

CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
FLUSHING, MICHIGAN 48433
810-659-0800 FAX: 810-659-4212
PLANNING COMMISSION MEETING
DATE: MAY 10, 2004 TIME: 7:00 P.M.
WEB ADDRESS <http://www.gfn.org/flushing/index.html>

MEMBERS OF PLANNING COMMISSION

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, Fitch and Morford

ABSENT: Buell

OTHERS PRESENT: Alan Lawrence of Lawrence Engineering, Rita Bigelow, Teresa Dore, Charles Bearer, Darrin Lum, Ivan Manning, David Woods, Mary Jane Hutson of Devonshire Commons, and Peter Cozacioc of PMC Construction

I. MEETING CALLED TO ORDER at 7:10 p.m. by Planning Commission Chair Jerry Doyle.

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

III. APPROVAL OF MINUTES:
None

IV. UNFINISHED BUSINESS:
None

V. NEW BUSINESS:

1. Charles Bearer, 8166 Coldwater Road, Flushing, Michigan
Request of Approval of a Private Road

CHARLES BEARER (BEARER) was present to request an approval of a Private Road at 8166 Coldwater Road, Flushing, Michigan, Parcel No. 08-14-400-033. The property is located on the North side of Coldwater Road (across from Good Shepherd Church).

BEARER stated that in 1979, he and his wife decided they would like to sell an end section off of his property; the property had been surveyed by Delta Land Surveying and Engineering Inc. of Flint, Michigan. The property was never divided. At the time, **BEARERS** were going to sell three (3) lots – Lots A, B, and C; **BEARER** owned and had a home on Lot D; Lot C was sold to Michael and Teresa Dore, who lived on the East side of the proposed private drive. **BEARER** currently would like to sell a lot on the West side of the proposed drive. Per the Ordinance, the proposed private road would not be wide enough; **BEARER** would have to go from a private drive (two (2) residences) to a private road (more than two (2) residences).

FLOWERS stated that fifty (50) feet could be allowed for the private road, but there are two (2) things of concern:

1. the 50 feet stops at **BEARER'S** lot and doesn't continue to Lot B on the drawing – Exhibit A
2. the original neighbors have been happy with what they have seen, but 20 years from now, someone may not agree with the road situation

FLOWERS would like for the two (2) parties and **BEARER** to sign a Road Maintenance Agreement for the maintenance of the private road

There currently are homes facing Coldwater Road. Lots C and D are the only two (2) lots currently occupied. The house on Lot D sits back 1,200 feet from Coldwater Road.

1. Lot D consists of: 588.64 feet x 593.60 x 658.72

DOYLE read Section 20-305, Private Road:

- a. A private road is a road that provides direct access to a parcel and which is not dedicated to and accepted by an authorized governmental road agency. A common driveway as used in this ordinance does not constitute a private road.
- b. Application, review, and approval of a proposed, private road shall follow the same procedures, as conditional use permits with regards to notice and timing.
- c. Application for approval of a private road shall include a site plan sealed by a professional engineer showing:
 1. Existing and proposed lot lines.
 2. The location of existing and proposed structures
 3. The width and location of the private road easement
 4. A cross section of the proposed road, showing the types of material the road base and surface will consist

5. Utility plans including the location and size/capacity of storm water drainage systems, sewer or septic systems, water lines or private wells, and private utilities such as telephone, electrical or cable service
 6. Proposed locations of driveways off the private road
 7. Any existing or proposed structures, trees or other obstructions within the proposed right-of-way
 8. All division of land shall be in compliance with the Subdivision Control Act
- d. The proposed private road shall meet the following standards:
1. The minimum right-of-way width shall be sixty-six (66) feet, provided that an applicant can request a reduction in right-of-way width in order to protect natural features provided that in no case may the right-of-way be less than 50 feet or as a result of space saving features such as curb and gutter.
 2. The minimum grade for roadways shall be 0.5%. The maximum grade shall be 6%. The maximum grade within 100' of an intersection shall be 3%.
 3. No fence, wall, sign, screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of a road right-of-way line and a private road right-of-way line and a line connecting two (2) points which are located on those intersecting right-of-way lines, thirty (30) feet from the point of intersection.
 4. The maximum number of residences permitted on a cul-de-sac is 20, but in no instances may a cul-de-sac be over 1,000' in length.
 5. Any driveways off of a private road shall be at least 40' from the intersection of the private road right-of-way and a public road right-of-way.
 6. Intersections of private roads with public roads shall be at an angle as close to 90 degrees as possible, but in no case shall it be less than 80 degrees or more than 100 degrees.
 7. The width of the roadway shall be a minimum of 18' with 3' shoulders provided for bicycle and pedestrian traffic for roads servicing lots over 100' in width. Roads servicing lots 100' wide or less shall provide a 24' wide roadway with 3' wide shoulders.
 8. The minimum radius for circular cul-de-sac roadway is 40'. An interior island is permitted in the center of the cul-de-sac, provided that the roadway within the cul-de-sac is no less than 25' wide.
 9. Private roads shall meet the recording and maintenance requirements outlined for common drives in Section 20-304(b).
 10. Private roads shall be paved with bituminous asphalt or concrete if any of the following occur:
 - a. The road serves more than 10 residential dwelling units.
 - b. The lots are an average of 100' or less in width.
 - c. The road provides access to multiple family developments.
 11. Sight distances on horizontal and vertical curves shall be a minimum of 200' measured at a point 10' from the edge of the traveled road-way at a height of 42" to an object height of 42".
 12. Parcels fronting on private roads shall meet the required front yard setback and lot width for their district.
 13. The private road shall be constructed with a minimum 10" of 22-A aggregate.

- d. Any road that provides connection to any other two (2) public roads provides access to industrial or commercial property shall be constructed to county road standards, and inspected and approved by the Genesee County Road Commission.

BEARER stated the drive has been in place for 27 years; the base for the private drive had been cinders, next stone and rock were placed on the cinders, the drive was topped with road gravel. The road has held up very well.

Lots A (175.0' x 220.0') and B are still part of Lot D; **DOYLE** stated a new plat act was in affect that controlled the division of properties. Lot B would not be sold. Lot C had been grandfathered because there had been an ordinance at the time the property was split. The division of property could make a difference as to what could and could not be done with your own property such as the number of parcels that property could be divided. **BEARER** would have to contact the Flushing Township Assessor.

BEARER does not want a cul-de-sac at the end of the drive; he (Bearer) only wanted the road to service three (3) families. **BEARER** stated that as long as he is alive, the property would not be split again. **DOYLE** stated the Planning Commission had to consider, when granting a private road, what could be done with the property; therefore, an ordinance has to be followed to satisfy the ordinance. **DOYLE** stated the method which **BEARER** had requested could be done if **BEARER** never allowed anyone else to build on the property so that when the property was deeded, the property could never be divided; it was again recommended that **BEARER** talk to the Flushing Township Assessor to comply with the Subdivision Control Act.

POINTS OF INTEREST:

1. **BEARER** could divide the property into four (4) parcels which has been done – couldn't improve the property if he (Bearer) doesn't give anyone the right to divide the property in the future – **BEARER** would be the owner
2. If **BEARER** should sell the property and he (Bearer) doesn't allow anyone else to build on it, it couldn't be built on again
3. If the person that bought the property (from Bearer) or would like to purchase the property, or would like to place more houses on the property, it could never be done. This information would have to be part of the agreement to be able to do so in the first place.
4. If **BEARER** would like to continue to own the property as it is with a fifteen (15) foot easement (Dore owns a strip of property, **BEARER** owns 19.85', and another 15' for a total of 49.85'. The property has to be dedicated as an easement for a private road with a Maintenance Agreement which involved all the people on the road.
5. There could be a total of four (4) parcels off of the property per the Subdivision Control Act. There could be fewer parcels if **BEARER** would like.
6. There is the possibility there could be more splits in the property.
7. The Planning Commission would have to grant the private road with the understanding there would be a possibility there could be more property splits in the future.

8. Another possibility would be to put the land into a site condominium or small subdivision which could also be approved if **BEARER**, or his heirs, ever decided to proceed.

FLOWERS stated that by ordinance a private drive had to be at least thirty-three (33) feet. **DOYLE** stated that currently **BEARER** has a common driveway with two (2) houses which would be legitimate. Once there were more than two (2) homes, there would be multiple houses so you would go into private roads with certain items per the ordinance. The footage of the property is correct.

DOYLE stated three (3) main items are important:

1. Maintenance Agreement
2. Structure of the Road (for utilities)
3. Deed when they pass from one property owner to another, have to have all the information – people always own an easement to get to their property.

BEARER wanted to know if the private drive had to have the same width the whole distance to his home on Lot D. **DOYLE** stated that **BEARER** could have a cul-de-sac or hammer head at the back of the property for emergency purposes; he (Bearer) could have a private drive back to his own property.

DOYLE stated that **BEARER** already had the drive, according to the ordinance it would be sufficient. The remaining item would be to show a two (2) lane road, which would be twenty-four (24) foot wide with two (2) lanes. There would be no ditches. **BEARER** stated that on the East side of the drain, the water would drain from Lot C to the road; on the West side of the road, there hasn't been that much water. **BEARER** stated because of a hollow area the water doesn't drain that well out to Coldwater Road. The natural drainage of the property would run to the West by the other homes. The road and ditches would have to be constructed a little better. There currently is natural gas on the **BEARER** and Dore property (on the 15' property). The West property would be open. If someone should purchase Lot A, the water line would extend up the West side of the lot.

BEARER will get with the Assessor to determine the future of the private road although a decision by **BEARER** had to be made by May 15, 2004.

2. **Ivan Manning, 7447 Carpenter Road, Flushing, Michigan**
Special Use Permit to Dig a Pond

IVAN MANNING (MANNING) of 7447 Carpenter Road, Flushing, Michigan was present to request a Special Use Permit to dig a pond at 7447 Carpenter Road, Flushing, Michigan. **MANNING** also owns ten (10) acres to the East of the current ten (10) acre plot. His (Manning) original intention was to dig the pond on the East ten (10) acres for a recreational pond; **MANNING** had run into a problem on the front side of the property so decided to dig the pond on the current ten (10) acres which is actually **MANNING's** sister's property (East). The front perkable property would have a home constructed on it. The dirt removed from the pond would be used as fill around the home. The home would be a walk-out home and would be constructed

by going in the ground only as far as is required. **MANNING** will not need an Earth Removal Permit.

SPECIFICATIONS OF POND AND AREA:

- 125' square
- pole barn would be on the East side between the house and the property line
- there would be no concerns about water
- Rusty Eavy (father-in-law) use to farm which has springs through the area
- Doug Franks (Genesee County Health Department) stated on the Perk test that the seasonal high water table would actually be 12" from the surface
- 65' away from the Boman Drain – overflow to Boman Drain
- 100' from the property line
- 80' on the other side
- 90' from the home
- proposed pole barn would have to be 50' from the pond – plans should show to the East between the house and property line
- intent would be to lay the foundation of the home, dig the pond, and then use the dirt from the pond around the foundation of the home – 2 weeks to dig pond
- dirt would not be hauled away
- 15' depth of the pond
- 6' to 6' slope on the sides – Northeast side would be 4' to 1' slope
- top soil would be stripped and used for landscape of the pond
- sand for the beach
- there are power lines 45' back on the front side of the property – there are power lines on the back side of the property
- pond area would not be in the flood plain area
- the pond area would have a slight slope in the front and would flow diagonally along the drain
- to protect the flood plain it was recommended there be a berm on the Southwest side – **MANNING's** intent was to berm everything except for the sand area (the Northwest, Southwest and the Southeast) – where the sand beach would be located and would be the highest part of the existing property
- overflow drain would be located on the Southwest side
- there would be a 3' berm high on property
- there would be no fence
- pond permit would be for twelve (12) months maximum for the completion – but an extension could be granted
- \$7,500 Performance Bond

DOYLE read Special Use Permits Article XVIII - (BB) Ponds

b. General Provisions and Conditions:

4. Ponds shall be engineered and designed according to all provisions and conditions of this Ordinance, including engineered drawings, drawn to scale by a qualified designer showing all site buildings, easements, size, setbacks, etc. Such plot plan shall be approved by the Building Inspector before a hearing shall be scheduled.
5. All soil and similar materials excavated during the construction of the pond shall remain on the property, unless an Earth Removal Permit has been obtained.
7. The parcel should contain natural land forms which are so arranged that the change of elevation within the site includes slopes of ten; and water dra (10) percent or less inage could provide water to fill pond.
8. The subject site and/or adjoining properties do not contain natural assets including trees, wood-lots, endangered species habitats, wetlands, 100 year floodplains, natural watersheds, or similar features that would be altered by the establishment of the pond.
9. The outside edge of the pond is not within fifty (50) feet of an existing County Drain.
10. The proposed pond is not located within one hundred (100) feet of a public road right-of-way, private easement, or school site.
11. The proposed pond is not within fifty (50) feet of an existing wetland.

d. Design Requirements:

2. There shall be a distance of not less than fifty (50) feet between the outside edge of the pond and any building.
3. There shall be a distance of not less than fifty (50) feet from the water's edge to any overhead transmission lines.
4. Slopes of the excavation shall not exceed a ration of four (4) feet horizontal to one (1) foot vertical, to a depth below water of six (6) feet on shallow walk in side, and no more than six (6) feet horizontal to six (6) feet vertical at three sides of pond. Ponds must be a minimum of 15 feet depth to existing grade in deepest spot to keep water from being stagnant, unless topography demands special consideration.
5. All areas disturbed during construction shall be seeded with bluegrass or other high quality grasses and maintained in good condition to prevent erosion.
6. The Township Planning Commission may, at its discretion, require the installation of a fence no less than four (4) feet in height to protect the health, safety, and welfare of the property owners and or tenants, neighboring uses, and Township residents.
7. The Township Planning Commission may, at its discretion, require the installation of a berm to be appropriately designed for height and width, whose slope shall be no more than a 30 degree angle to prevent erosion and to protect the health, safety, and welfare of the property owners and or tenants, neighboring uses, and Township residents.

e. Limitations:

2. Construction of a pond shall be completed within twelve (12) months of the issuance of the construction permit. Extension may be granted by the Planning Commission for a reasonable cause shown.

f. Fees Required:

1. Fees for the review of applications for the purpose of obtaining a construction permit for a pond shall be \$50. The fee may be changed at a later date by resolution of the Township Board.
2. There shall be a minimum \$7,500 Performance Bond presented at the time permit is issued. Total amount of bond to be determined by the Planning Commission.

DOYLE reviewed the **MANNING's** Pond Site Plan Review Checklist and added the additions

1. Size and Location of all Buildings on Property
ADDITION: Construct barn according to Pond Ordinance restrictions
2. Landscaping, Berms, Buffers, and Fences
ADDITION: new plant of trees; berms will be a height of 3' maximum with a 30 degree angle on the slopes
3. Location of septic and/or well and public facilities
ADDITION: 110 feet away to the North
4. Surface grading, General
ADDITION: Overflow to drain pond; southeast side

GENSHEIMER wanted to know at what point would there be a concern over the capacity of the drain. Currently, the property slopes to the drain. There currently are green foliage on the slopes to slow down any deluge of water. The Planning Commission recommended that **MANNING** have an overflow pipe and there be grass planted on the side of the slopes to stop erosion; therefore, the berms would have to have a certain slope. There would be a possibility that the drain could overflow, but the amount of water that would fall could overflow the pond anyway. **FLOWERS** stated that all the water that used to go into the drain has stopped. **MANNING's** drain would flow North by the Flushing Middle School and would be connected to the drain on the North. **MANNING** would not be adding to the capacity. There could be an overflow tube on the Southeast side of the proposed pond which would drain back around the pond, instead of going direct off the pond toward the drain, in order to stop erosion. **DOYLE** recommended placing the overflow tube, to the drain, so that it could dissipate itself and prevent erosion.

BOWRON MOVED, seconded by Gibbs to grant petitioners request for a Special Use Permit to dig a pond at 7447 Carpenter Road, subject to the provisions of Article XVIII, Section 20-1804 (BB) and incorporated by reference and not limitation to the following conditions: 1) berm would be placed around the pond at 3 foot tall at a 30 degree angle; an overflow drain on the Southeast side; according to the updated Pond Site Plan Review Checklist; to be required to be completed within twelve (12) months with the permit issuance; dirt to be used on site; and performance bond according to the ordinance. **MOTION CARRIED.**

DOYLE stated the bond had to be purchased first; once the bond has been received by the Building Inspector, the building permit would be issued.

3. Mary Jane Hutson – Amend an Existing Special Use Permit – Devonshire Commons (Hyde Park)

ALAN LAWRENCE (LAWRENCE) of Lawrence Engineering, 1545 N. Leroy, Fenton, Michigan was present, representing **MARY JANE HUTSON (HUTSON)**, requesting an amendment to the existing Special Use Permit for Devonshire Commons (PUD).

The amendment would consist of moving the property line on the West side of the condominium area that is backed up to the property line. The density would be less than the one formerly approved; the duplexes from the West property line would have berms between them (duplexes) for privacy. The duplexes were formerly 10 foot; the proposed amendment would move the duplexes to 70 foot which would decrease the units from 55 down to 53. The original duplex units consisted of 66; units decreased one year ago to 55 units; the proposed amendment request would be for 53 units.

The architecture design of the duplexes would not change. The size of the units would be 1,160 square feet of living space, which would include the garage. The dimensions of the typical unit would be 40 foot x 58 foot for two (2) units, which would include a garage. The size of the one (1) car garage would be 12 foot x 20 foot. The homes have not changed from the January 2002 version; the elevations and appearance would not change.

The aesthetic ponds, once shown on the plans for the proposed amendment, would be removed. The space between the back side of the property would be 70 feet. The berm would be located in the center at 35 feet (page 6 of the Site Plan); the berm would be 3 feet high and 12 foot on each side. The water would flow along both sides of the berm to the detention ponds. Catch basins are located at the road to control the water flowing to the detention pond.

The distance setback from the other properties would be the same as what had previously been approved. The difference between the properties from ten (10) foot to seven (7) foot. There are no condominiums on the side of the road. **DOYLE** stated the amendment would be the same on the East side as what had been completed on the West side, with the roadway down the center rather than on the East side.

RATIONAL FOR THE PROPOSED AMENDMENT (Per Lawrence)

1. people would rather have more privacy
2. did not care about the aesthetic pond
3. request some kind of berm between
4. closeness of Devonshire Commons to another development
5. only way to get away from the closeness of the units were to reduce the number of units
6. instead of houses, there would be a roadway on the West side

There would not be a fence or berm on the West side perimeter. The back of the other lots would back to the road rather than the back of the other houses. The distance in the midway had

been 130 feet between the buildings – the proposed midway would be 170 feet. The berm would take up 26 feet. There would be trees planted on berms for privacy and aesthetics.

Units 30, 49, and 15 are single units (40' x 30'). There had been three (3) single units on the previously approved amendment. The two (2) car garage would almost be out of the question; **DOYLE** stated there would not be room for a two (2) car garage. The people that have inquired about the units have been first-time buyers or people who are seeing smaller units.

The homes would be stick built with a price range of \$105,000. There would be nine (9) foot walls in the basements with ingress/egress windows. There would be a bathroom in the bedroom located in the basement. All have finished basements.

EXTERIOR DESIGN SCHEME FOR ALL THE UNITS:

- basic scheme - couple of colors
- scallops on the gable end of the garage
- synthetic stone around the garage portion
- rotate unit colors between white walls and clay soffit and vice versa

CONDITIONS OF THE AMENDMENT:

- change in the layout of the streets by locating the street so that the homes do not back up behind the other homes
- dropping the amount of buildings by two (2)
- eliminating the center ponds and adding berms
- there would be no change in the character of the whole planned unit development
- there would be berms on the West two (2) corners of Picidilly Circle

GENSHEIMER wanted to know if there would be a certain kind of street light for each unit. The continuation of the current plan would be used – per the original approval.

OPEN TO THE PUBLIC AT 9:30 P.M.

1. **James Barnwell of Desine Inc. of Brighton, Michigan** – “supports the change; has a minor concern is the lighting on the corner; wanted to know if there was a way to mitigate the lighting on the West side corners of Picidilly Circle so the lights would not shine on the condominiums; would there be consideration for a small berm and some landscaping.”

ANSWER: LAWRENCE has no problem placing a berm on the two (2) West corners with trees on the top of the berms. The landscaping theme would be the same as page 6 of the Site Plan for the landscape details per Lawrence. **SWANSON** stated he hoped the berm did not cause the water to backup.

The lots on **SCHEUNER** property, to the West, would have a 35 foot to 40 foot setback. Everything else would stay the same.

CLOSED TO PUBLIC AT 9:45 P.M.

SWANSON MOVED, seconded by Flowers to approve the change with the conditions set forth by the parties involved, including the berms on the West corners of Picidilly Circle, as per the new plans of January 18, 2002. **MOTION CARRIED.**

VI. BOARD COMMENTS:

1. **DOYLE** stated the proposed wetlands matter, which Flushing Township Nature Park Manager Tom Enright had proposed at the Planning Commission Meeting on April 25, 2004, would be taken to the Board of Trustees Meeting on May 13, 2004 to determine if there was a resource for the funding of the inventory of the wetlands. It was determined the first priority would be to identify the wetlands.
2. **DOYLE** stated he had received a letter from Township **ATTORNEY STEVE MOULTON (ATTORNEY MOULTON)** regarding the Hyde Park matter. Per **ATTORNEY MOULTON**, just because the situation involved a modular home, a building permit must be issued. **DOYLE** felt the situation was getting away from the whole program of the original architecture structure of the PUD.

VII. MEETING SCHEDULE:

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

REGULAR SCHEDULED MEETING – MONDAY, JUNE 14, 2004 – 7:00 P.M.

PROBABLE WORK SESSION – TUESDAY, JUNE 29, 2004 – 7:00 P.M.

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

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

VIII. ADJOURNMENT: There being no further business matters on the Agenda, **DOYLE** adjourned the meeting at 9:55 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval