourned the Planning Commission Meeting at 8:55 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval

Planningminutes 03/23/04