

## CHARTER TOWNSHIP OF FLUSHING

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### ***PLANNING COMMISSION MEETING***

DATE: NOVEMBER 10, 2008

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:** Gary McGarth

**I. MEETING CALLED TO ORDER** at 7:03 p.m. by Planning Commission Chair

**MARK NEWMAN** with Roll Call and the Pledge to the American Flag.

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

**III. APPROVAL OF MINUTES OF OCTOBER 6, 2008: FLOWERS MOVED**, seconded by Doyle to approve the Minutes of October 6, 2008 as amended. **MOTION CARRIED.**

**IV. UNFINISHED BUSINESS**

None

**V. NEW BUSINESS:**

**1. Gary McGarth, 8084 Mt. Morris Road, Flushing, Michigan 48433**  
**(Parcel No. 08-02-400-021)**

**Informal Hearing Regarding C-2 with Discretionary Special Use Permit**

**GARY MCGARTH (MCGARTH)** of 8084 Mt. Morris Road, Flushing, Michigan 48433 came before the Flushing Township Planning Commission for an informal hearing to obtain information for a special use permit in a residential area.

Per **CHAIR MARK NEWMAN**, the issue will only be an informal hearing regarding the zoning of C-2 with a Discretionary Special Use Permit because Notices were not sent out to the surrounding neighbors.

**EXPLANATION OF THE ISSUE BY MR MCGARTH:**

- The proposed property is located at 8084 Mt. Morris Road, Flushing, Michigan, Parcel No. 08-02-400-021, west of Morrish Road, next to a tree farm.
- To the West of the home, there is approximately four and one-half (4 ½) to five (5) acres of wooded area with a small stream running through the property; there will not be any change to the particular property (4 ½ to 5 acres).
- The home will stay where it is because there is a large pond behind the home.
- There are approximately five (5) dozen wild turkeys in the woods.

**PROPOSAL:**

- To the East of the house approximately two hundred (200) to two hundred fifty (250) feet, there are located two (2) buildings, one small and one large. The small building will be used as an office and the large building will be used for inside storage of vehicles.
- Michigan Fence Company has given **MCGARTH** a bid of \$32,000 to install a fence for an area of 250' x 700' with a fifteen (15) foot gate.
- A digital pad will be installed by the gate for easy access to the property.
- The fence will be six (6) foot high with mesh wire on top.
- There will be four hundred (400) – 10 foot x 50 foot deep spaces for storage for recreational vehicles, motor homes, skidoos, etc.
- The storage rent will be \$25.00 per month.
- The first two (200) foot at the front of the property will not have any fencing and will be used as the entrance to the storage area.
- The home, pond, and woods (west of the proposed storage area) will remain residential and will not be changed.
- An additional 2.2 acres is located at the back of the proposed property (Parcel No. 08-02-400-021) but is actually located on Parcel No. 08-02-400-010. The additional acreage belongs to **MCGARTH**.
- The entrance drive, to the proposed property, will be off Mt. Morris Road and will be the responsibility of **MCGARTH**.
  - a. The Flushing Township Planning Commission recommended that **MCGARTH** contact the Genesee County Road Commission regarding the entrance to the proposed request.
- Only a few of the trees, on the proposed storage area, will have to be removed.
- The small building located at the front of the property will be the office; there will be a sliding gate in front of the building for entrance to the property.
- The fence will begin two hundred (200) feet from the front of the property and extend seven hundred (700) feet toward the back of the property (North); the whole property is nine hundred (900) feet deep with a two hundred thirty (230) foot frontage.

- **MCGARTH** does not want to interfere with the wildlife.
- **MCGARTH** has always wanted property like this because there isn't any other facility like the proposed request.

**QUESTIONS AND ANSWERS (by McGarth):**

- **NEWMAN:** the normal process for a special use permit would be to formally submit an application. For the hearing, there would be a Notice sent out to residents within a certain number of feet from the property in question.
- **NEWMAN:** (asking the question to **MCGARTH**) have you talked to all the neighbors in the area to get their feed back and their thoughts?  
**ANSWER:** the nearest neighbor to the West is six hundred fifty (650) feet; Mr. & Mrs. King live to the East and **MCGARTH** has spoken to them. A new neighbor lives to the East of Mr. & Mrs. King.
- **DOYLE:** how many outside storage parking spaces will there be?  
**ANSWER:** there will be four hundred (400) – 10' wide by 50' deep – storage spaces; the spaces will be marked with yellow paint; there will be forty (40) foot wide lanes so if a semi with a boat has to get into the area there will not be any problems. There is an additional fifty (50) feet to the left of the proposed space, fifty (50) feet to the right, and forty (40) feet to the center which equals one hundred forty (140) feet; there will be sixty (60) feet spaces to park if need be. The opening in the center of the proposed property has to be at least forty (40) to fifty (50) foot wide.
- **DOYLE:** what type of fence will be installed?  
**ANSWER:** **MCGARTH** will be checking to see what the neighbors prefer. The area will only be a storage area not for someone to “dump” their mobile homes, etc.
- **DOYLE:** in the past the township has always had inside storage so will have to review the ordinance to see what the ordinance states about mobile homes.
- **FLOWERS:** **MCGARTH** needs to make sure neighbors are notified of the specifications such as two hundred (200) feet back from Mt. Morris Road and then seven hundred (700) feet and eighty-four (84) feet at the back property line that will not be fenced off. There are 14.2 acres of property.  
**ANSWER:** In the very back of the property, there is a quadrunner trail that people use.
- **SWANSON:** his only concern is the C-2 zoning. The surrounding area is residential. C-2 zoning always stays with the property and has always opened up a lot of other problems.
- **NEWMAN:** the issue will be a 2 step process.
- **FITCH:** two (2) questions are involved: 1) what about the setbacks to the existing buildings and 2) will the zoning be C-2 with Special Discretionary?
- **NEWMAN:** under M-1 or M-2 the zoning would be automatic, but it doesn't apply in the current situation. It does specifically state “discretionary special use permit” in C-2 and C-3.
- **SWANSON:** the Planning Commission should review the issue and see what is best suited for the storage.
- **NEWMAN:** the tree farm next door is an agricultural issue.

- **FITCH:** should **MCGARTH** apply for both the zoning and a special use permit at the same time?
- **DOYLE:** the site plan will make all the difference as to what direction to go.
- **NEWMAN:** procedurally, the zoning would be addressed first; the next item would be the special use permit. If the zoning change was approved, then the property would be eligible for consideration for discretionary special use. If for some reason the Planning Commission denied the rezoning request, then the next issue would be mute and would be passed on. The most efficient way would be to provide Notices and have everything in one Public Hearing.
- **NEWMAN:** the only issue about coming back the second time, would be that one could argue that one could not apply for a discretionary special use permit until one had the zoning. The first step would be to have **MCGARTH** apply for the C-2 or C-3 zoning.
- **FITCH:** will the Planning Commission like a concept drawing?
- **SWANSON:** isn't there a current state law where a person that applies for commercial zoning can tell the Planning Commission what the individual will do; not the Planning Commission asking what the individual will do?
- **FLOWERS:** it would be a "conditional zoning" issue.
- **NEWMAN:** when would **MCGARTH** like to start?
- **NEWMAN:** there are certain guidelines as to ordinances and rules that the Planning Commission has to follow.
- **SWANSON:** it has been mentioned at different seminars to be cautious about "spot" zoning.
- **PRATT:** on page 1, *Zoning District Uses*, "Schedule of Uses Permitted by Discretionary Special Use Permit" – similar uses in residential zoning 1) it would be something that goes commercial, 2) it would stay with the land; would the Planning Commission be able to approve a special use permit for the particular issue without rezoning the proposed property since the issue would be for outside storage. It would take away the problem of future commercial use always being on the proposed property and would allow, once a discontinuation of the usage, to return to a residential setting or if it didn't deem suitable. There are people that already store machinery on their back property.
- **NEWMAN:** (in reference to **PRATT'S** statement), would there be something that would permit the Planning Commission to grant a discretionary or non-discretionary special use permit while it is still residential.
- **PRATT:** the public would still come to voice their opinions but with the safeguards of screening from the neighbors; it does mention in the zoning schedule "as determined by the Planning Commission".
- **NEWMAN:** which one of the uses under RSA would be similar to the proposal by **MCGARTH**? Most of the uses are simply one or more individuals living in a building.
- **PRATT:** the issue with changing to "commercial" could lead to a potential problem.
- **NEWMAN:** C-3, *Commercial Shopping District*, would be for large uses for general commercial business.
- **SWANSON:** glad to see that **MCGARTH** realizes the many opinions of the Planning Commission.

- **NEWMAN:** would like a detailed layout of the property as to 1) where the road will be located, 2) where the fence will appear around the property, 3) the materials that will be obtained from the Genesee County Road Commission as to access to Mt. Morris Road, etc.
- **SWANSON:** there could be a problem with the environmental issues.
- **FLOWERS:** once all the details have been obtained, then the Planning Commission can review the materials.
- **NEWMAN:** what type of ground is in the area. **MCGARTH** stated the area is sandy but each section will be black topped.
- **MCGARTH** will review the situation and get back with the Planning Commission.

#### **VI. PUBLIC COMMENTS:**

##### **7:51 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS**

None

##### **7:52 P.M. - CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS**

#### **VII. BOARD COMMENTS:**

1. **FLOWERS**, who is on the Genesee County Metropolitan Planning Long Range Steering Committee, gave detailed information regarding the roads in Genesee County. In Flushing Township, there are 43 lane miles; 2 percent of the roads are good, 52% are fair; and 46% are poor roads. In the City of Flushing, there are 24 lane miles; with 18 % being good roads, 67% are fair, and 50% are poor. (Lane Miles means a two lane road - one lane going in each direction). Personally thanked **PRATT** for his great help the last four years!
2. **GIBBS** recommended that everyone in Flushing Township drive carefully for the next two weeks because the combines will be running 24/7. Please have patience and give the farmers another week or two and the combines should be off the road. Thanked **PRATT** for his service!
3. **SWANSON** commented on a recent Michigan Townships Association (MTA) Seminar entitled “Michigan Enabling Act” that he and a few other Flushing Township Planning Commission members attended in Frankenmuth. The Flushing Township Planning Commission does have a little work to do with some of the work being mandatory and some suggestive. New issues in the Act: 1) no employees and no contractors can be involved, 2) one non-electoral can be on the Planning Commission, 3) if there are any complaints about a member on the Planning Commission, it has to be voted by all, and 4) there are also issues coming up regarding the Zoning Board of Appeals (ZBA). Thanks to **PRATT** for his time on the Planning Commission!.
4. **DOYLE** wanted to know if any other details would be coming from **ATTORNEY STEVE MOULTON (ATTORNEY MOULTON)** regarding the “Conflict of Interest” issue? **FITCH** will contact **ATTORNEY MOULTON** to see how the issue is progressing and will get back with the Planning Commission.
5. **DOYLE** thanked **PRATT** for his service!

6. **PRATT** read an article in the “Capitol Currents” where Legislature had approved the amended *SB 213* that would remove the language that would negatively impact the zoning relating to wind energy systems. Under the bill, existing or future township accounting, zoning regulations related to winds would be unaffected. **DOYLE** appreciated the update on *SB 213* since the Planning Commission had discussed wind turbines at previous meeting.
7. **FLOWERS** stated the Planning Commission had previously been told the wind turbine issue would be taken out of the hands of the Planning Commission; the issue can now be put back into future workings of the Planning Commission.
8. **PRATT** stated it had been an honor and pleasure working with the Planning Commission.
9. **NEWMAN** stated the Planning Commission appreciated **PRATT’S** hard work.

**VIII. MEETING SCHEDULE:**

**REGULAR SCHEDULED MEETING – MONDAY – DECEMBER 8, 2008 AT 7:00 P.M.**

**IX. ADJOURNMENT:** Due to lack of business matters, **NEWMAN** adjourned the meeting at 8:05 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