

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800

FAX: 810-659-4212

PLANNING COMMISSION MINUTES

DATE: MARCH 13, 2006

TIME: 7:00 P.M.

WEB ADDRESS <http://www.flushingtowship.com>

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, Flowers, Gibbs, Pratt, Fitch and Morford

ABSENT: Buell

OTHERS PRESENT: Jerry Lawrence, Lee St. John, and Mark St. John

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 would like to eliminate from the Agenda, listed under “Unfinished Business”, No. 1, Howard Scheuner (Scheuner), Developer for Hyde Park (PUD) Subdivision – Brighton, Michigan. Documentation has not been received from Scheuner.

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Swanson to adopt the Agenda as amended. MOTION CARRIED.

III. APPROVAL OF MINUTES OF FEBRUARY 13, 2006: DOYLE MOVED, seconded by Flowers to approve the corrected Minutes of February 13, 2006. MOTION CARRIED.

7:09 P.M. – PUBLIC HEARING OPENED

IV. PUBLIC HEARING – To Consider an Ordinance to Amend the Zoning Ordinance to Allow for Conditional Rezoning and to Revise the Standards for Consideration of Requested Changes to the Zoning Ordinance.

OBSERVATIONS BY THE CHAIR:

BOWRON stated that on January 2005, Michigan's three (3) zoning enabling acts were amended to permit **Conditional Rezoning**. The legislature has granted local units of governments the authority and discretion to both consider, and if acceptable and consistent with the Master Plan and the implementing ordinance, approval of a request to rezone land pursuant to the specific conditions voluntarily offered by either a land owner or an owner of an interest therein. According, this Planning Commission held hearings on August 22, 2005 and October 24, 2005 to solicit public comments and deliberate upon the merits of **Conditional Rezoning**.

On the basis thereof, and with the advice and input of the Township's legal counsel and Planner, this Commission moved to initiate the formal procedure to amend Subsection 20-201 (e) and Subsection 20-202 of the Zoning Ordinance to permit Conditional Rezonings.

The purpose of the Public Hearing was to accept and consider comments under proposed Conditional Rezoning Ordinance.

BOWRON INQUIRED IF ANYONE IN THE AUDIENCE WAS FOR OR AGAINST THE PROPOSED AMENDMENT TO ZONING ORDINANCE TO PERMIT CONDITIONAL REZONINGS. There were no objections.

7:09 P.M. – PUBLIC HEARING CLOSED

DOYLE MOVED, seconded by Pratt to recommend approval of the Conditional Rezoning Ordinance to pass a favorable recommendation to the Township Board to approve the same. **MOTION CARRIED.**

V. UNFINISHED BUSINESS:

1. Lee St. John, 9223 Coldwater Road, Flushing, Michigan

Special Use Permit of an Existing Private Drive (Section 20-305 (f))

BOWRON reviewed the minutes from February 13, 2006; the motion from the meeting (page 15) stated:

“PRATT MOVED, seconded by Doyle to approve a Special Use Permit subject to the Planning Commission's approval of the satisfaction of the staked survey and the Maintenance Agreement entered into and recorded by M. St. John. **MOTION CARRIED.**

7:11 P.M. OPENED TO THE AUDIENCE:

- 1. Gerald Lawrence, 7101 Gillette Road, Flushing** – “if understanding what is before the Planning Commission at present, it would be to allow **L. ST. JOHN** to construct another house on his property.” **BOWRON** stated “Yes”.

LAWRENCE has property (08-15-400-026) on the North side of Coldwater Road Extension; he has no plans to construct a house, but ask would this open the door for **LAWRENCE** to construct a house in the future? **BOWRON** stated he would not venture out on the subject as the only thing under consideration at present was what the petitioner wanted to do, which was to divide his (L. St. John) current property and have his son (M. St. John) construct a home on the property. The question presented to the Planning Commission was “whether or not **L. ST.JOHN** could expand on an existing legal non-conforming private road. The Zoning Ordinance has been amended to permit the expansion of a legal non-conforming lot.

BOWRON stated the concerns expressed at the last Planning Commission Meeting primarily had to do with the legal ownership of the private road. The private road was the only thing that was being reviewed at the time. One of the requirements for a division split of a parcel was there be an access to a road, which there is an access.

LAWRENCE inquired if he could come to the Planning Commission with the same type of request to build a house. **BOWRON** wanted to know if **LAWRENCE** was referring to dividing a parcel of property. The Zoning Ordinance would permit **LAWRENCE** to make the request, whether or not it was approved, would depend upon other circumstances.

DOYLE stated originally what had been discussed was the fact there was a private road and there was property on the private road. When a decision was made to allow certain things to take place on the private road with the special use permit, that allowed anyone on the private road to be able to make a request. With a special use permit, there could be conditions placed that would go along with the permit. More would be involved than just granting an ok.

PRATT wanted to know if there had previously been a conversation where if there was a cul-de-sac only a certain number of homes could be constructed. The way the ordinance currently is written would not be a consideration of a lot of the items that were involved with the private road that had to be considered before. With the Special Use Permit all the details are involved. It would be a more “clear cut” avenue.

BOWRON stated with a legal non-conforming use, an individual could neither expand upon nor increase the intensity therein. Before the ordinance was amended, situations similar to **L. ST.JOHN’S**, where an individual wanted to subdivide property or add another home could not be done because the intensity of the use of a legal non-conforming road would be increased. The general rules governing legal non-conforming uses do not permit the absent express authority to do so. With the amendment to the ordinance, it provided the means of expansion or increased intensity on the road. It would be reviewed pursuant to the amended ordinance which would treat the request as a special land use.

7:20 P.M. – CLOSED TO THE AUDIENCE

COMMENTS FROM THE PLANNING COMMISSION MEMBERS:

- **PRATT:** what would the parcel number be for **M. ST.JOHN**?
- **FLOWERS:** would the lot be 155' x 297'?
- **BOWRON:** how many acres would there be? **M. ST.JOHN** stated there would be 1.8 acres.
- **BOWRON:** the concerns at the last meeting were to make sure the private road was not encroached upon by other properties. Based upon the engineered drawing by Gould Engineering Inc of Flint, Michigan dated March 9, 2006, there are no encroachments.

COMMENTS FROM THE BUILDING INSPECTOR:

- The map was drawn by Gould Engineering, Inc., Flint, Michigan; information was obtained from the two (2) previous surveys that were drawn.
- The easements were given to Gould Engineering, Inc.
- The Planning Commission Members have copies of the survey and Road Maintenance Agreement.
- **BOWRON** stated he had a petition for a Private Road Maintenance Agreement. The Road Maintenance Agreement is a five (5) year Assessment paid through Property Taxes. The last Coldwater Road Extension Assessment District Renewal was July 25, 2002. The property owners were assessed \$200 for each parcel to continue the road maintenance. **L. ST.JOHN** stated that every fall Coldwater Road Extension has been graded and thirty-five (35) tons of gravel has been placed on the road and then rolled.
- **BOWRON** inquired as to what authority **M. ST. JOHN** would be included in the matter? Would **M.ST.JOHN** need to sign something to be bound to pay the \$200 per year or would it be by virtue of the district where **M. ST. JOHN'S** house would be located?
- **SWANSON** stated that **M. ST.JOHN** would be included in the assessment district.
- **DOYLE** stated everyone on the road had to sign the Maintenance Agreement including the new person that purchased **M. ST.JOHN'S** current house.
- **DOYLE** stated one of the conditions for the approval was the description to the proposed split property.
- **L. ST. JOHN** stated that when **M. ST.JOHN** knew what size the proposed property would be, the description would then be available.
- **PRATT** stated when a staked survey had been completed, it would carry its own legal description.
- The three (3) conditions involved would be: **1)** Maintenance Agreement; **2)** Property description of the proposed property; and **3)** staked survey with the proposed split and name added to the Maintenance Agreement.

DOYLE MOVED, seconded by Pratt to approve the request for a Special Use Permit of an Existing Private Drive (Section 20-305 (f)). **MOTION CARRIED.**

VI. NEW BUSINESS:

None

COMMISSION COMMENTS:

- **BOWRON** stated potential items for future agendas are:
 1. discussion regarding signs in the Agricultural District
 2. review of the requirements for staked surveys for either parcels that are split or for new builds.
- **FLOWERS** stated the meeting on Monday, March 27, 2006 would be a Special Meeting for work only. If anyone wanted to come to the Special Meeting for a specific item, the individual would have to pay for the Special Meeting. The meeting would be open to the public.
- **PRATT** stated that at the last Board of Trustees Meeting on Thursday, March 9, 2006, he **proposed** funding for twelve (12) Special Meetings for the Planning Commission for the fiscal year April 1, 2006 to March 31, 2007. **PRATT** described some of the activities that had taken place at the Planning Commission level. Approval was given for ten (10) Special Meetings for the Planning Commission for the fiscal year. **FLOWERS** stated that normally there isn't a meeting in November and December due to the Holiday Season.
- **BOWRON** made reference to information he had received regarding the "Connecting Communities" Seminar on Tuesday, March 14, 2006 at the University of Michigan – Flint Northbank Center, which has been an ongoing focus on regional land use issues and as a means of building awareness about the value of green and open space.
- **FLOWERS** stated the Planning Commission might want to keep track of **HB 4398**, which would consolidate three (3) existing zoning laws. What would the consolidation do to the Flushing Township Ordinances? **BOWRON** stated the Bill would simplify the issues; currently there is a lot of overlap of ordinances. **PRATT** stated he had read in one of the Michigan Townships Associations (MTA) magazines that the Bill would not be so much as a change but more of a consolidation. **FLOWERS** would like the Bill reviewed at one of the Planning Commission Special Meetings.
- **BOWRON** stated the *Southern Great Lakes Regional Planning*, which is going on in the Southern part of Genesee County was spearheaded by Linden City, Mundy, Argentine, (the lake communities) to have a long range joint planning for the region. Fenton Township has rejected the joint venture.
- **BOWRON** stated that Flushing Township might be interested in joint regional planning with the surrounding areas.

VII. PUBLIC COMMENTS:

7:40 P.M. OPENED TO THE PUBLIC

1. **Jerry Lawrence, 7101 Gillette Road, Flushing** – "when the Planning Commission approved a Special Use Permit, was there a time limit to enact on the permit." **DOYLE** stated that ordinarily it was according to the ordinance as to how long a Special Use

Permit is acceptable. In some instances the permits are good for one year and in others good forever. The ordinance has to be followed as to whatever it takes.

7:44 P.M. – CLOSED TO THE PUBLIC

VIII. MEETING SCHEDULE:

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

REGULAR SCHEDULED MEETING – MONDAY, APRIL 10, 2006 – 7:00 P.M.

PROPOSED SPECIAL MEETING – MONDAY, APRIL 24, 2006 – 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, MAY 8, 2006 – 7:00 P.M.

IX. ADJOURNMENT: There being no further business, **BOWRON** adjourned the Planning Commission Meeting at 7:44 p.m.

JEROME DOYLE, Vice Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval