

# CHARTER TOWNSHIP OF FLUSHING

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## ***PLANNING COMMISSION MEETING***

DATE: NOVEMBER 9, 2009

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

Mark Purkey, Board of Trustee Representative

Julia A. Morford, Recording Secretary

**PRESENT:** Newman, Doyle, Swanson, Flowers, Gibbs, Purkey, and Morford

**ABSENT:** Buell

**OTHERS PRESENT:** Ten (10) other individuals

**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.

**II. ADOPTION OF AGENDA: FLOWERS MOVED**, seconded by Doyle to adopt the Agenda as submitted. **MOTION CARRIED.**

**III. APPROVAL OF MINUTES OF OCTOBER 5, 2009: DOYLE MOVED**, seconded by Purkey to approve the Minutes of October 5, 2009 as amended. **MOTION CARRIED**

**IV. 7:03 P.M. OPEN - PUBLIC HEARING – AN ORDINANCE TO AMEND SECTIONS 20-1804 OF THE ZONING ORDINANCE TO ADD SUBSECTION NN TO PROVIDE FOR THE USE AND REGULATION OF RESIDENTIAL WIND ENERGY SYSTEMS.**

Pursuant to Ordinance and State Statute, publications were noticed in the newspaper as required by law.



**7:12 P.M. - COMMENTS FROM THE AUDIENCE:**

1. **Larry Porn, 9417 W. Pierson Road, Flushing** – “already had a nightmare with the property across from his home due to a split in the property; a structure in the front yard would be a violation of the ordinance; would see no reason to have a structure in the front yard; Mr. Severance has forty (40) acres to build on.”
2. **Robert Whitcomb, 9402 W. Pierson Road, Flushing** – “he is the one that is being referred to by Mr. Porn that has the “eyesore”; he had a very well kept place as so does Mr. Severance; he has no objection to Mr. Severance building the garage.”

**COMMENTS FROM MR. SEVERANCE:**

He (Mr. Severance) has talked to the neighbors on the East and West side and they have no problems with the construction of the garage.

**NEWMAN** wanted to know if there had been any changes in the design or intention of the proposal from the previous meeting. Each of the Commissioners has one (1) vote; the Commissioners have a duty in the oath as Commissioner to enforce the ordinances and zoning rules and to continue the health and well being of the community and what is the best interest of the township. Normally accessory structures are not allowed in front of the home except through a process where people can come before the Planning Commission with appropriate reason and a determination of a majority of the Commissioners, they can be allowed. Consideration is taken to see if the resident even qualifies for the special use permit request; the surrounding property owner’s opinions are also taken into consideration.

**7:25 P.M. – CLOSED PUBLIC COMMENTS SESSION OF HEARING**

**QUESTIONS FROM THE PLANNING COMMISSION MEMBERS:**

1. **PURKEY** stated the issue that bothered him was the five (5) feet off the side property line; there were actually three (3) variances that were being requested.
2. **FLOWERS** stated that anything could be planted in the right of way and could be removed by the Genesee County Road Commission; the minimum front setback is twenty-five (25) feet from the right of way; the lot should be four hundred (400) feet for an accessory structure in the front yard; current property lot is 257 feet.
3. **DOYLE** stated two (2) variances would be needed in two areas: the side set back has to be ten (10) foot and the front set back has to be twenty-five (25) foot. The accessory front structures ordinance was set up for the lots along the river because there wasn’t any place for the people to place their accessory structures in the back yard. The ordinance does not allow for an out building to be constructed in front of everyone else’s house similar to a city lot. **DOYLE** explained a similar situation that had been mentioned concerning a house that property had two (2) front properties: the property stretched from Pierson Road North to the next street; it also did not come out in front of the existing homes in the area; it wasn’t violating the front of the existing houses on Pierson Road.
4. **GIBBS** stated there were too many variances involved.

5. **SWANSON** agreed with the other Commissioners; too many variances involved; previously explained that if attach the garage to the house and have ten (10) foot side setback, Mr. Severance would not have to come before the Planning Commission.
6. **NEWMAN** was very concerned about the five (5) foot on the west side; has to get the variance first before the issue could come before the Planning Commission; don't think it is in the best interest of the township to approve the request.
7. **GIBBS** has lived in the community all his life; use to farm a section all the way out to the road and it interfered with vision area.
8. **DOYLE** stated there was room for Mr. Severance to attach the garage to the existing house; there has to be a good rational as to why a person is requesting a variance; felt there would be a hard time getting a variance.
9. **NEWMAN** stated that if the garage was attached to the house and followed all the side setbacks, Mr. Severance could go direct and get a building permit and not have to come back to the Planning Commission.

**DOYLE MOVED**, seconded by Swanson to approve the Special Use Permit for an accessory structure in the front yard as submitted by Mr. John Severance, 9436 W. Pierson Road, Flushing, Michigan.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

AYES: 0

NAYS: Swanson, Flowers, Gibbs, Purkey, Doyle, and Newman

MOTION FAILED

ABSENT: Buell

2. **First Baptist Church of Flushing, 5105 N. McKinley Road, Flushing, MI 48433**  
Informal Hearing regarding a lighted sign in the front of the Church (Ed Goodrow  
Chairman of the Deacon Board of First Baptist)

Information had been received from Mr. Ed Goodrow, Chairman of the Deacon Board of First Baptist Church of Flushing, 5101 N. McKinley Road, Flushing, Michigan 48433 for an informal hearing regarding modification to the existing sign in the front of the Church. The modification would consist of:

**HISTORY OF THE SIGN:**

The current 4' x 12' sign in the front of the Church was constructed in 1992. A letter and photographs had been received by the Planning Commission from Mr. Goodrow:

**Existing Sign:**

1. Sign is 4' x 12'
2. Stationary non-moving sign
3. White message wording
4. Messages about church activities

**Amendment to the Sign:**

1. Sign would remain 4' x 12'
2. Lighted sign
3. Insert LED light system
4. Scrolling messages about church activities
5. The sign will not be a bold flashing sign
6. The sign would be 2 sided

**COMMENTS FROM THE PLANNING COMMISSION:**

1. **FLOWERS** had no comments
2. **GIBBS** had no comments but wanted to know if the sign would be a bold flashing light system because he was concerned about the distraction for drivers.
3. **NEWMAN** loved the messages on the sign and hoped they did not change.
4. **SWANSON** felt the sign was very nice and has no objection but hoped the sign did not get flashy. Under the current sign ordinance, instituted in 1996, allows the sign up to thirty-two (32) square feet for institutional uses. Would pulling out the white area and inserting the led sign be a change?
5. **NEWMAN** stated the sign was grandfathered. It is considered pre-existing, non-conforming sign. By just pulling out one area and inserting the new message area; by keeping the sign, frame, and base the same, it would not be considered a change. Today, the sign would be too large. Was the current sign lit up from spot lights?
6. **PURKEY** stated he thought the sign would look great as he goes by the church every day; it would basically be a change to the lettering of the sign.
7. **FLOWERS** wanted to know if there would be a time frame for the shut down time for the messages.
8. **DOYLE** asked again if the sign would be a lighted sign as the current and would have the capability of having more than one message at a time? What assurance does the Planning Commission have that the sign would not become a "flashing" sign? Per the sign ordinance, there has to be assurance as to the changing of the sign from three (3) times to one (1) time per day.
9. **PURKEY** stated the marquee sign at the high school changed constantly.
10. **NEWMAN** reviewed Chapter 13.5-33(2) and (6) (*Signs Prohibited Under this Article*) of the Code of Ordinances.
  - a. **No. 2:** *Signs which incorporate flashing or moving lights.*
  - b. **No. 6:** *Signs which have any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations or by action of normal wind currents, other than for the conveyance of noncommercial information which requires periodic change.*
11. **DOYLE** wanted to know who would decide what the Church should do as far as the lights (changing the fonts etc.)

12. **NEWMAN** stated that if the message stated “Mass at 10:00” and it was steady, there wouldn’t be any harm but if the sign was flashing the message, it would be distracting.
13. **SWANSON** stressed the Church was not commercial and Number 6, Chapter 13.5-33 should not apply.
14. **DOYLE** felt that if the sign needed to be approved and there was a condition where the sign would only be used for a certain reason, a condition could be placed on the special use. There could be the possibility the sign could be used for something else, when the current Planning Commission wasn’t around.
15. **NEWMAN** wasn’t even sure if the Church needed to come before the Planning Commission because of the date the sign was constructed and was already grandfathered in. It would be changing white plastic for LED lights. If the Church doesn’t have to come before the Planning Commission, there isn’t anything the Planning Commission could do.
16. **SWANSON** stated he attended a seminar where the signs were mentioned
17. **FLOWERS** wanted to know if a variance should be given to the Church in case the church should change uses or was sold.
18. **NEWMAN** stated something must be under the jurisdiction of the township, before conditions could be given. The sign change is not that substantial so the Church should not have to come before the Planning Commission.
19. **PURKEY** stated that more and more people were changing to electronic signs.
20. **FLOWERS** felt the Planning Commission should review the sign ordinance and bring it up to the twenty-first century.
21. **NEWMAN** stated the decision on the sign would be at the discretion of the Church.
22. **PURKEY** recommended the Church apply for a Special Use Permit and if the Planning Commission wanted, they could place a condition.
23. **FLOWERS** stated the Special Use would only go with the Church and if the Church is sold, it would no longer be valid.
24. **DOYLE** wanted to change a sign at his business, in Mt. Morris Township, and he had to go with a new sign.

**COMMENTS FROM MR. GOODROW:**

1. The current white section of the sign is lit with interior lights (“First Baptist Church”); the change would only be with the LED lights for the message area. The sign would be two (2) sided.
2. During the day, the lights would automatically be brighter and at night would automatically be dimmer. A decision had not been made as to the hours of the brightness of the sign.
3. The church would not be selling a product, but the Church itself. There wouldn’t be any flashing lights.
4. The main problem is to have someone go outside during the winter to change the sign.
5. If the Church put in a \$10,000 sign and if someone challenged the church, what would happen?

**VI. PUBLIC COMMENTS:**

**8:24 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS**

None

**8:25 P.M. – CLOSED TO THE PUBLIC FOR COMMENTS**

**VII. BOARD COMMENTS:**

1. **PURKEY:** the Commission needs to start looking at the sign ordinance concerning flashing signs; he (Purkey) belongs to the Landlords Association and a recent newsletter made reference that medical marijuana was going to cause all types of legal hassles to everyone concerned; would like to see the issue discussed in the future.
2. **FLOWERS:** the Genesee County Metropolitan Planning Commission was going to be at the Mass Transportation Authority Offices (Dort Hwy and I-69) on Friday, November 13, 2009 from 8:00 a.m. to 12:00 p.m. The seminar is free. Please let the Clerk know if you plan to attend. There will be three (3) very important Break Out Sessions.
3. **FLOWERS:** would it be possible to get a sample ordinance regarding the lighted signs.

**VIII. MEETING SCHEDULE: NEXT REGULAR SCHEDULED MEETING WILL BE HELD ON MONDAY, DECEMBER 14, 2009 AT 7:00 P.M.**

**FUTURE MEETINGS:**

**REGULAR SCHEDULED MEETING – MONDAY, JANUARY 11, 2010 AT 7:00 P.M.**

**REGULAR SCHEDULED MEETING – MONDAY, FEBRUARY 8, 2010 AT 7:00 P.M.**

**IX. ADJOURNMENT:** Due to lack of business matters, **NEWMAN** adjourned the meeting at 8:33 p.m.

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MARK J. NEWMAN, Chair

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JULIA A. MORFORD, Recording Secretary

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ERIC SWANSON, Secretary

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Date of Approval