

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800

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PLANNING COMMISSION

DATE: AUGUST 8, 2005

TIME: 7:00 P.M.

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

MEMBERS OF PLANNING COMMISSION

Aaron Bowron, Chair

Jerome Doyle, Vice Chair

Eric Swanson, Secretary

Richard Buell

Ronald Flowers

David Gibbs

Barry Pratt, Board of Trustee Representative

Jerald W. Fitch, Building Inspector

Julia A. Morford, Recording Secretary

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

ABSENT: None

OTHERS PRESENT: Gary and Angel Miller, Ryan and Paulette Cuz and Don Liske

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

BOWRON requested to add to the Agenda, listed under “Unfinished Business”, Review of Attorney Moulton’s Letter Regarding Proposed C-1 and C-2 Ordinance. (The letter had previously been distributed to all of the Planning Commission members.) **BOWRON** recommended altering the order of the Agenda by placing No. IV “Unfinished Business” after “No. V, “New Business”.

II. ADOPTION OF AGENDA: PRATT MOVED, seconded by Doyle to adopt the Amended Agenda. **MOTION CARRIED.**

III. APPROVAL OF MINUTES OF JULY 25, 2005: FLOWERS MOVED, seconded by Buell to approve the Minutes of July 25, 2005 as corrected. **MOTION CARRIED.**

V. NEW BUSINESS:

- 1. Gary Miller, 10010 Ruby Drive, Flushing, MI
Special Use Permit to Enlarge an Existing Pond
Parcel No. 08-16-200-054**

BOWRON stated that **GARY MILLER (MILLER)** has petitioned the Charter Township of Flushing Planning Commission for the purpose of a Special Use Permit to enlarge an existing pond at 10010 Ruby Drive, Flushing, Michigan, Parcel No. 08-16-200-054.

7:07 P.M. OPENED TO THE AUDIENCE:

MILLER stated he would like to extend the existing pond located on Ruby Drive with the fill from the pond to be used on the parcel of land to the South of the pond owned by **MILLER**. **MILLER** has also purchased ten (10) acres of land at 10025 Stanley Road, Flushing; a drive off Stanley Road is in the works and **MILLER** would need about 1,500 yards of sand for the project.

COMMENTS/QUESTIONS:

- 1. DOYLE:** would there be another parcel next to the pond?
ANSWER: On the West and South Side where the 250 foot contour line is located. (The topography map was presented by **MILLER** showing the existing pond and the proposed addition to the pond). A ten (10) acre parcel of land is located by the drive way (shown on the topography map).
- 2. BOWRON:** how far from the proposed Southern boundary of the existing pond to the property line would be sold? It appeared the contour line ran at a ninety (90) degree angle and would be close to the proposed extended pond.
ANSWER: The engineered drawing is currently at Inland Seas Engineering and will be changed to incorporate the change of the ten (10) acres. The property has already been surveyed.
- 3. DOYLE:** there is a house at the end of the road that turns North and goes toward Stanley Road.
ANSWER: There is a pole barn. **DOYLE:** the pole barn would approximately be at the curve of the road that would come from the West going North. How close to the turn in the road would the property be that has been sold?
ANSWER: It would be roughly 300 to 350 feet South of the curve in the road.
- 4. PRATT:** wanted **MILLER** to place specific details on the topography map.
- 5. BUELL:** wanted to know the size of the entire parcel?
ANSWER: the entire parcel would be twenty-six (26) acres. **BUELL:** forty (40%) percent would be sold in the ten (10) acres sale that has been proposed. There would be another ten (10) acres added to the North by the Red pole barn.
- 6. PRATT:** on Ruby Drive, there is a drain that flows on the South side of the pond and then goes into a small culvert under the road, how would that affect the drain. It appears

there is a lot of water that flows through the culvert from **MILLER'S** property and then the water flow gets smaller through the bean field. If the pond is extended, how will it affect the drainage.

ANSWER: when the plans for the pond were originally drawn, there were backup plans for a drain for the main water that extended to the North; the main water would not come off the South drain. The drain would not change and would be used as a secondary type drain. It was originally intended to be used as an overflow.

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NEIGHBORS COMMENTS:

1. **Ryan Cuz, 10100 Ruby Drive, Flushing, Michigan** – “borders the **MILLER** property on the West side; the water backs up in his soy bean fields.”

HISTORY OF THE SURROUNDING PROPERTY (By Ryan Cuz):

- originally nothing would flow onto his (Cuz) property during the summer
- after heavy rain falls during the spring, the **MILLER** property would fill up and come across onto the **CUZ** property.
- after the ditch was dug in the fall of 2004, the water was not intended to drain across the **CUZ** property but because the overflow was the only flow out of the existing pond, the water has been filling in the existing pond and flowing across onto his (Cuz) property onto the beans.
- the water never use to flow during the day, but would flow to the North between **MILLER'S** existing house and the existing red pole barn at 10025 Stanley Road.
- **MILLER** has proposed to repair the primary drain, off the existing pond, and go across the back of **MILLER'S** property and **CUZ'S** property and attach to the Rowe Drain which would take care of all the flooding problems.
- all the water to the South of the pond was originally supposed to be overflow water.
- **CUZ:** when the existing pond was dug, **MILLER** spread out all the extra dirt to the West of the pond.
- all the area from the existing pond to the North (toward Stanley Road) was built up, more than it originally was intended.
- **PRATT:** it appears the fall of the water is to the South.

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DOYLE: wanted to know how the water would be drained?

ANSWER: On the topography map, the water would follow the 250 feet contour line along the property line toward the 692 feet to 690 feet line (to the Northwest) where there would be a two (2) foot fall. **DOYLE** stated that was where the water was supposed to flow in the first place.

MILLER stated the original drain was supposed to flow toward Turner Road.

CONCERNS:

BOWRON read Article XVIII, Section 20-1804bb, b, 4:

General Provisions and Conditions:

“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.”

BOWRON stated the engineered drawing was currently in the works. **BOWRON’S** stated his concern was the Ordinance specified certain setbacks such as seventy (75) feet from the water line to adjacent properties; twenty-five (25) feet from berms to adjacent properties; also setbacks for the drains. The current topography drawing presented to the Planning Commission from **MILLER** was unclear on some of the information. **BOWRON** stated he would like to see the engineered drawing as to more precision of where everything was located due to a lot of issues involved in the situation. One such issue being if **MILLER** wanted to take the sand from the field and use for the drive, there would have to be an earth removal permit obtained.

BOWRON stated the Planning Commission wanted to work with **MILLER** but there had to be some type of fidelity to the Zoning Ordinances because if the Planning Commission loses consistency, the Planning Commission loses credibility with subsequent petitioners.

BUILDING INSPECTORS REPORT:

JERRY FITCH (FITCH) stated that everything is ok from his standpoint.

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2. **Don Liske, 6353 N. Seymour Road, Flushing, Michigan** – “his property would border the property on the East side of the proposed **MILLER** property; ever since the pond has been dug the flow of water would come through his (Liske) property onto **MILLER’S** property. Since there has been a build up of soil, **LISKE** has gotten a back flood every spring when there has been rain.

BUELL stated there were a lot of contours along the Eastern side of the proposed property and they (contours) have been lost. **BUELL** felt the engineered drawings are mandatory in the situation; **LISKE’S** problems should also be addressed.

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7:24P.M. – CLOSED TO THE AUDIENCE FOR COMMENTS.

DISCUSSION BY THE PLANNING COMMISSION REGARDING THE PROPOSED POND SITUATION:

- **FLOWERS:** due to the water flow and back up there should be an engineered drawing.
- **PRATT:** felt there should be more details to make the decision.
- **DOYLE:** wanted more information on **MILLER'S** future plans so if the matter wasn't going in the right direction the Planning Commission could then direct **MILLER** so that he would bring in the corrected drawing to the Planning Commission.
- **GIBBS:** would like to see more elevations on the property so the Planning Commission would have an idea as to where the water would be flowing if something should happen.
- **BOWRON** felt that **MILLER** should familiarize himself more with the ordinance setbacks since, in the future, he would be selling more of his property. There could be reciprocal easements executed to whomever the property is sold to; the property would butt up to the Southern end of the existing pond.
- **DOYLE:** wanted to know if **MILLER** was thinking of extending the pond and leaving the grade as it was on the adjoining property or was he (Miller) going to use all the sand and haul it away to other lots.

ANSWER: MILLER would use the sand that is pulled out of the pond and put it on the property to the North (Stanley Road property). There would be a four (4) acre lot to the back that would use some of the sand and also the property on the West end of the property would use some of the sand.

IMPORTANT MATTERS TO BE CONSIDERED:

DOYLE stated that important matters such as:

- making sure the drainage was corrected so that, due to the backup, someone did not have a lake in their back yard.
- if there were any berms placed around the pond to hold the water, make sure that it didn't back into someone else's property particularly the Eastern side.

With the engineered drawing **MILLER** would be able to determine the proper drain flow. The drain has not been cleaned out in fifteen (15) to twenty (20) years. **FLOWERS** stated the drain North of Stanley Road has been cleaned out.

BOWRON stated the next regularly scheduled meeting would be Monday, September 12, 2005 at 7:00 p.m. **MILLER** could return to the Planning Commission then (September 12, 2005) or, per **DOYLE**, pay for a Special Meeting if he wanted the issue resolved before the Meeting on September 12, 2005.

FLOWERS MOVED, seconded by Gibbs to postpone the issue until such time when Mr. Miller has all his drawings and material together and presents himself to the Building Inspector to set up a meeting or have the case set for a Special Planning Commission Meeting. **MOTION CARRIED.**

2. **Jennifer Walker, 4491 Jena Lane, Flint, Michigan 48507**

Approval for an Existing Non-Conforming Private Road

BOWRON stated **JERRY FITCH (FITCH)**, the Building Inspector had indicated to Ms. Walker the need for her to appear before the Planning Commission with documentation regarding an existing non-conforming private road; there has been no documentation received by the Planning Commission or the Township from Ms. Walker. The matter will be postponed until Ms. Walker decides to attend a Planning Commission Meeting.

IV. UNFINISHED BUSINESS:

1. Review of Attorney Steve Moulton's Opinion Regarding the proposed amendments to the C-1 and C-2 Zoning Ordinance

The proposed amendments to the C-1 and C-2 Zoning Ordinance have been reviewed thoroughly. The dimensional requirements would be inserted into the current format as currently listed. There were questions dealing with the C-2 amendment; the intention was to also have the 30' and 20' setbacks from the road right of way and the rear yard, respectively, or 20' from the rear lot line and any property abutting residential property.

FITCH stated the ordinance could be adopted in the current format as long as when it is placed into the Zoning Ordinance Book there has been no changes to the Zoning Ordinance.

FLOWERS MOVED, seconded by Buell recommend to send the C-1 and C-2 Zoning Ordinance to the Township Board. **MOTION RECINDED.**

FITCH stated the matter would have to go to the Planning Commission first. **MORFORD** will check the date schedule and will inform the Planning Commission. The Public Hearing could be held on Monday, September 26, 2005 at a Special Planning Commission Meeting.

FLOWERS MOVED, seconded by Swanson to have a public hearing as soon as time permits either on the Special Meeting Date or the Regularly Scheduled Meeting. **MOTION CARRIED.**

VI. PUBLIC COMMENTS:

7:44 P.M. OPEN TO THE PUBLIC

7:44 P.M. CLOSED TO THE PUBLIC

VII. BOARD COMMENTS:

- 1. BOWRON** stated the Common Drives and Private Roads Ordinance, Sections 20-304 and 20-305 are now in effect as of August 8, 2005.
- 2. BOWRON** stated drainage issues have become a problem in the township. The township had a study done by Rowe Inc regarding a number of grading ordinances. **DOUG PIGGOTT (PIGGOTT)** will be at the Special Planning Commission Meeting on Monday, August 22, 2005 to discuss the frame work on

the ordinances. The amendments would provide more authority to the Planning Commission or whoever was determined to ensure that new homes are built to comply with the ordinances and not create more drainage problems. Currently, single family and duplexes do not have to be reviewed by the Planning Commission. The proposed grading ordinance would pull everything under the umbrella to review to eliminate drainage problems.

3. **DOUG PIGGOTT (PIGGOTT)** will also be discussing some of the changes to the Conditional Rezoning and provide legislative empowerment.
4. **DOYLE** wanted to know if the matter referred to drainage problems in just the township and, therefore, decide whether the Planning Commission wanted to add to the ordinance, or amend the ordinance, to include site plans for single family homes.
5. **BOWRON** stated there are a number of upgraded drainage ordinances that have been compiled in the report; there are some differences among the ordinances. Review would consist of the gradations, contours of the land.
6. **FLOWERS** stated the township is at a point when single family homes have to place the septic tank on top of the yard; it is ridiculous when the septic tank has to be set two (2) or three (3) feet above the ground in the front of the home. There is room for improvements.
7. **DOYLE** stated the Planning Commission would be fooling around with people's property rights to where individuals could no longer use their property.
8. **SWANSON** stated that he agrees with **DOYLE** about property rights but he thinks the Planning Commission has the right to review so that the situation would not affect the neighbor's property if someone built on the property; not trying to control what someone is going to build but would the build affect someone.
9. **BOWRON** stated a lot of discussion would be as to the goals of the township and balancing the goals with the interest of the homeowner. An engineer could make a determination at the outset upon application of an abbreviated permit and if, in the engineer's estimation there were no issues, the grading permit or a waiver of a permit would be given and the individual would be able to start construction.
10. **DOYLE** wanted to know if the Planning Commission could get a map of where the water and sewer was located in the township so as to use it for the Master Plan.

VIII. MEETING SCHEDULE:

PROPOSED SPECIAL MEETING – MONDAY, AUGUST 22, 2005 – 7:00 P.M.
REGULAR SCHEDULED MEETING – MONDAY, SEPTEMBER 12, 2005 – 7:00 P.M.
PROPOSED SPECIAL MEETING – MONDAY, SEPTEMBER 26, 2005 – 7:00 P.M.
REGULAR SCHEDULED MEETING – MONDAY, OCTOBER 3, 2005 – 7:00 P.M.
PROPOSED SPECIAL MEETING – MONDAY, OCTOBER 24, 2005 – 7:00 P.M.

IX. ADJOURNMENT: There being no further business, **BOWRON** adjourned the Planning Commission Meeting at 7:55 p.m.

AARON BOWRON, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval

Planningminutes 080805