

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

PLANNING COMMISSION

DATE: FEBRUARY 14, 2005 TIME: 7:00 P.M.

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

MEMBERS OF PLANNING COMMISSION

Jerome Doyle, Chair

Richard Buell

Eric Swanson, Secretary

David Gibbs

Aaron Bowron

Ronald Flowers

Barry Pratt, Board of Trustee Representative

Jerald W. Fitch, Building Inspector

Julia A. Morford, Recording Secretary

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

ABSENT: None

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

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

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Gibbs to adopt the Planning Commission Agenda for February 14, 2005 as presented. **MOTION CARRIED.**

III. APPROVAL OF MINUTES OF JANUARY 10, 2005: FLOWERS MOVED, seconded by Pratt to approve the Minutes of January 10, 2005 with corrections. **MOTION CARRIED.**

IV. UNFINISHED BUSINESS:

1. Lee St. John, 9223 Coldwater Road, Flushing
Approval of a Private Road (Parcel No. 08-22-200-030)

LEE ST. JOHN (L. ST. JOHN) had been placed on the January 4, 2005 Zoning Board of Appeals (ZBA) Agenda to request a variance for a private road. It was determined by the ZBA that if **L. ST JOHN** could come up with another seventeen (17) feet, for a total of fifty (50) feet, a variance of a Private Road Ordinance would not be required from the ZBA, which in turn, an approval of a private drive could be requested of the Planning Commission.

The action of the January 4, 2005 ZBA motion stated:

“VAUGHN MOVED, seconded by Fotenakes to approve granting of the variance that would not require the paving of the road, subject to and condition upon:

1. Planning Commission approval for a 50’ right-of-way as opposed to 66’ right-of-way.
2. Recordable Road Maintenance signed by all parties
3. Record easements from all property owners
4. The appropriate grade is established on the road
5. The consent of all easement holders before making any changes to the roadway
6. If any new lots established, they (St. Johns) would have to go through the lot split approval process.

MOTION CARRIED.

DOYLE REVIEWED THE ZONING BOARD OF APPEALS CONDITIONS WITH THE FOLLOWING RECOMMENDATIONS/COMMENTS:

1. exempt the engineered sealed drawing due to the road having been in existence prior to there being an ordinance.
2. fifty (50) foot right-of-way.
3. proof of recording of road maintenance.
4. proof of recording of all easements from property owners.
5. appropriate grade on the road.
6. at least an eighteen (18) foot roadway with three (3) foot shoulders on each side for a total of twenty-four (24) feet.
7. there are eleven (11) homes serviced by the private road.
8. exempt the paving of the road due to the road existing before there was an ordinance.
9. the Land Division Act would control the property splits.
10. no additional property purchases to be added to the original property.
11. approval from Buckeye Pipeline before any construction should begin.
12. **ST. JOHN** should consult with Consumers Energy, Genesee County Water and Waste, etc. before any changes are made to the road.
13. no permanent structures on the road right-of-way.
14. proposed new ordinance to take care of non-conforming uses for private drives.

CONCERNS:

1. there could be a site condominium development with some of (L. St. John’s) the acreage.
2. dividing (L. St. John’s) property would not be an issue – accessing the property would be the problem.
3. **ST. JOHN** could have four (4) splits off the original parcel which consists of thirteen and one-half (13½) acres – the Master Parcel would remain with nine (9) acres and a house

4. there could be three (3) new lots within a ten (10) year period and then the Master Parcel of nine (9) acres could be divided
5. there would not be any easements on the North side of the private road – but future owners could request an easement
6. the North side of the private road could be divided or developed into a new subdivision
7. the lot requirement for a septic system would be three-quarters (3/4) of an acre. (Clerk’s Note: The Genesee County Health Department requires one (1) acre of land).

It was recommended that Doug Piggott (Piggott) of Rowe Engineering be contacted for the following reasons:

1. determine the conditions to be placed on the pending private drive issue.
2. additional property could not be added to the private road, due to the private road being in existence before there was ordinance.
3. the Planning Commission would work with **PIGGOTT** on each individual private drive in the township.

DOYLE MOVED, seconded by Bowron to deal with the construction of the home for **MARK ST. JOHN (M. ST. JOHN)** at the present meeting. MOTION CARRIED.

FLOWERS MOVED, seconded by Bowron to have a Planning Commission Work Session on February 28, 2005 to assemble all the details needed for a Preliminary Approval, with conditions, for **LEE ST. JOHN** at the regular scheduled meeting on Monday, March 14, 2005. AYES: Doyle, Buell, Bowron, Flowers, Gibbs - NAYS: Swanson and Pratt MOTION CARRIED.

REVIEW OF EACH CONDITION PLACED BY THE ZONING BOARD OF APPEALS AT THE JANUARY 4, 2005 MEETING:

(ZBA = Zoning Board of Appeals; PC = Planning Commission)

ZBA CONDITION	PC RECOMMENDATION	COMMENTS
1. Planning Commission approval for a 50’ right of way as opposed to 66’ right of way.	1. BUELL MOVED , seconded by Flowers to accept as appropriate. MOTION CARRIED.	
2. Recordable Road Maintenance signed by all parties.	2. BUELL MOVED , seconded by Bowron to accept as appropriate. MOTION CARRIED.	
3. Record easements from all property owners.	3. BUELL MOVED , seconded by Pratt to accept as appropriate. MOTION CARRIED.	
4. The appropriate grade is established on the road.	4. (a) FLOWERS MOVED , seconded by Bowron that the	Note: There are two (2) factors involved: there is

	<p>appropriate grade be established on the road in performance with the request. Condition: a. the existing grade on the road is acceptable and that in the future it should follow the percentage of grade that is specified in the ordinance. ACTION OF THE MOTION: Denied</p> <p>(b) BUELL MOVED, seconded by Swanson that the appropriate grade is established on the road and that future grades will conform with the ordinance. MOTION CARRIED.</p>	<p>currently an existing road and 2) should be kept in the future according to the ordinance.</p>
<p>5. The consent of all easement holders before making any changes to the roadway</p>	<p>5. FLOWERS MOVED, seconded by Gibbs to approve the consent of all easement holders before making any changes to the roadway. MOTION CARRIED.</p>	
<p>6. If any new lots established, they (St. Johns) would have to go through the lot split approval process.</p>	<p>6. BOWRON MOVED, seconded by Buell that any new lot splits be done in accordance with the Land Division Act. MOTION CARRIED.</p>	

ADDED RECOMMENDATIONS FROM DOYLE:

7. Provide sealed site plan by an engineer.

a) **DOYLE MOVED**, seconded by (None) that due to the age of the road, a sealed site plan by an engineer should not be required. **MOTION DIED FROM LACK OF ACTION.**

b) **BUELL MOVED**, seconded by Bowron there be a sealed engineered drawing for the road.

DISCUSSION:

1. “If the Planning Commission should exempt one private road from having a sealed engineered drawing, and in the future, another road request should come before the Planning Commission, they (Planning Commission) would be expected to exempt that road also.”
2. “The Planning Commission has to know the exact location of all pipelines, water lines, etc.”

3. “the Coldwater Road Extension has been one of the most difficult situations that has come before the Planning Commission.”

ACTION OF THE MOTION: MOTION CARRIED.

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FLOWERS MOVED, seconded by Gibbs that the remaining four (4) or five (5) issues go to the Work Session for further discussion. MOTION CARRIED.

8. At least an eighteen (18) foot roadway with three (3) foot shoulders on each side for a total of twenty-four (24) feet not demanded the road be paved because of the conditions previously stated by the Zoning Board of Appeals.

DOYLE recommended the motion be to require the size of the road, but not demand the road be paved. **FLOWERS** felt there were several more issues involved that pertained to the road issue. **SWANSON** felt **L. ST. JOHN** had enough information to start on the process. **DOYLE** mentioned details such as: 1) the width and length of the road and 2) what the road would serve as far as the potential of the property.

9. Details regarding access to the property on the North side of the road.

It had previously been stated there would no longer be easements granted for the North side of the road. **SWANSON** was concerned about placing conditions on the North property. **FLOWERS** felt the Planning Commission would be creating land locked property by not allowing easements. **DOYLE** stated the Zoning Board of Appeals had stated the property was already land locked. **SWANSON** stated whatever the condition, it was there already and nothing the Planning Commission could do would change the condition.

DOYLE MOVED, seconded by Flowers to hold over the access to the North property for discussion on the Work Session with Attorney Moulton. MOTION CARRIED.

(Opinion needed from Attorney Moulton): If the Planning Commission should grant the approval of the private road, what existing property that abuts the private road at present and there is another piece of property that does not have easements to it at this point, if there are easements granted on the private road, where is the Planning Commission as far as the people that the Planning Commission has allowed on the private road – is there recourse to approve future additions or what?

10. No new purchase of property shall be added to the property.

DOYLE felt the Land Division Act would allow an individual to split four (4) parcels off the private road, and if there was a private drive, there could be two (2) more parcels. **PRATT** wanted to know at what status the drive would become a driveway or private road; the ordinance states there are only two (2) houses on a private drive.

(Opinion needed from Attorney Moulton): FLOWERS MOVED, seconded by Buell to consult with Attorney Moulton regarding new purchases of property off the original piece of property that would be added, and provide common drives off the private roads. MOTION CARRIED.

11. Buckeye Pipeline Easement

An easement already exists from Buckeye Pipeline which states there shall be no construction on the roadway. Construction could mean blacktop, concrete, ditching, or blasting, etc.

FLOWERS felt the issue should be listed in words to protect property owners in the future.

DOYLE felt the rationale would be listed as to why the Planning Commission approved the issue; there would be no “second guessing” the issue if the question should come before the Planning Commission in the future.

(Opinion needed from Attorney Moulton): FLOWERS MOVED, seconded by Swanson to add the issue of the Buckeye Pipeline to the items to be discussed with Attorney Moulton. MOTION CARRIED.

12. Setbacks of Existing Buildings from easements as to ordinances.

The issue will be added to the items to be discussed at the next Work Session.

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V. NEW BUSINESS:

1. Election of Officers

DOYLE appointed **DAVE GIBBS AND RON FLOWERS** to pick up, from the Planning Commission members, and record the paper ballot votes. The nominations for election would be for: 1) Chairperson, 2) Vice Chairperson, and 3) Secretary.

CHAIRPERSON NOMINATIONS:

1) FLOWERS MOVED, seconded by Pratt to nominate AARON BOWRON for Chairperson.

2) GIBBS MOVED, seconded by Swanson to nominate JEROME DOYLE for Chairperson.

ACTION OF THE BOARD: BOWRON – 4 votes; DOYLE – 3 votes

VICE CHAIRPERSON NOMINATIONS:

1) BUELL MOVED, seconded by Pratt to nominate JEROME DOYLE for Vice Chairperson.

ACTION OF THE BOARD: DOYLE for Vice Chairperson

SECRETARY NOMINATIONS:

1) GIBBS MOVED, seconded by Bowron to nominate ERIC SWANSON for Secretary.

ACTION OF THE BOARD: SWANSON for Secretary

VI. BOARD COMMENTS:

1. Additional Meetings for the Planning Commission

PRATT has requested permission from the Board of Trustees to have twelve (12) additional Planning Commission Work Sessions for 2005. Per the Township Treasurer, **CARL LIEPMANN**, the Planning Commission meetings are a budgeted item and as long as there is money in the budget, an approval would not be required from the Board of Trustees. The Work Sessions will be at the discretion of the Planning Commission.

2. Michigan Society of Planning-Comprehensive/Master Plan Workshop

FLOWERS reported that some members of the Planning Commission recently attended the Michigan Society of Planning-Comprehensive/Master Plan Workshop (sponsored by the Genesee County Planning Commission) held at the Genesys Conference & Banquet Center in Flint on Saturday, February 5, 2005. A lot of information was obtained from the free workshop and was well worth the time and effort to attend; a good lunch was also provided.

3. Shiawassee County Community Development Zoning Board of Appeals (ZBA)

FLOWERS reported he (Flowers) and **GIBBS** attended a Shiawassee County Community Development Zoning Board of Appeals (ZBA) Meeting in Corunna, Michigan on Wednesday, February 9, 2005. One particular item of interest on the agenda was the construction of an accessory structure. No one was present to represent the case and since the issue had been on the calendar for sixty (60) days, and the case being a “no-show”, the issue was postponed for twelve (12) months. **GIBBS** stated the Frankenmuth (Michigan) Zoning Board of Appeals had similar rules when it came to “no-show” situations.

It was felt that perhaps Flushing Township should look into the matter; **DOYLE** felt if agenda items were delayed to an extent, there would be such a large backlog of issues that the Planning Commission would not be able to handle the matters. There would have to be more meetings per month to handle the requests.

GIBBS stated one issue at the February 9, 2005 Shiawassee County Zoning Board of Appeals (ZBA) had to deal with a dimensional variance request from the maximum lot size requirement with which the Shiawassee County ZBA did not want to “square” up the property; the (Shiawassee County) ZBA is very, very farm orientated. **GIBBS** felt it was worth while to attend the meeting and see how surrounding municipalities handle their zoning situations.

4. Modular Housing Article relating to Hyde Park

SWANSON showed an article to the Planning Commission that had been in a local newspaper recently showing Hyde Park as a modular homeland; Hyde Park is considered a subdivision.

5. Pay Increase for the Planning Commission

DOYLE felt that due to the increased amount of issues coming before the Planning Commission, and the extra work involved, the Planning Commission would be very interested in talking to the Township Board of Trustees regarding a pay increase.

6. Private Drive Ordinance, C-1 and C-2 Zoning Districts

JERRY FITCH (FITCH) Building Inspector inquired as to when the Planning Commission would be able to further review the private drive ordinance, C-1 and C-2 Zoning Districts as he had recently received a request for renovation to commercial property. **DOYLE** recommended placing the private drive ordinance issue on the February 28, 2005 Planning Commission Agenda. Other matters to be placed on future agendas are:

1. C-1 and C-2 variances and setbacks
2. open space amendments
3. penalties for building without permits

VII. MEETING SCHEDULE:

PROPOSED WORK SESSION – MONDAY, FEBRUARY 28, 2005 – 7:00 P.M.
REGULAR SCHEDULED MEETING – MONDAY, MARCH 14, 2005 – 7:00 P.M.
REGULAR SCHEDULED MEETING – MONDAY, APRIL 11, 2005 – 7:00 P.M.
REGULAR SCHEDULED MEETING – MONDAY, MAY 9, 2005 – 7:00 P.M.

VIII. CONGRATULATIONS AND BEST WISHES:

1. **BOWRON** was very appreciative for the nomination of Planning Commission Chairperson.
2. **BUELL** thanked **DOYLE** for his 28 plus years of service as Planning Commission Chairperson.

IX. ADJOURNMENT: There being no further business, **DOYLE** adjourned the Planning Commission Meeting at 10:05 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval

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