

CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
FLUSHING, MICHIGAN 48433
810-659-0800 FAX: 810-659-4212
PLANNING COMMISSION MEETING

DATE: NOVEMBER 5, 2007 TIME: 7:00 P.M.
WEB ADDRESS <http://www.flushingtowship.com>

MEMBERS OF PLANNING COMMISSION

Mark J. Newman, Chair	Richard Buell
Jerome Doyle, Vice Chair	Ronald Flowers
Eric Swanson, Secretary	David Gibbs
Barry Pratt, Board of Trustee Representative	

Jerald W. Fitch, Building Inspector
Julia A. Morford, Recording Secretary

PRESENT: Newman, Doyle, Swanson, Flowers, Gibbs, Pratt, Fitch, and Morford

ABSENT: Buell

OTHERS PRESENT: Ted Yurk, Sandy Yurk, and Phillip Merrill

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

FLOWERS requested to add to the Agenda a presentation by Robert Johnson, a newly appointed member to the Genesee County Road Commission. **NEWMAN** recommended having Mr. Johnson be listed as Number 2 under “New Business”. **PRATT** requested to add to the Agenda Consideration of an Amendment to the Zoning Ordinance defining “Condominiums”, “Duplexes”, and “Townhouses”. **NEWMAN** recommended to place the amendment under “Unfinished Business”. **PRATT** requested to place “Number V, New Business” before “Number IV, Unfinished Business”. **NEWMAN** stated the order of the Agenda would be:

IV. NEW BUSINESS

1. Theodore Yurk, 5277 Conestoga Drive, Flushing, Michigan 48433
2. Presentation by Mr. Robert Johnson – Genesee County Road Commission

V. UNFINISHED BUSINESS

1. Consideration of an Amendment to the Zoning Ordinance

II. ADOPTION OF AGENDA: DOYLE MOVED, seconded by Pratt to adopt the Agenda as amended. **MOTION CARRIED.**

III. APPROVAL OF MINUTES OF OCTOBER 15, 2007: FLOWERS MOVED,
seconded by Doyle to approve the Minutes of October 15, 2007 as amended. MOTION
CARRIED.

IV. NEW BUSINESS:

1. Theodore Yurk, 5277 Conestoga Drive, Flushing, MI 48433

Special Use Request for an Accessory Structure in the Front Yard at
5277 Conestoga Drive (Parcel No. 08-22-200-020)

NEWMAN stated a Special Use Permit form had been turned in to the Building Inspector by
THEODORE AND SANDY YURK (T. YURK AND S. YURK) who requested permission to
construct an accessory structure in their front yard at 5277 Conestoga Drive, Flushing, Michigan
48433, Parcel No. 08-22-200-020. Thirty-nine (39) notices had been sent out to residents within
a 300' radius.

SPECIFICATIONS FOR THE ACCESSORY STRUCTURE:

- Phil Merrill of Merrill Construction would be building the structure with the following specifications:
 1. the structure would be a 24' x 24' pole barn construction
 2. the structure would match the existing style of the home as to:
 - a. vinyl siding
 - b. roofing
 - c. windows
 - d. contour
 3. the structure would be hard to see in both the summer and winter due to so many trees being on the property.
 4. there would be minimal cutting of the trees for the construction of the structure.
 5. the poles would be in the ground 42 inches with a concrete pad at the end
 6. **SWANSON** wanted to know if since there was a slope that came from the house toward the East, would the area be lower than the house. **T. YURK** stated the area for the structure would be lower than the house.
 7. the existing circular drive would go to the accessory structure
 8. dimensions of the property:
 - a. there are five (5) acres:
 1. three (3) acres of vertical
 2. two (2) acres of horizontal
 - b. front area approximately 150 yards
 9. depth of the lot from the river would be (per Swanson) approximately 400 feet but the property line is jagged.
 10. there would be approximately 225 feet from the front property line to the house.
 11. **SWANSON** stated that part of the ordinance mentioned there had to be 400 feet for an accessory structure if you lived on water front property.
 12. the driveway to the existing home is shared.

NEWMAN stated the application was made under *Special Use Permits Article XVIII, Section 20-1804, Requirements for Permitted Special Uses:*

(A) Accessory Structures

Accessory Structures in front yards in RSA and RU-1 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.
- (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.

PRATT MOVED, seconded by Doyle to approve the application as submitted for a Special Use Permit for an accessory structure for the property commonly known as 5277 Conestoga Drive, Flushing, Michigan.

ROLL CALL VOTE:

AYES: Doyle, Swanson, Flowers, Gibbs, Pratt, and Newman

NAYS: 0 MOTION CARRIED.

ABSENT: Buell

2. Presentation by Robert Johnson – newly appointed member of the Genesee County Road Commission

Mr. Johnson was unable to be in attendance.

V. UNFINISHED BUSINESS:

1. Consideration of an Amendment to the Zoning Ordinance Defining “Condominiums”, “Duplexes”, and “Townhouses”

The below proposed amendment has been drafted by Flushing Township **ATTORNEY STEVE MOULTON (ATTORNEY MOULTON)** for review by the Planning Commission and then proceed for a Public Hearing.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE TO DEFINE
“CONDOMINIUM”, “DUPLEX”, AND “TOWNHOUSE”**

THE CHARTER TOWNSHIP OF FLUSHING ORDAINS:

The Zoning Ordinance for the Charter Township of Flushing is amended as follows:

1. Section 20-200 is amended to include the definition of **“condominium”** to be inserted between the definitions of “Comprehensive Plan” and “Convalescent Home”.

Condominium means, for purposes of this zoning ordinance, a condominium unit as defined by MCL 559.104 (3) or other property within a condominium project as defined in MCL 559.104 (1), which is subject to a master deed recorded with the Genesee County Register of Deeds in compliance with the Condominium Act, MCL 559.101, et seq.

2. Section 20-1804(P) is amended and restated as follows:

(N) DUPLEXES

(1) Duplex means a single dwelling structure designed and used for two separate households. Each unit of the duplex shall satisfy the requirements of this ordinance for a single family dwelling, except that it shall be permissible for the units of the duplex to share a common driveway and utilities, including a common well or municipal water connection, a common septic system or municipal sanitary sewer connection, gas, and electricity. The two units shall be separated by material having a minimum two hour fire rating. Each unit of the duplex shall have a separate means of ingress and egress. The duplex and the lot on which the duplex is located shall be considered a single property with a single tax description. The units of a duplex may not be considered separate properties for tax or ownership purposes.

(2) Lots for duplexes shall be at least 23,000 square feet and at least 120 feet wide if public water or sewer are not available and used. If public water and sewer are used, the lots may be a minimum of 13,200 square feet and 105 feet wide.

3. Section 1804(LL) is amended and restated as follows:

A **townhouse** means a dwelling structure designed and used as attached single family dwellings for 2, 3, but no more than four (4) separate households. Except as provided below, each unit of the townhouse shall satisfy the requirements of this ordinance for a single (family) household dwelling. Each unit of the townhouse shall have a ground floor and shall have at least two separate means of ingress and egress. There shall be no community doors or means of access directly from one unit to another. Each unit shall have: 1) its own driveway or access to a public road, 2) its own space for the parking of motor vehicles, 3) separately supplied and metered utilities, 4) separate well or municipal water connection, 5) separate septic system or municipal sanitary sewer connection. Each unit of the townhouse shall be separated from the other units by a wall or other construction with a minimum two hour fire rating. The townhouse may be constructed with a 0 side lot, i.e., a common wall. Each unit within a townhouse may be owned separately, designated a separate parcel with a separate tax parcel identification

number. Each unit shall include the real property immediately contiguous to the front and back of the unit with the side lot lines being the extension of the center of the common walls of the unit to the back and to the front lot lines. The side lots of the parcel on which the townhouse is located shall be part of the property of the corresponding end units of the townhouse.

Adopted the _____ day of _____, 2007, by vote of the Charter Township of Flushing Board of Trustees. This ordinance shall be effective upon publication.

Julia A. Morford, Clerk
Charter Township of Flushing

COMMENTS FROM THE PLANNING COMMISSION:

- **DOYLE** felt the proposed amendment was pretty much what the Planning Commission had discussed.
- **FLOWERS** felt everything in the proposed ordinance was spelled out for the general public.
- **NEWMAN** reviewed and compared the present ordinance and the Memo from Attorney Moulton dated October 15, 2007; **NEWMAN** was satisfied with the definitions. **NEWMAN** felt, like **GIBBS**, that the proposed amendment was more of a technical nature than before because the definitions were more in depth. Due to the confusion of the definitions of: condominiums, duplexes, and townhouses, the proposed amendment (by Attorney Moulton) wasn't too heavy on the jargon and the technical speech but at the same time was not too simple that it created confusion.
- **SWANSON** felt the confusion had been brought out by the different cases of the word "duplex".
- **FLOWERS** wanted to make sure that he was correct with the aspect that if there was zero (0) side lots with a four (4) units, the two (2) center units did not have a side wall but the end units would have a side wall on either side of the center as well as the end.
- **NEWMAN** recommended if the notification requirements could be met, proceed with placing the Public Hearing on the Agenda for December 10, 2007, or if not, the Public Hearing would be scheduled for January 2008.

SWANSON MOVED, seconded by Flowers to have the ordinance set for a Public Hearing at the next available meeting that met the notice requirements. **MOTION CARRIED.**

VI. PUBLIC COMMENTS:

7:46 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS

None

7:47 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VII. BOARD COMMENTS:

1. **PRATT** stated that in one of the Michigan Townships Association (MTA) weekly legislative reports stated the House was scheduled to begin work on zoning law amendments. The House Intergovernmental Urban and Regional Affairs Committee took up HB5032 offered by Representative Byram. Legislative amended the new Michigan Zoning Enabling Act which went into effect July 2006. Legislation has been intended to clear up some issues that have developed during the effort to consolidate the three (3) zoning acts into a single law.

2. **FLOWERS** brought in the Long Range Transportation Plan from the Genesee County Metropolitan Planning Commission (METRO), which was updated through 2035 as far as population projections. Maps with showing configurations of the municipalities in the area have been included in the update. When the appropriate time comes for the Flushing Township Planning Commission to update their Master Plan and make predictions for twenty (20) years down the road, some of the updates will have already been made in the Long Range Transportation Plan updates.

FLOWERS was recently appointed Chair of the Steering Committee for the Long Range Transportation Plan (Genesee County Metropolitan Planning Commission) through the year 2009. He (Flowers) has been involved with the Transportation Plan for a long time. By October 28, 2009, the Transportation Plan must be complete, be operational, and available for use with an air quality confirmation form.

FLOWERS showed some pictures of the presentation by the Flushing Senior Center entitled "*Follies Goes South*" that was held in October, 2007.

VIII. MEETING SCHEDULE:

REGULAR SCHEDULED MEETING – MONDAY, DECEMBER 10, 2007 AT 7:00 P.M.

IX. ADJOURNMENT: There being no further business items on the Agenda, **CHAIR NEWMAN** adjourned the meeting at 7:48 p.m.

MARK J. NEWMAN, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary
Planningminutes 110507

Date of Approval