

**CHARTER TOWNSHIP OF FLUSHING**

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800 FAX: 810-659-4212

**PLANNING COMMISSION MEETING MINUTES**

DATE: JANUARY 12, 2015

TIME: 7:00 P.M.

WEB ADDRESS <http://flushingtowship.com>

**MEMBERS OF PLANNING COMMISSION**

Chair: Jerome Doyle

Donn Hinds

Vice Chair: Robert Gensheimer

William Mills

Secretary: Ronald Flowers

Mark Newman

Board of Trustee Representative: Shirley D. Gage

Recording Secretary: Julia A. Morford

**PRESENT:** Jerome Doyle, Robert Gensheimer, William Mills, Shirley Gage, Ronald Flowers, Donn Hinds, and Mark Newman

**ABSENT:** None

**OTHERS PRESENT:** Thirteen (13) other individuals

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

**II. ADOPTION OF AGENDA: FLOWERS MOVED**, seconded by Newman, to move Number 4 to Number 5 and get *New Business* taken care of first; *Unfinished Business* would be placed at the end of the Agenda. **MOTION CARRIED.**

**III. APPROVAL OF PREVIOUS MINUTES OF DECEMBER 1, 2014: NEWMAN MOVED**, seconded by Flowers, to approve the Meeting Minutes of December 1, 2014 as submitted. **MOTION CARRIED.**

**IV. NEW BUSINESS:**

1. **Larry Adkins, 4067 Commerce Drive, Flushing, MI 48433**

Formal Hearing for the Purpose of obtaining a Special Use Permit to dig a pond on the South Side of Coldwater Road, approximately half way between Johnson and Deland Roads, Parcel No. 08-24-100-030, Pursuant to *Special Use Permits Article XVIII, Section 20-1804(BB) Ponds*

Mr. Larry Adkins (Mr. Adkins) had attended the Planning Commission Meeting on December 1, 2014, to get some questions resolved regarding a Special Use Permit to dig a pond and a site plan drawing. Mr. Adkins had a new site plan drawn.

**A.** Mr. Adkins stated the new Site Plan Drawing addressed some of the concerns from the Planning Commission such as:

i. the center of the ditch was more visible on the new drawing.

- ii. the terrain and building of the flood plain was shown on the drawing; a cross section on the drawing explains the details.
  - iii. Mr. Adkins had applied for a subdivision permit on June 2004.
  - iv. on the drawing, the ponds are recognized as detention areas by increasing the usage of overflows of water which enhances the area for drainage.
- B.** Mr. Kent Edwards (Mr. Edwards), Engineer from Rowe Professional Services gave the following information:
- i. the ponds will help if there are any flooding issues in the area; the ponds will increase the capacity in the area to store water and help to further protect any houses downstream or in an area from flooding.
  - ii. the culvert sizes have been checked; it would only add additional storage capacity within the flood plain.
  - iii. the existing ground water, would not affect any of the surrounding houses.
  - iv. On Sheet 1 of the Site Plan, an aerial drawing is shown of the flood plain which is mapped out to show where the water would be flowing based on the existing topography.

**COMMENTS/QUESTIONS FROM THE PLANNING COMMISSION:**

1. **DOYLE:** from what he sees everything drains pretty heavy to the Bowman Drain. On the wetlands, as far as the topography is concerned, the ditch is lower than any part especially the wet lands; everything is draining to the Ditch. The question is whether, in the Northeast corner, if the area was going to be put together so that it drained to that area. ANSWER: Mr. Adkins met with the neighbor, at the neighbor's property, the next day after December 1, 2014. The flow lines show on the Site Plan. The neighbor's property is lower; Mr. Adkins told the neighbor more fill could be placed in his back yard where there is flooding behind the shed; the neighbor's water is flowing from another neighbor's property which is higher where the house was built; nothing is coming from Mr. Adkins' property, but draining toward the Bowman Drain. **DOYLE:** the neighbor was concerned if the area would be "dammed" up so his property would not drain; the drainage needs could come across the properties and continue draining.
  - A. Mr. Edwards stated that, at the top of pond elevations (on the drawing), it shows the top pond listed at an elevation of 720 and the contours of the ponds go up to elevation 728. Eventually, all the contours would be tied together and it would not damm up the flow of the water. **DOYLE:** what would take place is the draining of the other property on to Mr. Adkins property so you would not be damming any property on the east side of the property.  
Mr. Edwards stated the top is eight (8) foot lower than the existing grade to the East and the top of the North pond is nine (9) feet lower than the property to the East. The water would maintain its natural flow and would run into the pond or around the pond into the ditch, but it would run through the pond.
2. **NEWMAN:** you (Mr. Adkins) mentioned that the top elevation of the edge of the pond is going to be at a height of the same level it currently is or lower after it

is constructed. The concern, of the gentleman that was present at the December meeting, is that when people dig ponds, they try to get twice the value out of digging, they go eight (8) feet down and dump that eight (8) feet of dirt on the edge and gaining a lot more depth to the pond as they construct it. If that was the case, and the water flows, and you are digging the dirt, where is the water going to go, is it going around the pond and damage the top of the pond? Is the top edge of the pond going to be a berm equal to or lower than the existing elevation it currently is? ANSWER: that is the way it is designed.

3. **DOYLE:** the topography shows the design; it shows a small berm next to the drain. ANSWER: it is next to the drain but the pond coming from upstream will tie into the upstream contours. It would run into the pond and if it was to build up to what the upstream contour was after it was detained, it would run out around the pond. **DOYLE:** the berm should go on the West side so that it would hold the water from the top East side. ANSWER: yes, because you don't want the water to come up a little and flood.
4. **HINDS:** the application is for digging one (1) pond, but you keep mentioning "ponds"; are you intending to dig one? ANSWER: they are showing three (3), but two (2) ponds are for the future. He (Mr. Adkins) needs the soil, so will start with the middle pond. **HINDS:** what do you need the soil for? ANSWER: for other projects that he (Mr. Adkins) has going.
5. **NEWMAN:** is that the "Chevy in the Hole" project. ANSWER: yes.
6. **DOYLE:** would you be requesting another permit to remove the dirt off the property? ANSWER: yes; for the project they need more sand and less clay; most ponds have more clay and less sand.
7. **HINDS:** on the "Pond Site Review CheckList," you stated in the "Extent of Use of Pond" you stated *the pond will be used to obtain fill*. When this was discussed at the Informal Hearing, the idea was that the property would be used for real estate values. ANSWER: that is true. **HINDS:** the major purpose will be to sell the fill from the ponds for projects. ANSWER: the single pond that was discussed will supply 90,000 cubic yards of dirt per the engineer.
8. **GAGE:** is that amount of dirt out of just one pond? ANSWER: that will be the northern most pond.
9. **HINDS:** will this be a commercial operation? ANSWER: the pond may never be dug; an engineer is coming out to review the matter. The fill would be used in a project that is already started; it would not be sold to another party. It would be used for the "Chevy in the Hole" project.
10. **FLOWERS:** there is a very thin line between ponds to mining; you are setting up to do what has left most pond diggers on the property for one reason or another. ANSWER: you wouldn't want to leave that much dirt on the property. **FLOWERS:** you are going from digging ponds to remove the dirt but to remove the dirt you are mining which is the fine line. This situation would be moving the property off and then having a hole with water in it, which would then become a nuisance. There isn't anyone on the property other than Mr. Adkins to police the issue since there isn't a house and no one lives on the property. ANSWER: hopefully, someday there will be a house on the property.

11. **GAGE:** is it my understanding that you want to dig a pond and then you want to build houses; do you have any time frame as to when the houses will be built? **ANSWER:** the market will dictate the housing project. **GAGE:** so it could be a long time? **ANSWER:** yes. **GAGE:** so why would you want to do the pond now? **ANSWER:** Mr. Adkins has a use for the dirt.
12. **HINDS:** would the use be considered a gravel pit more than a pond? **ANSWER:** No, there isn't any gravel there. **HINDS:** you mentioned that you were going to expand to get into some sand. You will be reimbursed/compensated for the 90,000 cubic yards of dirt that you will extracting from the earth. **ANSWER:** he has the project and there is extra trucking involved to get the dirt to the site but it will save him some money and at the same time, he will enhance the property with a pond.
13. **NEWMAN:** feels like he (Newman) is "chasing his tail" because it is "one pond," "two ponds," "three ponds," "I am selling the dirt," "I have a project that I am working on," it seems too mysterious. There is a lot going on - "We might start with the middle pond", we may never dig the North pond," one Commissioner's opinion is that the Planning Commission can't approve things that might happen or what could happen; there must be a firm proposal with a straight answer. Is Mr. Adkins digging one, two, or three ponds? **ANSWER:** Mr. Adkins stated three (3) ponds were put on the application but the first one will not be built.
14. **HINDS:** the revised Site Plan, given to the Planning Commission at the current meeting, shows that he is in violation of an Ordinance because of the Flood Plain limit; they do not overlap. The flood plain line from the last map to the current map doesn't coincide because the line has moved. A pond can't be built within a flood plain.
15. **DOYLE:** we are trying to put a pond in and get it approved which is the first thing to do if one is going to haul dirt away from the property. Whatever Mr. Adkins wants to do with the dirt is up to him (Mr. Adkins) and has nothing to do with the Planning Commission. If Mr. Adkins get a permit for the dirt, where it puts it is not the Planning Commission's business; there has to be a permit to haul dirt away from the property site along with a pond permit. These are the two (2) things which the Planning Commission has to be concerned about. The first thing would be to get the pond permit before he can get the approval to haul the dirt. The Planning Commission meeting is to approve or disapprove Mr. Adkins' request for a pond permit.

**COMMENTS FROM MR. ADKINS:**

1. The berms are on the West side of the ponds – the water drains from the East to the ponds; there will be a slight berm on the West side of the pond.
2. There is an underground lake on the East side of the property.
3. At this time, there are no provisions for berms or trees in the area of the pond.
4. The pond will be 1' x 6" all the way around the pond until you get past the six (6) foot depth, then it will be the six (6) feet horizontal to six (6) feet vertical slopes.

5. When the pond is full, it is at a fifteen (15) capacity.
6. The areas disturbed during construction will be seeded with Clover, which grows over a foot tall and is easy to maintain.

**DOYLE REVIEWED *SPECIAL USE PERMITS, ARTICLE XVIII, (BB)*  
*PONDS***

- A. Definitions of Ponds: A natural or manmade body of water used to provide water for livestock, fish, and wildlife, recreation, fire control, crop and orchard spraying and irrigation and other related uses for the personal use of the property owner and/or tenants. For purposes of this section, pond shall not include a landscape, garden, or ornamental pond with less than 100 square feet of surface area and a depth of 3 feet or less.

The regulations set forth in this section are designed to provide for the regulation of a pond and to specify the conditions and circumstances under which such ponds may be developed to protect the health, safety, and general welfare of the residents of the community, preserve ecologically important features, and to prohibit development which, unregulated, may have an adverse effect upon the existing general and aesthetic character of the township.

- B. General Provisions and Conditions
1. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to construct a pond within the Township without first securing a construction permit from the building official. A site plan has to be approved by the Planning Commission for conditions and site approval. A pond shall be a special use permitted on property zoned RSA.
  2. A pond shall not be constructed on a lot or parcel of land that is less than 2 acres in size.
  3. Water shall be maintained in all pond excavations, and built in a spring or natural water drainage area according to current County topography maps and drain districts, showing existing property grades and also future pond grades.
  4. Ponds shall be engineered and designed according to all provisions and conditions of this Ordinance, including engineered drawings, drawn to scale by a qualified designer showing all site buildings, easements, size, setbacks, etc. Such plot plan shall be approved by the Building Inspector before a hearing shall be scheduled.
  5. All soil and similar materials excavated during the construction of the pond shall remain on the property, unless an Earth Removal Permit has been obtained.
  6. If a pond exceeds 4.9 acres it would be classified as a lake, and could be cause for other permit requirements.
  7. The parcel should contain natural land forms which are so arranged that the change of elevation within the site includes slopes of ten (10) percent or less; and water drainage could provide water to fill pond.
  8. The subject site and/or adjoining properties do not contain natural assets including trees, wood-lots, endangered species habitats, wetlands, 100 year floodplains, natural watersheds, or similar features that would be altered by the establishment of the pond.
  9. The outside edge of the pond is not within fifty (50) feet of an existing County Drain.
  10. The proposed pond is not located within one hundred (100) feet of a public road right-of-way, private easement, or school site.

11. The proposed pond is not within fifty (50) feet of an existing wetland.

C. Application and Review Procedures

1. Application shall be made to the Township Building Official. Applications shall contain the name and address of the applicant, a legal description of the property upon which the pond will be established, a site plan submitted site plan check list in accordance with Site Plan Review procedures and/or Section 20-1800 under P-1 – Earth Removal.
2. If and when it ever becomes necessary to obtain a permit from the Department of Natural Resources or the Genesee County Drain Commission, it shall be the responsibility of the landowner to obtain the permits prior to meeting with the Planning Commission.
3. The applicant shall also provide evidence from a civil engineer, or similar allied professional that water can be continuously maintained in the pond once it is constructed. A pond should be built in a spring area or a water drain off area to provide fresh water. (A well is not a qualified source of water).

D. Design Requirements

1. The setback distance for the pond shall be a minimum of seventy-five (75) feet from the waters edge at its highest point from any adjoining property line. There shall be a minimum of twenty-five (25) feet between the edge of any berm or other placement of elevated soils removed from the excavated pond and any adjoining property line. The total height, as measured from original grade, of any berm or elevated soils and any fence or other materials built or placed upon the berm, except trees or other vegetation, shall not exceed a total of six (6) feet. This provision shall not prohibit the placement of an otherwise appropriate fence across a part of such berm, which may cause the height of the fence to exceed six (6) feet at the point of crossing the berm.
2. There shall be a distance of not less than fifty (50) feet between the outside edge of the pond and any building.
3. There shall be a distance of not less than fifty (50) feet from the water's edge to any overhead transmission lines.
4. Slopes of the excavation shall not exceed a ration of four- (4) feet horizontal to one-(1) foot vertical, to a depth below water of six-(6) feet on shallow walk in side, and no more than six-(6) feet horizontal to six-(6) feet vertical at three sides of pond. Ponds must be a minimum of fifteen (15) feet depth to existing grade in deepest spot to keep water from being stagnant, unless topography demands special consideration.
5. All areas disturbed during construction shall be seeded with bluegrass or other high quality grasses and maintained in good condition to prevent erosion.
6. The Township Planning Commission may, at its discretion, require the installation of a fence no less than four (4) feet in height to protect the health, safety, and welfare of the property owners and or tenants, neighboring uses, and Township residents.
7. The Township Planning Commission may, at its discretion, require the installation of a berm to be appropriately designed for height and width, whose slope shall be no more than at a 30 degree angle to prevent erosion and to protect the health, safety, and welfare of the property owners and or tenants, neighboring uses, and Township residents.

The request is only for the center pond at this time. If the soil is proper, it should be completed in a matter of a couple of months. The permit is good for a year and the applicant can come back for an extension.

Everything that has been disturbed, including the excavation that has already been done, will also be seeded, per Mr. Adkins. The seeding is part of the soil erosion issue and will be reviewed before the bond is returned to Mr. Adkins. There is a bond involved with the pond and the removal of the dirt and they both can be done at the same time per the Ordinance.

**OPENED TO THE AUDIENCE FOR COMMENTS:**

1. **Don Schaffer, 7512 W. Coldwater Road, Flushing MI** – “one of the first builders of the old Doug Nichols subdivision some forty-one (41) years ago and has lived there ever since; appreciates the efforts the Planning Commission does to protect everyone’s property; also present on behalf of neighbor, Mary Lou Hammerberg, 7526 W. Coldwater Road, Flushing, who is elderly and unable to be in attendance; would like to congratulate Mr. Adkins on being awarded the *Chevy Commons Project* with the Land Bank; it is good to take some soil and use it for other projects to cover up brownfield that we never have to deal with again; the 80,000 plus cubic yards that he was awarded Phase I, and if he is awarded Phase II and Phase III is probably why he needs the additional ponds; this past summer had the enjoyment of watching dump trailers and trucks parked in front of their house occasionally; the people were very kind and moved the trucks when they were ask so they could get out of their driveways; a couple of real big concerns is the floodplain issue which does drain a significant amount of property to the South, Coldwater Road, Carpenter Road, and in behind the Springview Subdivision; there is a bottleneck at Coldwater Road; there have been times when the County Road Commission and County Drain Commission came in and built cement culverts to help with the erosion, etc.; the 80,000 cubic yards – this past summer saw tri-axle trailers with a capacity of between 25 to 30 yards, which would equate to about 3,200 truck loads, coming out of the spot in front of his (Mr. Schaffer) house; this summer, his family saw mud, clay, and soils caked up several inches deep; unfortunately, have enjoyed having Coldwater Road repaved several years ago and have the nicest paved road in the Township; the impact of the Floodplain is the biggest concern; going down 15 feet is good and very familiar with the springs and water table and know there will be issues that will be dwelt with if he could dig it deeper maybe it would affect it to the positive, not sure; do know that the area is wet and that the soils are very poor; have lived in the area 40 years and have hiked back onto the area several times and it is a nice spot; the big concern is what it does to the road and the surrounding properties; looking at the berm plan which basically attempts to shed the water toward the Bowman Drain; if don’t do proposed pond number 1 but the future pond number 2, he had an overflow area of 100 feet wide on the Southwest corner of pond number 1 which would alleviate access water that might be flowing in from the East; would hope, in fact, the Board considers the center pond that there is some consideration for how all of these ponds are going to be put together and where the water is going to go because the Bowman Drain is only going to take so much;

lastly where the future ponds, item A under *Intent Definition*, will eventually have an adverse affect with the construction, noise, etc; the township is a nice quiet place which is why we have been here for 40 years and we hope there is some consideration given; lastly, we keep hearing the subdivision plans – we certainly hope and we are not against subdivisions but are against apartments, low income housing; if there is going to be developments, have it conducive to what the Flushing Township Master Plan is all about.”

2. **Mark Matthews, 7477 W. Coldwater Road, Flushing MI** – “which pond is number 1, number 2, and number 3; which pond will be going in now?” Mr. Matthews property, on Johnson Road, is referred to as the “low property”; a pond was dug in the ‘90’s and the dirt was used to build a house on top; the water comes down on him; what type of fencing would be around the pond; there are a lot of kids on Johnson and Coldwater Road; he was laid up during a time during the summer and counted trucks for 2 days – over a 2 hour period, there were 30 trucks going out or coming in every every 2 ½ minutes for 2 weeks; he don’t want Coldwater Road to end up like Johnson Road when the County was working on Johnson Road; Coldwater Road was repaved in 2007 and one of the best roads in the County; the trucks are gravel trains.”
3. **Ben Wickerham, 5425 Johnson Road, Flushing MI** – “lives to the immediate East of the property and a water shed technician by profession; opposes anything that would further alter the hydrological regime of the Bowman Drain District; what special use permit had been obtained previously for the removing of the top soil that has been removed in 2014; the removal of the dirt is not a future issue but has taken place in the past tense; if there wasn’t a permit what course of litigation can take place because the community can never get the top soil back.”

#### **COMMENTS/QUESTIONS FROM THE PLANNING COMMISSIONERS:**

1. **GAGE:** would the one permit cover all the dirt that Mr. Adkins had previously removed and also the future dirt removal? **ANSWER:** there was a soil erosion permit to remove the dirt that had been stock piled from 10/12 years ago when the water and sewer line went in for the Flushing Middle School.
2. **DOYLE:** the natural place for a pond would be in the lower area which would mean that it would mostly have to be located in the floodplain; for future use, the ideal place to put the lots would be where Mr. Adkins would be putting the ponds; according to the Ordinance, the ponds cannot be in a floodplain and the floodplain is on the West side; one of the ponds is being avoided on the East side; one rule is contradicting the other rule which doesn’t make any difference – in order to change, the ordinance would have to be changed; has the three (3) ponds been tested as to what type of water is in the ponds? **ANSWER:** a construction testing engineer will be coming out on Wednesday to do some soil borings; Mr. Adkins did some borings with his own excavator. **DOYLE:** where are the water and sewer lines located? **ANSWER:** the lines are in the middle of the West section of the property in the higher section and extends across the floodplains; the Drain is located in the floodplain. **DOYLE:** the Bowman Drain is in a floodplain area and drains out of the North side of Flushing; the Genesee County Road Commission put the culvert in and had to consider the 100 year floodplain in

order to decide if it was big enough to handle any extra floods; the Bowman Drain is six (6) to eight (8) feet lower than the floodplains which makes it a sub-floodplain.

3. **NEWMAN:** expressed concerns about the issue: reminded him (Newman) of the out building project a couple of months ago where someone wanted to build an out building on a vacant lot, claimed it was for that particular lot, but it was really a place to store an RV for a lot where they already had a house; the request is characterized as a mining operation disguised as one (1), possibly two (2), possibly three (3) ponds; haven't changed opinion tonight from the informal meeting a few months ago – he still doesn't know how many ponds Mr. Adkins is building or which one; if this was truly a pond, as defined in the Ordinance, you would know which one, two, or three ponds that would be built; it would not depend upon soil tests on Wednesday; the project has changed based on what the soil is going to be harvested or mined for and used somewhere else; that does not fit within the definition of "Pond" in our Ordinance; it is not *to be used to provide water for livestock, fish, and wildlife, recreation, fire control, crop and orchard spraying and irrigation and other related uses for the personal use of the property owner and/or tenants*; just like the out building with the RV, if it walks like a duck, and quacks like a duck, it is a duck; this is a mining operation that takes soil out of this Township; **NEWMAN** doesn't care where it goes this is not to construct a pond for any of the above mentioned purposes; he will be voting "no" on the matter and would encourage the other Commissioners to do the same.
4. **FLOWERS:** there is a stream of water that flows down Johnson Road that comes into the number 2 (middle) pond. ANSWER: No, that is not correct. One concern was that the ponds have to maintain water running into the pond and would catch the surface water before it got to the Drain. **FLOWERS:** number 1 pond is out, maybe number 2 or number 3 pond; until we know for sure, he can't vote for the request; this is more of a mining issue; no one to watch the ponds. ANSWER: The Commissioners could vote for one pond and Mr. Adkins could revise the plan.

**FLOWERS MOVED**, seconded by Hinds, to deny the request due to the way it was presented and because of the issues until the Planning Commission knows definitely which pond is going to be built, why it is going to be done, and more information is needed on the issue.

There have been people that lived on Johnson Road that owned property to the East of the future third pond to the South, have stated there were water problems and there was water underneath the ground to feed the ponds because the whole section is wet.

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

AYES: Hinds, Flowers, Gensheimer, Gage, Mills, and Newman

NAYS: Doyle

MOTION CARRIED.

2. **Suzanne Hahn, 7313 River Road, Flushing MI 48433**  
Formal Hearing for the Purpose of obtaining a Special Use Permit for a kennel at 7313 River Road, Flushing MI 48433, Parcel No. 08-36-578-003, Pursuant to *Article XVIII, Special Use Permits, Kennels, Section 20-1804(W)*.

Ms. Suzanne Hahn (Ms Hahn) was present to request a Special Use Permit for a kennel. Ms. Hahn would like to keep her six (6) Pomeranian dogs in her home. The dogs are let outdoors about three (3) times a day to go to the bathroom and then brought back into the house. Ms. Hahn felt she should be able to keep her little dogs; the oldest is ten (10) years old and the youngest is two (2) years of age. Ms. Hahn just wants to keep her dogs because they have become her companions since the death of her husband. All the dogs have their shots, licenses, etc. Someone had mentioned there had been another situation similar to hers and it was resolved.

#### **QUESTIONS/COMMENTS FROM THE PLANNING COMMISSION:**

1. **DOYLE:** everything that Ms. Hahn would like to do is against the ordinance. Per the ordinance, to have a kennel, one must have at least two (2) acres; for six (6) dogs Mr. Hahn must have 2 2/3 acres of land. Ms. Hahn doesn't need a kennel if she only has three (3) dogs. Currently, Ms. Hahn has what is considered a kennel inside her home. In order to build dog runs, which Ms. Hahn don't want, there has to be certain footage away from the property lines. The dogs are enclosed inside a building and Ms. Hahn does let the dogs out about three (3) times a day. The biggest problem with a kennel is the noise.
2. **FLOWERS:** on a half acre lot, Ms. Hahn is over the limit and there isn't any compliance to any of the ordinances; understands the dogs are her personal animals.
3. **DOYLE:** Ms. Hahn is asking for a kennel in her house – not an outside building.

#### **OPEN TO THE AUDIENCE FOR COMMENTS:**

1. **Attorney Pat O'Callaghan – representing Mr. Paul Penzel, 7296 River Road, Flushing MI** – “he has dogs and is not against dogs, but his concern is the loud barking; the ordinance is quite clear for the Board to have the jurisdiction to issue a Special Use Permit you must have two (2) acres; Ms. Hahn would need the 2 2/3 acres for the six (6) dogs; she does not have that amount of acreage; he objects to the request for the Kennel. The big issue is the size of the lot.
2. **Neighbor Across the Street** – “would like to see Ms. Hahn have her six (6) dogs but at his house, he can't see the neighbors in the summer time; the neighbors' dogs start barking and then the dogs bark at each other. His concern is the barking. A kennel is a full service facility. Find out a way to have the six (6) dogs but don't have a kennel.

#### **CLOSED FOR PUBLIC COMMENTS**

#### **COMMENTS FROM THE PLANNING COMMISSION:**

1. **DOYLE:** There is one way that the kennel might work – Ms. Hahn would have to seek a Variance from the Zoning Board of Appeals (ZBA) in order to allow under different circumstances. The ZBA would have to assume that Ms. Hahn

has a kennel in her home and that she would not disturb the neighbors with the barking of the dogs.

2. **HINDS:** he understands that Ms. Hahn had three (3) dogs and then a relative moved in with her with three (3) more dogs. Options: 1) get rid of some of the dogs, which Ms. Hahn would not want to do OR 2) sell her house.
3. **DOYLE:** if Ms. Hahn went to the ZBA, it would be up to the members to determine if Ms. Hahn's case was a hardship case.

**CORRESPONDENCE:**

1. **Thomas and Sue McNally** – “strongly objected to the proposed kennel.”
2. **Andrew and Christine Weinrauch, 3281 Wood Valley Drive, Flushing MI** – “we are against a special use permit for a kennel at 7313 River Road.”
3. **Roy and Genevieve Kress, 3306 Wood Valley Drive, Flushing MI** – “My wife and I are totally against Ms. Hahn having a special use permit for a kennel.”

**CONCLUSION:**

It was recommended that Ms. Hahn apply to the Zoning Board of Appeals for a Variance.

**V. UNFINISHED BUSINESS**

1. **Continued Discussion and Review of Sign Ordinance**  
Attorney Steve Moulton will be at the next Planning Commission meeting to review the sign ordinances.

**VI. OPEN FOR PUBLIC COMMENTS**

Two (2) individuals gave comments

**CLOSED FOR PUBLIC COMMENTS**

**VII. BOARD COMMENTS:**

No Comments

**VIII. MEETING SCHEDULE: NEXT REGULARLY SCHEDULED MEETING WILL BE MONDAY, FEBRUARY 9, 2015 AT 7:00 P.M.**

**IX. ADJOURNMENT:** With no further business, the meeting adjourned at 9:17 p.m.

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JEROME DOYLE, Chair

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JULIA A. MORFORD,  
Recording Secretary

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RONALD FLOWERS, Secretary

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Date of Approval