

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800

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PLANNING COMMISSION

DATE: OCTOBER 12, 2004

TIME: 7:00 P.M.

WEB ADDRESS <http://www.gfn.org/flushing/index.html>

MEMBERS OF PLANNING COMMISSION

Jerome Doyle, Chair

Robert Gensheimer, Vice Chair

Eric Swanson, Secretary

Ronald Flowers, Board of Trustee Representative

Aaron Bowron

Richard Buell

David Gibbs

Jerald W. Fitch, Building Inspector

Julia A. Morford, Recording Secretary

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

ABSENT: None

OTHERS PRESENT: Darrin Lum, Don Schweimann, Charles Bearer, Maureen Ballesteros, and Jaime Ballesteros

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

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Gibbs to adopt the Agenda for October 12, 2004 as presented. MOTION CARRIED.

Note from the Chairperson: After reviewing the July and August 2004 Minutes, the Planning Commission should spend time to discuss the possibility of amendments to the ordinance regarding restrictions for C-1 and C-2 zoning districts and private roads.

III. APPROVAL OF MINUTES OF AUGUST 24, 2004: GENSHEIMER MOVED, seconded by Buell to approve the minutes of August 24, 2004 as corrected. MOTION CARRIED.

IV. UNFINISHED BUSINESS:

- Charles Bearer, 8166 Coldwater Road, Flushing**
Approval of a Private Drive

CHARLES BEARER (BEARER) of 8166 Coldwater Road, Flushing was present to request approval, from a private drive to a private road, at 8166 Coldwater Road and for a split of two (2) lots (Lot A and Lot B) but tentatively would like approval of the property split concept of Lot

D, Lot E, Lot F, and Lot G on the private road; Lot C currently has an existing home owned by Michael Dore.

BEARER previously had attended a Planning Commission Meeting on May 10, 2004 to request a private drive. A Private Road Maintenance Agreement was the first order of recommendation at the May 10, 2004 Planning Commission Meeting. **BEARER** had the Maintenance Agreement in his possession at the October 12, 2004 meeting, which had been signed by **BEARER** and Michael Dore of Lot C (on the plot map).

SPECIFICATIONS REGARDING THE PRIVATE DRIVE PROPERTY:

- **BEARER** would like to divide the property into seven (7) parcels plus have a detention pond on Lot G, which would be used for drainage
- The current property had been split in 1997 (Ten year split rule); the next split would be 2007 (Lot B)
- Due to the ten (10) year property split rule (four (4) splits within ten (10) years), there would be one (1) property split in 2007 (Lot B);
- There would be two (2) property splits in 2014
- The property split for Lot A and Lot B (on the plot plan) would be the only approval needed at present
 - a. recommended by the Assessor and Building Inspector to have obtain approval for all property splits at present (one time)
 - b. rules and regulations regarding private drives could change for 2007 and 2014
- Lot A is 220' x 175' or 38,500 square feet (2004 split)
- Lot B is 30, 288 square feet (2004 split)
- Lot C (owned by Michael Dore on the plat map) was split in 1997 and has an existing house
- Lot A (on the plot map) has a prospective buyer
- **DOYLE** recommended placing all the property in a site condominium
 - a. requirements for a site condominium:
 - 1. private road
 - 2. same requirements as specified with a private road
 - 3. bylaws and master deed needed with conditions
 - b. everything could be approved now instead of waiting for 2007 and 2014
- The overhead power lines and cable lines extend on the East side of the private drive
- The telephone line which extends to the parent property (**BEARER'S**) has been placed under the ditch on the East side of the roadway
- An overhead telephone line extends to Lot C (Dore)
- A private Consumers Energy gas line extends to Lot C (Dore)
- A gas line extends to the parent property (**BEARER**) and also Lot C (Dore)
- The future gas lines would be designed by Consumers Energy
- The future utilities would be extended, within the fifteen (15) feet, from Coldwater Road to Lot A
- There is a twenty (20) foot easement on each side of the private drive for ditches and utilities
- There is 330 feet from Coldwater Road to the first parcel

- There would be water and septic for Lot A
- Lots B, C, E, F, and G are larger due to requiring a septic field
- Part of the conditions of the approval would be to have the information concerning the locations of present structures, the location of the utilities, which would include the location of the storm water drainage, sewer and septic systems, water lines or wells, utilities such as telephone, electricity, and cable services, along with the information already on the plot plan

SPLITS:

- **BEARER** purchased the parent property as one (1) lot
- **BEARER** sold property to another individual (Michael Dore); a private drive was then in existence
- Per the Plat Act, four (4) parcels could be divided off one (1) parcel in a ten (10) year period
- If there is a main thoroughfare, there could only be four (4) splits off the property within ten (10) years
- If a roadway extended off the main thoroughfare, there could be more splits obtained – information would have to be obtained from the Assessor
- if **BEARER** could obtain the maximum splits which **BEARER** would be allowed on the one request, he would have the whole property approved at one time – the assessor would inform **BEARER** as to the number of splits and how many off the private road
- **DOYLE** stated, per the request from **BEARER**, the Planning Commission could allow four (4) splits including what **BEARER** currently had: 1) Lot C for Dore; 2) the parent parcel for **BEARER**; and 3) two (2) other parcels – the information has to be in writing from the Assessor
- During the ten (10) year period from 1997, there could be four (4) splits including the parent house
- Properties involved in the proposed request would be the Parent property (**BEARER'S**), Lot A, Lot B, and Lot C (Dore)
- **GENSHEIMER** stated that under the current Private Drive Ordinance, if everything should be approved it would be legitimate as there would be less than ten (10) parcels
- The parent parcel consisted of thirteen (13) acres – if more than twenty (20) acres there would be bonus specifications

DOYLE reviewed the Private Road, Section 20-305

- 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.

**ADDITIONAL COMMENTS AFTER REVIEWING PRIVATE ROADS,
SECTION 20-305:**

- The existing road ditch drainage at the end of the drive never goes through the tube as the property is on a crest
- The private road would be 64.8 feet wide
- The road has been in existence for twenty-seven (27) years
- The drive would get wider as it is extended to **BEARER'S** property
- A condition in the deed has to state that each property owner would be equally responsible for the maintenance of the road (if no one else takes care of the property, one property owner has to be responsible for the maintenance of the road and has the right to demand from the other property owners' the fair share of responsibility) – seven (7) lots involved
- **BEARER** could request that Genesee County Road Commission take care of the road with a separate Maintenance District; property owners would be charged for the services on their property taxes
- The maximum grade within 100' of an intersection shall be 3%
- There would be a final (permanent) hammerhead shown on the plot plan – to be located at the beginning of the parent (**BEARER**) property.
- There would be a temporary hammerhead located at Lots B and G
- Lot D would set 1,200 feet from Coldwater Road
- There would be enough space on each lot to have a septic system
- A detention pond would be located on Lot G - the drainage goes to the west into the fields
 - a. Most of the water stops at the detention pond due to it being a low area – if **BEARER** wanted to he could dig a retention pond in the area of the detention pond
 - b. **BEARER** decided to leave Lot G as open space
- If, in the future, someone should decided to build on Lot G, a lot of fill would be needed – the land is low but has sandy soil

SWANSON MOVED, seconded by Gibbs to approve the private drive with the conditions that were set forth and also give the 64' variance on the width from the 66'; additions of the hammerhead at the end of the private road or where the best location for a temporary hammerhead would be; any other conditions that were placed on the drive; the road maintenance

agreement; provisions of Section 20-305; as well as the future uses with the legal amount of splits subject to the current Land Use Act as of this date; as noted on page 3, 8c, of the May 10, 2004 minutes consideration of the splits for the parent property as well as Lots A, B, and C, are approved at the current time; Lots D, E, and F will be approved when the future ten (10) year time period has terminated, subject to a final plot plan. MOTION CARRIED.

V. NEW BUSINESS:

**1. Jaime & Maureen Ballesteros, 3215 McKinley Road, Flushing
Special Use Permit for an Accessory Structure in the Front Yard**

JAIME AND MAUREEN BALLESTEROS (J BALLESTEROS/M BALLESTEROS) of 3215 McKinley Road, Flushing were present to request a Special Use Permit to place an accessory structure in the front yard at 3215 McKinley Road (Parcel No. 08-34-400-024).

SPECIFICATIONS OF THE PROPERTY/ACCESSORY STRUCTURE:

- Property consists of 22 ½ acres
- 700 feet from McKinley Road
- home is located on McKinley Road
- purpose of structure would be more storage for tractor, bicycles, personals, etc
- accessory structure to be placed in front of garage
- woodlands on the South side of the proposed property
- pond is located on the North side of proposed property and continues to the back of the Somerset property
- proposed property located on the West side of McKinley Road
- 240 feet from the nearest neighbor's property which property is 325 feet deep – another 240 feet plus or minus to **BALLESTEROS** house from the back of the neighbor's property
- the accessory structure would be located behind other structures on McKinley Road
- the accessory structure would be located to the southeast side of the property
- there would be seventy (70) feet to the South property line
- there would be sixty-seven (67) feet from the back of the home
- **BALLESTEROS** view of the neighbors' property would be blocked because of all the pines, maples, evergreens, etc that is planted on the **BALLESTEROS** property
- No one lives close to the **BALLESTEROS**
- The accessory structure would be constructed exactly like the present home; same building material would be used for the structure
- Lake size is 450 x 200 (1 ½ acres) has been named Lake Ballesteros

CORRESPONDENCE:

1. MORFORD stated a gentleman came into the township office to review the drawing of the proposed accessory structure – “did not have any objections to the proposed accessory structure”.

2. Letter of Correspondence from Ronny & Kimberly Lansky, 3193 McKinley Rd, Flushing
“they are in full support of the special use permit request.”

DOYLE reviewed Article XVIII, Special Use Permits, Requirements for Permitted Special
Uses, Section 20-1804

(A) Accessory Structures

Accessory Structures in front yards in RSA and RU-s subject to the following conditions:

- (1) The lot the accessory structure shall be located on is at least 400 feet deep or adjacent to a river or lake.
- (2) The accessory structure shall conform to all minimum front and side yard setbacks required for principal structures in the district it is located in.
- (3) The accessory structure shall either be screened from view of the roadway and adjacent lots or be designed to be compatible with surrounding residential structures in size, height, style of siding and landscaping.

GENSHEIMER MOVED, seconded by Buell to accept the Ballesteros request for an accessory structure at 3215 McKinley Road, Flushing. **MOTION CARRIED.**

8:45 P.M. – OPENED - PUBLIC COMMENTS

1. **Don Schweimann, 9205 North Island Drive, Flushing** – “developer of The Bluffs at North Island, had questions regarding property on the Coldwater Road Extension; wetlands are throughout the property; he has a legal easement from the Bluffs to the Coldwater Road Extension.”

9:05 P.M. – CLOSED – PUBLIC COMMENTS

VI. MEETING SCHEDULE:

PROBABLE WORK SESSION – TUESDAY, OCTOBER 26, 2004 – 7:00 P.M.

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

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

REGULAR SCHEDULED MEETING – MONDAY, DECEMBER 13, 2004 – 7:00 P.M.

VII. ADJOURNMENT: There being no further business, **DOYLE** adjourned the Planning Commission Meeting at 9:05 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval

Planningminutes 101204