

# CHARTER TOWNSHIP OF FLUSHING

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

DATE: JULY 9, 2012

TIME: 7:00 P.M.

WEB ADDRESS <http://www.flushingtowship.com>

### **MEMBERS OF PLANNING COMMISSION**

Mark J. Newman, Chair

John Cuddeback

Jerome Doyle, Vice Chair

Ronald Flowers

, Secretary

Robert Gensheimer

Mark Purkey, Board of Trustee Representative

Julia A. Morford, Recording Secretary

**ROLL CALL:** Mark J. Newman, Jerome Doyle, John Cuddeback, Ronald Flowers, Robert Gensheimer, and Mark Purkey

**ABSENT:** None

**OTHERS PRESENT:** Three (3) other individuals

**I. MEETING CALLED TO ORDER** at 7:05 p.m. by Planning Commission Chair **MARK NEWMAN** with Roll Call and the Pledge to the American Flag.

**II. ADOPTION OF AGENDA: DOYLE MOVED**, seconded by Gensheimer to adopt the Agenda as amended by having "New Business" as Number IV and "Unfinished Business" as Number V. **MOTION CARRIED.**

**III. APPROVAL OF PREVIOUS MINUTES: FLOWERS MOVED**, seconded by Doyle to approve the Minutes of June 11, 2012 as submitted. **MOTION CARRIED.**

#### **IV. NEW BUSINESS:**

1. **Mark Birchmeier, 7144 Sheridan Road (M-13) Flushing MI 48433**  
Property split of Parcel No. 08-07-300-004, commonly known as 7144 Sheridan Road

#### **BACKGROUND:**

Several years ago, the Planning Commission approved a change in the site plan in order for Ultra Dex Tool System to place an addition onto the back of the building. More recently, Mr. Jim Sowash (Mr. Sowash), Representative for Mr. Birchmeier, was in attendance requesting a property split of 7144 Sheridan Road.

Before the Planning Commission could make a decision, the request was sent to the Zoning Board of Appeals (ZBA) for a Variance, for which the variance approval was given.

Mr. Sowash was now in attendance in the correct order to determine what has to be done, which is to split the parcels. Documentation has been received by the Planning Commission for their review and consisted of:

- 1) Detailed drawing of the entire site as it sits today on Sheridan Road.
- 2) "Future Proposed Construction" drawing which is near the south ditch which is the reason for going to the ZBA for a variance because the set off for the split wasn't going to meet the ordinance.
- 3) Details such as the surface area has been indicated on the drawing; indication as to the location of the drains and measurements; and the existing seepage fields are noted.

#### CONCERNS:

**DOYLE:** had three (3) items of concern: 1) space for fire trucks to be able to turn around; per the drawing, there is sufficient space, 2) possible block wall, and 3) the third (3<sup>rd</sup>) split labeled on the drawing as "future proposed construction".

Mr. Sowash stated the possible block wall would be between the second and third building.

**DOYLE:** wanted to know about the drainage. The property drains from the South to the North downhill. **DOYLE** felt the site plan drawing didn't show where the water would drain to take care of the North lots. The drawing does show there are plans to put a drainage ditch of some sort to take the water that is going to fall on this property and send it back to the back ditch so that it gets around. Everything looks rational.

Mr. Sowash stated all the water drains to the East ditch and then goes around; the East goes East and the South flows South into a main ditch by the road.

**FLOWERS:** felt that whoever did the drawing should have put a stamp on it.

Mr. Sowash stated Ultra Dex has used the plan since 1992 and it has never been a problem. When everything is sent to the State, it is stamped by the engineer.

**FLOWERS:** it was determined that the directional marking was incorrect, but it was corrected and noted by the Planning Commission. When the actual split takes place, please indicate the elevation shots on the drawing.

#### 7:16 P.M. - OPEN TO THE AUDIENCE FOR COMMENTS:

#### CORRESPONDENCE:

1. **Rebecca Hart, Hazelton Township Clerk, 7505 Orchard St, P.O. Box 188, New Lothrop, MI 48460** – "had no comments and do not disagree with property split."
2. **Terry Oliver, 7198 Sheridan Road, Flushing, MI 48433** – letter returned "Return to Sender, Not deliverable as addressed, Unable to Forward". The new owner is Valerie Sanfilippo.
3. **Property Owner, 7301 Sheridan Road, Flushing MI 48433** – "Return to Sender, No Such Number, Unable to Forward."

**7:18 P.M. – CLOSED TO THE AUDIENCE FOR COMMENTS**

**DOYLE:** requested one (1) condition that there be a drainage ditch off the South lot that drains to the North and that ditch takes the water that comes from the hill to the East ditch so that it doesn't create a problem for the next (middle) North property.

**NEWMAN:** the diagram will have to be corrected to read East ditch instead of the West ditch.

**DOYLE MOVED**, seconded by Gensheimer to approve the property split with the condition there be a drainage ditch off the South lot that drains to the North and that ditch takes the water that comes from the hill to the East ditch so that it doesn't create a problem for the next (middle) North property; also the diagram drawing be corrected to indicate East ditch instead of the West ditch.

**ACTION OF THE MOTION:**

**ROLLCALL VOTE:**

AYES: Purkey, Gensheimer, Flowers, Cuddeback, Doyle, and Newman

NAYS: 0

Motion Carried

**V. UNFINISHED BUSINESS:**

**1. Continued Update of Master Plan – Survey**

There were ten (10) completed surveys received from the public. The surveys will be compiled and be a part of the Master Plan: very interesting comments from Number 8 – *In your opinion, are the ordinances that are in effect in Flushing Township equitably and effectively enforced?*

The reports from the Commissioners are due by the next meeting in hopes of completing the Plan.

Some of the ordinances will have to be updated so that the Genesee County Sheriff Department will be able to enforce the ordinances for Flushing Township. Attorney Steve Moulton (Attorney Moulton) is in the process or reviewing Flushing Township's ordinances to update such issues as signs, arrests, impound fees, etc.

**VI. PUBLIC COMMENTS:**

7:32 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS

1. **Laroy Miller, 10009 Stanley Road, Flushing MI 48433 and Ronald Scott, 10003 Stanley Road, Flushing MI** – had questions about the ability to divide a duplex.
  - a. Constructed a duplex.
  - b. Had to wait seven (7) years to split the property.

- c. Mr.Scott had to pay Mr. Miller for the taxes because they couldn't split the property; would like to split the property in order that each individual would get their own tax statement.
- d. The duplex has two (2) mailing addresses.
- e. All utilities are separate and both parties pay for their own services.
- f. There is a common wall.
- g. On the *Certificate of Survey*, Parcel 1 is where the duplex is located that is owned by Mr. Miller and Mr.Scott; Parcel 4 is the West neighbor.
- h. There are two (2) ingress/egress windows in the basement.
- i. The lot is 120' wide.
- j. There are two (2) separate driveways.
- k. The split would be down the middle of the duplex, which would be 60' wide by 396' deep and make a duplex joint property.
- l. Structure constructed as a duplex on a single piece of property; two (2) separate people would be owning the property separately; would be referred to as a townhouse with a fireproof wall between and would have a joining property line. (Constructed to the line itself - there would be a "zero" lot line.
- m. The distance from the property line to the building on the East and West side is twenty (20) feet. The main structure of the house is forty (40) feet; this is acceptable per the ordinance.
- n. With a duplex, one can have a septic that supports both houses; if the structure is a townhouse, one would have to have a septic and well for both houses.
- o. When divided, each side would end up with a separate water system, septic system, etc.
- p. The size for each side would be 60' x 396'; there is more than  $\frac{3}{4}$  of an acre to have a septic system and a reserve. (208' x 208' would be an acre).
- q. Everything that is being requested is legitimate with almost  $\frac{3}{4}$  of an acre with 23,760 square feet.

**RECOMMENDATION:**

- 1. It was recommended that Mr. Miller and Mr. Scott go to the ZBA, because if the Planning Commission were to approve a split, the lot size requirement would have to be met.
- 2. The ZBA will require a layout of the plot that shows the houses the way they are, where the septic fields are located and how large they are, an "as built" drawing of how the house sits on the property today (site plan drawing).
- 3. The rational would be to show there is a septic tank field that has been approved, a well that has been approved for location on your lot, and city water.
- 4. All that Mr. Miller and Mr. Scott are asking from the ZBA is for less than  $\frac{3}{4}$  of an acre for the property split – normally it takes an acre for the property split.

8:09 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

**VII. BOARD COMMENTS:**

1. **NEWMAN:** informed the Commission regarding the passing of former Planning Commission Member, Dave Gibbs who had been on the Commission for years.
2. **FLOWERS:** will miss Dave greatly as he was a great friend and never got mad; Ron had Dave's mother for a teacher in school.
3. **PURKEY:** the ordinances will be reviewed by Flushing Township Attorney Moulton at the Board Meeting; still looking for a Planning Commission Member; if anyone has any suggestions, please contact Supervisor Terry Peck.
4. **DOYLE:** was the Planning Commission supposed to come to a conclusion regarding the site plan approval which had been received from Attorney Moulton regarding the stamp/seal of an architect or engineer, or competent property owner as well as a qualified designer. There has to be a good site plan in order for the Planning Commission to make a good decision. **DOYLE** recommended to add "competent property owner" and "qualified designer" to the list which the township already has and would be the acceptable thing to do.
5. **NEWMAN:** Attorney Moulton and **NEWMAN** have discussed the issue as to how the situation comes up generally speaking and if there is enough details. **DOYLE** and **NEWMAN** recommended to leave the ordinance as is.
6. **PURKEY:** if there was a confident drawing, would there be a need to have an architect stamp/seal.
7. **CUDDEBACK:** just get a detailed drawing; don't have a problem saying a drawing is good or isn't; should have the discretion of making the decision of whether there should be an architect stamp.
8. **FLOWERS:** Attorney Moulton's idea was to waive on certain issues; not about eliminating issues.
9. **DOYLE:** use to allow people to draw their own plot plans, etc but it got so bad the Planning Commission couldn't figure out what they wanted because the drawing was lacking in so many things; if people follow the ordinance and put everything that needs to be on the site plan that is fine, but if they don't then it is not adequate; decided to have it in the ordinance for an architect to do the drawing.
10. **FLOWERS:** should have a list that lists what had to be on the site plan.
11. **DOYLE:** if could add a few more types of people added to the ordinance so that it would cover everything as long as the people were in a position to put all the necessary items on a site plan that would be needed in order for the Planning Commission to make a decision. If it would be to the discretion of the Planning Commission, it would be right back from start.
12. **CUDDEBACK:** has no problem; if he came to a Planning Commission meeting with a site plan and a few things were missing, he would fix them and come back to the Planning Commission.
13. **NEWMAN:** worries about the logistics of the Planning Commission meeting only once a month.

**VIII. NEXT REGULAR SCHEDULED MEETING WILL BE HELD ON MONDAY, AUGUST 13, 2012 AT 7:00 P.M.**

**FUTURE REGULAR SCHEDULED MEETING DATES:**

SEPTEMBER 10, 2012 AT 7:00 P.M.

**IX. ADJOURNMENT:** Due to lack of business matters, **NEWMAN** adjourned the meeting at 8:34p.m.

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MARK J. NEWMAN, Chair

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JULIA A. MORFORD, Recording Secretary

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, Secretary

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Date of Approval

Planning minutes 07 09 2012