

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800

FAX: 810-659-4212

PLANNING COMMISSION MINUTES

DATE: DECEMBER 12, 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, Doyle, Swanson, Buell, Flowers, Gibbs, Pratt, Fitch and Morford

ABSENT: None

OTHERS PRESENT: 17 other interested individuals

I. MEETING CALLED TO ORDER at 7:04 p.m. by Planning Commission Chair Aaron Bowron with Roll Call and the Pledge to the American Flag.

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Pratt to adopt the Agenda with the elimination of Minutes. **MOTION CARRIED.**

III. UNFINISHED BUSINESS:

None

IV. NEW BUSINESS:

- Howard Scheuner (Scheuner), Developer for Hyde Park Subdivision – Brighton, MI. --- Amendment to Special Use Permit**

Introductory Comments from the Chair:

BOWRON stated that Hyde Park has been staged as a 64-single family residential Planned Urban Development (PUD). In approving the Site Plan over three (3) years ago, the Planning Commission imposed or negotiated thirty-four (34) conditions which would govern the details of the PUD. Of those conditions, item Number 10 provided minimum square footage requirements.

The Planning Commission mandated the following:

- Ranch – there would be five (5) ranch style homes with a minimum square footage of 1,300 square foot with the balance of the ranch style homes would be a minimum of 1,400 square foot or above.
- One and One Half (1½) Story – 1,500 minimum square footage (1,050 square foot on the first floor and 450 square foot on the second floor).
- Two Story – 1,700 minimum square footage (900 square foot on the first floor and 800 square foot on the second level).

On November 2, 2004, **HOWARD SCHEUNER JR. (SCHEUNER)** agreed to the minimum square footage for the one and one-half (1½) and two (2) story homes but requested the square footage for the ranch style homes be 1,200 square foot. The Planning Commission did not articulate a rationale for requiring the minimum sizes, but rather simply concluded, and only in regards to the ranch style homes, that 1,400 square footage would be a reasonable minimum square footage.

JAMES BARNWELL (BARNWELL) of Desine Engineering, stated that he and **SCHEUNER** had reviewed the township ordinance for square footage and the minimum requirement had been 1,100 square feet. **BARNWELL** stated that if the square footage should be too high, the marketing ability to sell the homes would be eliminated.

On October 12, 2005, a fax had been sent to the Township from **SCHEUNER** which expressed **SCHEUNER'S** desire to meet with the Planning Commission and discuss the feasibility of reducing the referenced minimum square footage; the informal discussion was held at a Planning Commission Meeting on November 14, 2005.

The Petitioner desired to modify item Number 10, of the Site Plan as follows:

- Ranch – 1,100 minimum square foot
- One and One-Half (1½) Story – 1,350 minimum square footage – 450 of which would be on the second floor
- Two (2) Story – 1,600 minimum square footage – footage divided equally between the first and second floors.

The proposed modification would reduce the ranch-style homes by 200 to 300 square foot; the one and a half (1½) story homes by 150 square foot; and the two (2) story homes by 100 square foot. The Petitioner's rationale was the smaller square footage homes would sell quicker because of the lower price cost. The Petitioner made reference to the favorable absorption rate for the 900 square foot townhouses in the adjacent Devonshire Commons, which was selling at \$119,000.00. Members of the Planning Commission sited various factors in support of reducing the square footage size including changing demographics and economics, particular with regards to the current sluggish real estate market. Others expressed concern that it was not the size of the homes that was an issue, but rather because of the difficult economy. There also were

concerns that the sluggish sales may have less to do with the size of the homes and more to do with public perception to the panelized style housing. Concerns were also expressed about what impact the proposed modifications would have on the existing homes within Hyde Park Estates.

SCHEUNER indicated at the meeting on November 14, 2005, there had been five (5) modular homes already constructed and one (1) stick built currently under construction which provided for six (6) out of the proposed 64 single-family homes. **SCHEUNER** stated he was not sure if there would be an impact on the value of the existing homes but was sure that it would have an impact on the marketability of the homes.

BOWRON stated the action taken (at the present meeting) by the Planning Commission would in no way affect the remaining thirty-three (33) conditions that governed the site plan which the Planning Commission had approved over three (3) years ago, unless the Planning Commission expressly and unambiguously provided otherwise. The only issue before the Planning Commission was item Number 10, dealing with minimum square footage requirements.

7:10 P.M. – OPEN TO THE PUBLIC

JAMES BARNWELL (BARNWELL) of Desine Inc. stated three (3) years ago all the units were supposed to be attached units but the developer had wanted to reduce the density from 94 to 64 single-family home units. At the time, there was a discussion regarding the styles of the homes. The last three (3) years has indicated what the price point had to be in order to sell the units. **BARNWELL** is requesting to have a slight reduction in the square footage (approximately ten (10%) percent). All the remaining thirty-three (33) conditions would still apply and the quality of the homes would remain the same. The proposed reduction of the square footage would be the only item that would be changed.

BOWRON stated the proposed modifications would be:

- Ranch – 1,100 minimum square footage
- One and One Half (1½) Story – 1,350 minimum square footage
- Two (2) Story – 1,600 minimum square footage

COMMENTS FROM THE AUDIENCE:

1. **Jeff Cole, 7204 Kings Way, Flushing** – “what would the cost difference be for the proposed homes; what impact would it do for the condominiums already constructed.”
2. **Barbara Goebel, 7170 Kings Way, Flushing** – “great place to live; conveniently located off River Road; important for Hyde Park to continue to be a very good development; very supportative, as a Superintendent, to have affordable housing for families wanting to move into the district; since the cost of housing has increased it had made it rough to find affordable homes in Flushing; a lot of the

young families have come from neighboring developments of Flagstone, which does not have 1,100 square footage, Meadowbrook Subdivision (across from the new Flushing Middle School) and Jaime and Jaclyn Ann; apartment size homes are not large enough in size to raise young children; young families also want something of value.”

3. **Bob Asher, 7140 Kings Way, Flushing** – “the latest built home in the section is stick built, very attractive and compliments the neighborhood; wait for a time period and see if the recently constructed style home sells.”
4. **Phyllis Campbell, 7151 Kings Way, Flushing** – “the value of the home is a very big concern; enjoys living in Hyde Park; changes within the last two (2) years – how many more changes would there be that would continue to decrease the size and type of home that was originally planned for the area.”
5. **Paul Penzel, 7296 River Road, Flushing** – “understands the market is tough but not the goal of Flushing to give away the value; with so many changes, the better builders and people that are investing are shying away as they don’t know what the bottom line would be.”

REBUTTAL BY BARNWELL:

BARNWELL stated that for a 1,000 square foot house the selling price would be \$135,000. The Ordinance requirement would be for 1,100 square foot so there would be an additional one hundred (100) square foot to be added to the \$135,000.00. The projected price for the small ranch would be \$155,000 to \$160,000. The market has been slow for a couple of years – the smaller homes would sell quicker.

BARNWELL’S stated it was his opinion that if there was to be a development with only a few homes in it, it would be a lot less marketable to resale. In a development where there is four (4) homes out of sixty (60) sold, with very little activity and traffic, with no other homes built and the individual ask around the neighborhood as to how long the development had been in existence and the residents stated six (6) years – it would decrease the value of the existing homes. A development that has a lot of activity and a lot of homes constructed would be able to sell higher than those that have one (1) or two (2) random homes constructed and surrounded by weeds. The value of the development would increase the value of the homes surrounding it.

6. **Jeff Cole, 7204 Kings Way, Flushing** – “what type of homes are being discussed.”

HOWARD SCHEUNER, SR. stated all the rest of the homes would be stick built – no more modulars.

COMMENTS FROM BUILDING INSPECTOR JERRY FITCH:

JERRY FITCH (FITCH) stated the request would be the minimum requirement of the square footage in the zoning ordinance. The minimum square footage for the three and four family homes in Hyde Park was about 1,140 square foot – the minimum square footage in Devonshire Commons is approximately 900 square foot.

7:25 P.M. – CLOSED TO THE AUDIENCE

BOWRON stated there were pros and cons on either side of the argument. The Planning Commission would like to reconcile and ideally harmonize the competing interest in individual property owners with those of the community. It is always a challenge.

CONCERNS AND QUESTIONS OF THE PLANNING COMMISSION:

- **DOYLE:** from the Minutes of November 14, 2005 involving the conversation with **SCHEUNER** and from the previous time the PUD was changed – there was a reduction from ninety-two (92) three and four plexes to sixty-four (64) single-family units. The density was immensely reduced from the first time the PUD was approved, which was a plus. The first time the PUD was accepted, all the homes were to be stick built. The area owned by **MARY JANE HUTSON (HUTSON)** where smaller homes are constructed, was another change in the PUD which went from an apartment-type building to duplexes. During the process, the PUD was improved. The houses (Devonshire Commons) are approximately 900 square foot and cost \$119,000.00. The homes are stick built and have been selling fairly well. The original homes were approximately 1,175 square feet and sold for \$140,000 or below. Most of the value of homes would be in the structure itself rather than in the square footage. The last two (2) changes reduced the amount of density for the whole PUD system.
- **SWANSON:** many of the changes in the PUD, over the years, have improved Hyde Park. The Planning Commission has their own opinion as to why the homes have not been selling in Hyde Park. Large homes have been difficult to sell although in other subdivisions large homes have been selling. There has to be a market for the homes and someone to push the product. **SWANSON** is not against the 1,100 square foot homes, but if there was an approval to construct what **SCHEUNER** would like to build in the township, **SWANSON** would be against the construction of only 1,100 square foot homes. A variety of styles of homes that is well kept would make a good subdivision. The size doesn't make any difference.
- **FLOWERS:** don't feel the Planning Commission should give the go ahead as the track record has not been too good. The Planning Commission has been trying to work with **SCHEUNER** on the issues; the square footage has been reduced to 1,300 square foot so there would be sufficient set back distances.
- **PRATT:** was in real estate for fifteen (15) years and saw that when an appraiser came out to appraise the property, there was 1,000 square foot at "x" number of dollars

regardless of what would be happening in that project. The problem would be the demand of the different type of units within that subdivision. When people come out to view the area, they expect whatever most of the properties are and that would be what they are looking for. In the particular case of Hyde Park, there would be less demand for the larger units so it would make the larger homes not sell in a smaller unit development because everyone is buying the smaller units. If there was a hard press situation, the solution might be to reduce the price where the loss of property value could come about. The larger units would take more time to sell due to the marketability of larger units. Example: If an appraiser came into a 1,300 square foot unit, it would not be appraised for a 1,100 square foot unit because all the rest of the units are 1,100 square foot – it would still be 1,300 square foot at \$150 square foot.

- **BOWRON** inquired from **BARNWELL** as to the breakdown of each of the ranches, one and one-half story, and two story homes that would be in the Hyde Park Subdivision.
- **BUELL** wanted to know if it would be impossible to construct all ranch style homes or would there be a variety. **BARNWELL** stated there could be a possibility all the homes would be ranch style homes. There are a lot of homes for sale in the township and surrounding townships as well. It is the function of the economy as well as the function of the size of the home that is being offered in Hyde Park. **BUELL** would be opposed to the reduction in square footage for the homes.
- **DOYLE:** in order to retain the value of the development, there would have to be diversity in the styles of homes. **SCHEUNER** was offered a certain square footage within the thirty-four (34) conditions including the appearance on the outside of the structures. **DOYLE** felt that in order to come down in square footage to make the condominiums more sellable, there should be restrictions on the architectural ability of the whole part of the subdivision to make it more attractive. **DOYLE** felt when dealing with the square footage, there should be more restrictions on the diversification of the structures to make the homes more attractive to the individuals who live near by. The value of the subdivision has to be kept up.

CHAIRPERSON’S COMMENTS:

BOWRON stated that when first coming into the matter, his position was absent strong public opposition, alone would be one reason not to vote to approve petitioner’s request. Although the Planning Commission is not a guarantor in insuring the success of the developer’s various projects, the Planning Commission, nonetheless has desired to assist and cooperate where doing so would not be injurious or contrary to the community’s interest. Most of the attendees at the meeting are opposed to the reduction of square footage for Hyde Park. To inspire and sustain the confidence that has been placed on the Commission, so far has been practicable and sensible, and would be consistent with the Planning Commission. The whole development has had a lot of changes. What the Planning Commission has been called upon to do is balance the equities – balance the interest of the particular property owner with the interest of the community. **BOWRON** was not sure if granting the request of the Petitioner would solve the marketability issue. He is concerned about the good will of

the community. The Petitioner is requesting nothing less than what the Zoning Ordinance required for minimum square footage.

BOWRON stated that at the November 4, 2002 Planning Commission, HJM Inc. agreed with the square footage in Sub items B and C – the one and a half and two story homes. The request for a ranch had been 1,200 square foot; out of the three (3) types of homes mentioned, HJM was comfortable with the one and a half story and two story homes – there was a concern with the ranch style homes being of a smaller square footage.

In the event the request was not approved, perhaps there could be another possibility. The Planning Commission would have to know the exact number of each style home before a determination could be made.

- **BUELL:** could see some possibilities along the line assuming there was the assurance there would not be a line up of 1,100 square foot ranches.
- **DOYLE:** perhaps there could be restrictions that would place certain style buildings on certain lots, which would keep the values together.
- **BOWRON:** in the event the request does not go in the Petitioner's favor, that would not be saying the Planning Commission would not be interested in reviewing the issue of splitting the difference. Solid facts and figures for the matter would be needed.

BUELL MOVED, seconded by Doyle that the Petitioner be denied in the reduction of the 1 ½, 2 story, and ranch style homes in the Hyde Park PUD; perhaps some other direction could be worked out.

ROLL CALL VOTE:

AYES: Pratt, Gibbs, Flowers, Buell, Swanson, Doyle, and Bowron

NAYS: 0 MOTION CARRIED.

2. Election of Officers

FLOWERS MOVED, seconded by Buell to elect Aaron Bowron as Chairperson, Jerry Doyle as Vice Chairperson, and Eric Swanson as Secretary for another year. MOTION CARRIED.

V. PUBLIC COMMENTS:

8:02 P.M. – OPEN TO THE PUBLIC FOR NON-AGENDA COMMENTS

8:03 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA COMMENTS

VI. BOARD COMMENTS:

None

VII. MEETING SCHEDULE:

REGULAR SCHEDULED MEETING – MONDAY, JANUARY 9, 2006 AT 7:00 P.M.

PROPOSED SPECIAL MEETING – MONDAY, JANUARY 30, 2006 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, FEBRUARY 13, 2006 AT 7:00 P.M.

PROPOSED SPECIAL MEETING – MONDAY, FEBRUARY 27, 2006 AT 7:00 P.M.

VIII. ADJOURNMENT: There being no further business, **BOWRON** adjourned the Planning Commission Meeting at 8:10 p.m.

AARON BOWRON, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval

Planningminutes 121205