

CHARTER TOWNSHIP OF FLUSHING  
6524 N. SEYMOUR ROAD  
FLUSHING, MICHIGAN 48433  
810-659-0800 FAX: 810-659-4212  
**SPECIAL PLANNING COMMISSION MEETING**  
DATE: APRIL 24, 2006 TIME: 7:00 P.M.  
WEB ADDRESS <http://www.flushingtowship.com>

**MEMBERS OF PLANNING COMMISSION**

Jerome Doyle, Vice Chair  
Eric Swanson, Secretary  
Richard Buell

Ronald Flowers  
David Gibbs  
Mark J. Newman

Barry Pratt, Board of Trustee Representative

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

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

**ABSENT:** None

**OTHERS PRESENT:** None

**I. MEETING CALLED TO ORDER** at 7:04 p.m. by Planning Commission Vice Chairperson Jerry Doyle with Roll Call and the Pledge to the American Flag.

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

**III. APPROVAL OF MINUTES:** Minutes were not available for the current meeting.

**IV. UNFINISHED BUSINESS:**

**1. Wetland Study by Michigan State University**

**PRATT** reported that after checking with Township Supervisor Andy Trotogot (Supervisor Trotogot), the Township currently is waiting for the CD's from the Michigan State University (MSU) Wetland Program showing wetland maps for Flushing Township; the township paid \$1,000 toward the \$2,000 MSU Wetland Study Grant.

**2. Excess Lighting on Signs**

**PRATT** stated a discussion was held between himself and Supervisor Trotogot and he (Supervisor Trotogot) didn't feel there was a need to address excess lighting on signs at the time since the issue was covered in the ordinances. Sign locations were not addressed with the Supervisor.

**COMMENTS FROM PRIOR DISCUSSIONS REGARDING FARM LIGHTING:**

- **JERRY FITCH (FITCH)**, Flushing Township Building Inspector, stated there had been several areas that needed to be addressed in the Zoning Ordinance.
- **BUELL** felt one of the issues had been “lighting in general” – not necessarily dealing with signs.
- **DOYLE** stated the issue was not necessarily “lighted signs” but “light pollution”. **FITCH** stated that in some cases, dealing with signs, it had been nothing more than realigning the lights.
- **DOYLE** felt the discussion was mostly dealing with farm lighting.
- **SWANSON** stated some of the discussion had concerned motion vapor lights and the amount of lighting they cover.
- **FITCH** stated that former Planning Commission Member Aaron Bowron had brought up the matter of mercury lights which individuals had put on their accessory structures.
- **DOYLE** felt the issue, dealing with the amount of lighting shed on the neighbor’s property, depended upon where your property was located. A large farm would be different than living next door and having the neighbor’s light shine in your bedroom.
- **PRATT** stated **TROTOGOT** stated the ordinances that covered the lighting issue on the neighbor’s property was in the black Code of Ordinances book.
- **SWANSON** stated street lighting could be handled with the site plan process as some lighting would be restrictive.
- **FLOWERS** stated there were instances where the light could be focused toward the ground instead of shining on a neighbor.
- **DOYLE** stated the issue of lighting could be considered on the Site Plan.
- **PRATT** stated the heading on the Site Plan Review could be “lights and orientation”.
- **GIBBS** stated that originally the big mercury lights were intended to go in the country for the farmers, for safety.
- **NEWMAN** stated the matter of sound plus lights were part of the nuisance ordinance.

It was determined by the Planning Commission to leave as is.

The sign location issue is currently being reviewed by Township Attorney **STEVE MOULTON (ATTORNEY MOULTON)**.

**V. NEW BUSINESS:**

**1. Presentation of Staked Surveys by Surveyor Gil Bono**

Gil Bono was not in the audience.

**2. New Michigan Zoning Act**

**FITCH** stated the new Michigan Zoning Act was a change in the Legislation. There would be three (3) laws combined and here would be no problems.

**DOYLE** stated there were issues which the Planning Commission should concern themselves regarding the ordinances. **FITCH** stated the biggest change would be “use” variance. Flushing Township has “special use permits” which is similar to “use” variance. There are changes in the notification requirements. **SWANSON** made reference to the “use” variance (from MTA’s - Foster, Swift, etc.) which stated:

“The authority to grant use variances is given to all cities and villages; but townships and counties can exercise use variance authority only if (a) as of February 15, 2006, they had a zoning ordinance that used the phrase “use variance” or “variances from uses of land” to expressly authorize the ZBA to grant a use variance before February 15, 2006. Townships will have to determine whether they qualify.”

**FITCH** stated special use ordinances are Zoning Ordinance through the Planning Commission. **FLOWERS** read a continuation of the “use” variance:

“If your Township has authority to grant use variances, the new act requires a two-thirds vote of the members of the ZBA to allow a use variance.”

**DOYLE** stated currently the Planning Commission had the ability to condition zoning; it might be of interest to grant “use” variances also. **DOYLE** recommended having Doug Piggott (Piggott) of Rowe Inc attend a meeting to discuss the possibilities of the issue and what should be placed in the ordinances. **FITCH** will contact Doug Piggott (Piggott) as to a date for his attendance at a Planning Commission Meeting. Piggott could advise what changes the new Michigan Zoning Act would have to be incorporated into the Flushing Township Ordinances. **FITCH** felt the updates could be taken care of easily. If there were major changes which the township has a choice as to whether the township does or don’t, the issue would need to be discussed at a Planning Commission with **ATTORNEY MOULTON** present.

**FLOWERS** felt with the surroundings townships working together everyone could learn something.

### **3. Review of ATTORNEY MOULTON’S Letter concerning Stake Surveys**

**DOYLE** stated one paragraph in **ATTORNEY MOULTON’S** letter indicated the survey could be waived as a requirement. The idea of having a stake survey to handle the splits, as far as the assessor was concerned, even though it would be expensive, it would be a reasonable thing to do when an individual was building. The property would already be split. In the new Michigan Zoning Act, dealing with the Assessor and the Act itself would be an expense. **FLOWERS** stated in some instances, it would save a lot of expense down the road. If there were ten (10) acres, and it had previously been surveyed and then split, it would not be hard to work with. On the other hand, if the individual stated he had ten (10) acres and the property had never been surveyed - without any type of survey - what would determine if there was 9.4 acres instead of ten (10) acres. **DOYLE** stated it would only be a metes and bounds description of the property.

### **DEFINITION OF “CURRENT” SURVEY:**

**BUELL** wanted to know the definition of a “current survey”? **FLOWERS** stated it would be something that would be within a year or two (2) . The Planning Commission would have to determine the exact figure. **DOYLE** stated it would have to be a stake survey already delineated with a document from the engineer that stated the facts. **DOYLE** stated that markers were not always visible but they (markers) should be in some location for the engineer to see. **NEWMAN** wanted to know why someone that had their property surveyed approximately eighteen (18) months ago, should pay again to have the same property surveyed? If the property owner had the records that showed the property had been surveyed, that would be all the Planning Commission would need. **FITCH** stated if there had been a stake survey and nothing had changed with the property, even if it had been twenty (20) years ago, the stakes could be located. **NEWMAN** wanted to know what would happen if no one could find the stakes. **NEWMAN** felt the term “current” should be at the discretion of the Assessor.

**PRATT** wanted to know if the surveyor “shot” from the center of the road, or wherever they started from, or do they “shoot” off the stakes. **FLOWERS** stated that some of the surveys from the Genesee County Register of Deeds would connect to what you were trying to survey and some would not. Some of the surveys would show what information had been obtained in the “old” surveys as to a particular footage to the first corner post; sometimes there were red flags as to when the survey had been completed. Surveying could become very complex. **SWANSON** recommended the definition of “current” could be “to the satisfaction of the parties involved.” **FLOWERS** stated some surveying companies don’t register their surveys because they don’t want other surveyors to get their measurements. **SWANSON** stated two (2) different survey companies could come up with two (2) different surveys; per **DOYLE** property owners have actually moved survey stakes. **NEWMAN** felt there should be some type of mechanism to where the person reviewing the issue would have the option to request a stake survey. **SWANSON** thought the wording could state: “a stake survey required to the satisfaction of the Building Department.” **BUELL** wanted to know what would have been gained if the survey markers could not be found. **GIBBS** stated a survey had been done on a neighbor’s property and the property line extended onto his (Gibbs) property almost twenty (20) feet; originally a tree had been the “line fence” property line.

**PRATT** wanted to know what would happen if a farmer had a three hundred (300) or four hundred (400) acre farm and wanted to split some lots off the property. The property had never been surveyed – it would cost thousands of dollars. **FLOWERS** stated the mile measurement would be the farthest the surveyor would go in either direction or it might be possible to go the one-half (1/2) mile. **FLOWERS** stated that surveyors go by corner sections such as NE, NW, N, and E; SE, SW, W, E. The surveyor should only have to go one-half (1/2) mile to do a survey or a road if it had been destroyed.

**DOYLE** stated if a farmer wanted to split his property with a certain number of lots, the main property would not have to be surveyed. **PRATT** wanted to know what would happen in a case where the farm already had been surveyed with metes and bounds and suddenly the property owner had to do a staked survey? What if the survey changed the original metes and bounds property line. **FLOWERS** stated the situation happens a lot. **PRATT** wanted to know if there

was any potential liability? What position would **FITCH** (the Building Inspector) be in if the property owner came back into the office and stated “everything was fine with the metes and bounds but now my son has purchased the property and has lost fifty (50) feet which the property line now runs through his garage because the township is forcing the property owner to do a stake survey?” Which would be accurate?

**DOYLE** stated the situation would be like any other ordinance; the township would be dictating what could happen in the ordinance. The ordinance would have to be followed. **SWANSON** stated in some municipalities a stake survey is required for an accessory structure. **DOYLE** stated there needed to be a definite deal as for as the surveys are concerned, for the authority of the Assessor. The difference would be if the Planning Commission demanded a stake survey or a regular metes and bounds survey. **DOYLE** stated he found no rational in anything but a stake survey; although, he would not want people to spend more money for a stake survey. Stake surveys have been required in a subdivision for a site condominium or similar – the only area not covered would be individuals that divide their property according to the Plat Act. **FLOWERS** stated that he could only see good coming out of the stake survey issue. The Assessor needed the authority to require a stake survey for any new splits in the future. Anything that is currently wrong, will be wrong until it goes to Court, or is corrected. **NEWMAN** stated that eventually the property had to be corrected – he (Newman) would be in favor of a stake survey. **SWANSON** stated people have returned later and wished they had the stake survey years ago. **DOYLE** stated the expense would be the main problem. **NEWMAN** stated there would be a consistency among the township since site condominiums required a stake survey.

#### **RECOMMENDED REASONS TO WAIVE A STAKE SURVEY:**

- an existing survey at the discretion of the person reviewing the issue (Building Inspector)
- obtain the legal wording from **ATTORNEY STEVE MOULTON**
- require a stake survey that is sufficient to the satisfaction of the Building Inspector
- if staked, the Building Inspector could find the markers
- with a plot plan, to see where the house would be built depending upon the size of the property

#### **BUILDING INSPECTOR’S EXCEPTIONS OF THE STAKE SURVEY:**

- for a previous survey
- at the discretion of the Building Department

**PRATT** wanted to know what the “discretion” consisted of since it was such a broad term? **NEWMAN** felt the Planning Commission had to rely on the professionals. **DOYLE** felt that for a piece of property that has been previously recorded, but was large enough so the Building Inspector would know there would not be any setback problems, the Building Inspector could waive the whole thing. **PRATT** felt that discretion and waive were two (2) different things.

**FITCH** will contact **ATTORNEY MOULTON** to get the circumstances for allowing the exception to a survey requirement. **FITCH** will bring the wording back to the Planning Commission for their review. **SWANSON MOVED**, seconded by Flowers to require stake

surveys on all new property that is being split and the ability to waive the survey under certain circumstances based on the discretion of the Building Department.

**DISCUSSION:**

- **BUELL:** does the Building Inspector have the final authority?
- **SWANSON:** it should be the Building Department, which would include the Assessor and Building Inspector.
- **FLOWERS:** the Building Department would be better because it would not limit the responsibility to just one (1) person.
- **BUELL:** since the matter would be a potential cost issue, would there ever be issues where the Building Inspector's opinion would be appealed?
- **FITCH:** any decisions the Building Inspector made would go to the Zoning Board of Appeals. Any decisions the Assessor made could, if it dealt with the Land Division Act, would not go to the Zoning Board of Appeals (ZBA), but they (ZBA) speak as to whether the Assessor was interpreting the matter correctly. **FITCH** has had matters go to the Zoning Board of Appeals for variance requests.
- The decisions from the Planning Commission could also be taken to the Zoning Board of Appeals and then to Circuit Court.

**ACTION OF THE MOTION:**

Motion Carried

**FITCH** will take the stake survey issue to **ATTORNEY MOULTON** for review and then bring the issue back to the Planning Commission. **DOYLE** stated the main issue would be to take care of the stake survey for any new splits – old splits would be a possibility for a waiver.

**BUELL** questioned as to whether the stake surveys were only in a division. If a piece of property was sold in its entirety, the township would not have a roll in the transaction, other than to bring the Affidavit of Property Transfer to the office; the Assessor would then do the appropriate assessment.

**VI. BOARD COMMENTS:**

1. If Gil Bono would like to re-schedule a future Planning Commission Meeting, there would be no problem because the more information that could be obtained regarding stake surveys, the better.
2. The Planning Commission is waiting for a review from **ATTORNEY MOULTON** regarding the sign locations for agricultural areas.
3. **FITCH** will discuss the requirements of the new Zoning Enabling Acts with **ATTORNEY MOULTON** and return with the information to the Planning Commission.
4. **SWANSON** felt the issue of the agricultural signs was already taken care of in a “half way around” way since the issue was taken care of in the ordinance even though all the farms were in the RSA district. Under one of the ordinances, it stated:

“there shall be permitted in all residential districts, non-illuminated signs for residential sales, such as, but not limited to produce, rummage sales, garage sales.” A permit would be required.

**NEWMAN** wanted to know if the sign would be treated similar to a commercial sign since it would be an ongoing operation more than just a small vegetable garden whose owner wanted to sell pumpkins at Halloween. **DOYLE** stated that one sign was permanent and one sign was temporary. **FITCH** stated the produce sign would be a temporary type of sign; the request from **FITCH** had been for a permanent type sign. **SWANSON** stated that years ago the orchards use to have signs up all the time advertising their company. **FITCH** stated the proposed signs would be a permanent, year round sign.

**5. DOYLE** stated Goals and Policies needed to be discussed at future Special Planning Commission Meetings and would include:

- a.** density and the cost of density in general
- b.** visions for future development
- c.** site regulations
  - 1.** request for a teen ranch
    - a.** for teens
    - b.** would require the RU-3 Zoning with a Special Use
    - c.** several state permits would be required
    - d.** licenses would be through Social Services (same as adult foster care)
    - e.** a rezoning request would have to come before the Planning Commission
  - 2.** site regulation check list needed to be updated
- d.** **PRATT** inquired about a matter that should be included on the check list. An update review would take place in the future.

**6.** An Election of Officers should be held at a regular meeting.

- a.** currently the Planning Commission is operating under the direction of the Vice Chair
- b.** Election of Officers would be the last item on the May 8, 2006 Planning Commission Agenda

**7.** There will be a Special Planning Commission Meeting on Monday, May 22, 2006.

## **VII. PUBLIC COMMENTS:**

### **8:33 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS**

- 1. MORFORD** reminded the Planning Commission Members to use the Web Site at [www.flushingtowship.com](http://www.flushingtowship.com) as a resource tool for the Planning Commission. The Ordinances are on the internet and shortly all the black Code of Ordinances book will be completed and up to date for the publics review.

2. **MARK J. NEWMAN (NEWMAN)** was welcomed into the Planning Commission. **NEWMAN** is an attorney with the law firm of Henneke, McKone, Fraim, and Dawes in Flint. **NEWMAN** and his wife grew up in Flushing and currently live in the Township. Welcome on Board Mark!
3. **FLOWERS** stated Seymour Road got its name from the James Seymour Sawmill and Gristmill with both being located on the river in Flushing. **FLOWERS** and his wife, Carol, belong to “Bridging the Gap” Storytelling Program for the Flushing Senior Citizens Center in Flushing. Both **FLOWERS** and his wife will be at Elms Elementary School on May 12, 2006 with more great history stories.

**8:40 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS**

**VIII. MEETING SCHEDULE:**

**REGULAR SCHEDULED MEETING – MONDAY, MAY 8, 2006 AT 7:00 P.M.**  
**PROPOSED SPECIAL MEETING – AT THE DISCRETION OF THE PLANNING COMMISSION, THERE COULD BE A SPECIAL MEETING ON MONDAY, MAY 22, 2006 AT 7:00 P.M.**

**REGULAR SCHEDULED MEETING – MONDAY, JUNE 8, 2006 AT 7:00 P.M.**  
**PROPOSED SPECIAL MEETING – AT THE DISCRETION OF THE PLANNING COMMISSION, THERE COULD BE A SPECIAL MEETING ON MONDAY, JUNE 26, 2006 AT 7:00 P.M.**

**IX. ADJOURNMENT: DOYLE MOVED**, seconded by Pratt to adjourn at 8:40 p.m.  
MOTION CARRIED.

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JEROME DOYLE, Vice Chair

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JULIA A. MORFORD, Recording Secretary

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ERIC SWANSON, Secretary

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Date of Approval