

# CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800

FAX: 810-659-4212

## SPECIAL PLANNING COMMISSION AGENDA

DATE: August 25, 2022

TIME: 7:00 P.M.

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

### MEMBERS OF PLANNING COMMISSION

Chair – Vicki Bachakes

Ronald Voigt

Vice Chair – Christopher Czyzio

Craig Davis

Secretary – William Mills

Amy Bolin

Terry A. Peck – Board of Trustees Representative

Mandy Hemingway, Recording Secretary

#### I. CALL THE MEETING TO ORDER:

ROLL CALL

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

#### II. APPROVAL OF AGENDA:

#### III. APPROVAL OF PREVIOUS MINUTES:

August 8, 2022 Meeting

#### IV. PUBLIC COMMENTS FOR AGENDA ITEMS ONLY:

Each speaker limited to three minutes

#### V. UNFINISHED BUSINESS:

1. Motion to approve request for a Special Use Permit for a pond on Nichols Road, Parcel #08-05-200-027 pursuant to *Special Use Permits Article XVIII, Section 20-1804 (BB) Ponds*.

#### VI. NEW BUSINESS:

None

#### VII. PUBLIC COMMENTS:

Each speaker limited to three minutes

#### VIII. COMMISSION COMMENTS:

IX. NEXT REGULAR SCHEDULED MEETING: *MONDAY, SEPTEMBER 12, 2022*  
AT 7:00P.M.

X. ADJOURNMENT

  
DENNIS JUDSON, Zoning Administrator

Charter Township of Flushing, August 25, 2022 plan agenda

**DRAFT**  
**CHARTER TOWNSHIP OF FLUSHING**  
**6524 N. SEYMOUR ROAD**  
**FLUSHING, MICHIGAN 48433**

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

***MINUTES OF THE PLANNING COMMISSION MEETING***

**DATE: AUGUST 8, 2022**                      **TIME: 7:00 P.M.**

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

**MEMBERS OF PLANNING COMMISSION**

Chair – Vicki Bachakes	Ronald Voigt
Vice Chair -Christopher Czyzio	Craig Davis
Secretary - William Mills	Amy Bolin
Terry A. Peck, Board of Trustees Representative	
Mandy Hemingway, Recording Secretary	

**PRESENT:** Vicki Bachakes, Christopher Czyzio, William Mills, Ronald Voigt, Craig Davis, Amy Bolin and Terry Peck

**ABSENT:** None

**OTHERS PRESENT:** Twenty-eight (28) other individuals were present.

**I. MEETING CALLED TO ORDER** at 7:00 P.M. by Planning Commission Chairperson Bachakes with Roll Call and Pledge to the American Flag.

**II. APPROVAL OF AGENDA:**

**COMMISSIONER PECK MOVED**, supported by Commissioner Czyzio to approve the agenda as presented.

**THE MOTION CARRIED UNANIMOUSLY.**

**III. APPROVAL OF PREVIOUS MINUTES:**

**COMMISSIONER PECK MOVED**, supported by Commissioner Bolin to approve the minutes of the July 11, 2022 meeting.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Mills, Bolin, Bachakes, Czyzio, Davis, Peck and Voigt

**NAYS:** None

**ABSENT:** None

**THE MOTION CARRIED UNANIMOUSLY.**

**IV. PUBLIC COMMENTS**

**OPEN FOR PUBLIC COMMENTS 7:02 P.M.**

Four comments were made. At 7:02 after the first public comment, Commissioner Mills excused himself from the meeting due to a conflict of interest.

**CLOSED FOR PUBLIC COMMENTS 7:07 P.M.**

**V. UNFINISHED BUSINESS**

1. Discussion and possible motion regarding Zoning Ordinance Article 18, Special Use Permits Article: Section 20-1804 Requirements for Permitted Special Land Uses (OO) Commercial Solar Energy Collector System (b)(2) The total area of ground-mounted solar energy collections shall be included in calculations to determine lot coverage and shall not exceed a maximum lot coverage of 25 percent regardless of the residing zoning district.

At this time, Chairperson Bachakes deferred to Jason Ball of Rowe Engineering to discuss the suggested revisions as attached. The commissioners went page by page and discussed several changes. Referenced changes are highlighted and attached to these minutes.

After a lengthy discussion the following motion was made.

**COMMISSIONER PECK MOVED**, supported by Commissioner Voigt to move this item to Unfinished Business on the September 12, 2022 agenda.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Davis, Bachakes, Czyzio, Peck, Voigt and Bolin

**NAYS:** None

**ABSENT:** Mills

**THE MOTION CARRIED.**

Jason Ball from Rowe Engineering directed by the Planning Commission will construct an updated draft ordinance with the suggested revisions for the next regular scheduled Planning Commission meeting on September 12, 2022.

**VI. NEW BUSINESS**

None

**VI. PUBLIC COMMENTS**

**OPEN FOR COMMENTS:** 8:45 P.M.

No comments were made.

**CLOSED FOR COMMENTS:** 8:46 P.M.

At this time, Clerk Meinburg approached the Planning Commission to request a special meeting for an applicant. The special meeting will be held on Thursday, August 25, 2022 at 7:00 P.M.

**VII. COMMISSION COMMENTS**

Commissioner Bolin thanked Jason Ball from Rowe Engineering.

Commissioner Peck thanked the members of the Planning Commission for their research, hard work and input.

**VIII. NEXT REGULAR SCHEDULED MEETING IS MONDAY,  
SEPTEMBER 12, 2022 AT 7:00 P.M.**

**THERE WILL BE A SPECIAL MEETING ON THURSDAY,  
AUGUST 25, 2022 AT 7:00 P.M.**

**IX. ADJOURNMENT**

With no further business, the meeting adjourned at 8:55 P.M.

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VICKI BACHAKES, Chairperson

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WILLIAM MILLS, Secretary

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Date of Approval

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Mandy Hemingway, Recording Secretary

DRAFT

## SPECIAL USE PERMIT REQUEST FORM

Special Use Permit Request Case No. \_\_\_\_\_  
 Permit Fee: \$650 receipt# 39972  
 Date Paid: 7/6/22  
 Date Notice was Published: 8/11/22  
 Date of Public Hearing: 8/25/22  
 Affidavit Attached: \_\_\_\_\_

### FLUSHING TOWNSHIP PLANNING COMMISSION SPECIAL USE PERMIT REQUEST

Required Information from owner or person having interest in requesting Planning Commission (PC) review and opinion.

1. Name of applicant/owner requesting PC review and opinion.

A. Applicant

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_

B. Owner of property if different than above

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_

2. Location of Property:

Street number and name: No Physical address but Rd name is Nichols Rd  
 Property tax Identification number: 08-05-200-027  
 Legal description of property involved: See attached Site Plan.

List deed restrictions and easements: \_\_\_\_\_

Present zoning of property: \_\_\_\_\_

3. With all requests, a site plan must be submitted (see attached site plan form)

4. Answer the following questions of the affidavit:

a. What is the purpose of the request for a Special Use Permit?

\_\_\_\_\_  
\_\_\_\_\_  
To dig a new pond approx 80' x 120' with a center depth of approx 12' - 15'  
deep.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ACKNOWLEDGEMENT AND CERTIFICATION:** It is hereby acknowledged that the applicant(s) has fully read and completed the above application. It is also understood that in case of cancellation or failure of the owner or his representative to appear at the hearing, I understand that all fees will be forfeited.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner  
(If different than applicant)

**PLANNING COMMISSION:**

The Planning Commission (PC) having reviewed the submitted data do hereby:

APPROVE     DISAPPROVE the application for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If approved, are there conditions? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Chairperson

## POND SITE PLAN REVIEW CHECKLIST ORDINANCE REQUIREMENTS AND COMMENTS

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Name and Address of Designer: \_\_\_\_\_

Location of Property: 08-05-200 - 027

Proposed Use: Swimming and recreational use

**NOTE: "Site Plan shall be drawn to scale"**

LOCATION SITE PLAN MAP	✓
EXISTING ZONING	
TOTAL LOT SIZE OF PROPERTY	✓
SIZE & LOCATION OF ALL BUILDINGS ON PROPERTY	✓
LOT WIDTH	✓
POND SETBACK PER ORDINANCE (See #9, 10, and 11 General Provisions and Conditions and #1, 2, and 3 of Design Requirements & Limitations)	✓
LANDSCAPING, BERMS, BUFFERS, AND FENCES	✓
EXTENT OF USE OF POND	✓
ACCESS DRIVES	✓
LOCATION OF SEPTIC AND/OR WELL AND PUBLIC FACILITIES	
SURFACE GRADING, GENERAL	
SOIL CONDITIONS: TOPSOIL, CLAY LINING, ETC.	
TOPOGRAPHY MAP, WOODLANDS, ETC. (See #8 General Provisions and Conditions)	✓
IS THIS ACCOMPANYING AN EARTH REMOVAL PERMIT?	
OTHER PERMITS REQUIRED	
EVIDENCE OF WATER SOURCE ON SITE (See #3, Application and Review Procedures)	✓
POND GRADE SLOPES (See #4 Design Requirements)	
TYPE OF GRASSES USED FOR PREVENTION OF EROSION AND FOR GENERAL MOWINGS	
ANY POND OCCUPYING MORE THAN ONE PARCEL (See #1, Limitations)	

**ALL FOLLOWING REQUESTED INFORMATION MUST BE ON THE SUBMITTED SITE PLAN**

**POND** - 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. Special Use Permits Article XVIII

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.

**a. Intent:**

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.

**Special Use Permits Article XVIII**

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**

Private ponds shall be permitted as an accessory use provided they meet the following 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 25 feet Special Use Permits Article XVII

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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 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 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 ratio 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 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.

**e. Limitations**

1. No pond shall be located upon, cross, or extend beyond an existing property line and a permit shall not be issued for construction of a pond on more than one property, unless, in addition to the other requirements of this section:

Special Use Permits Article XVIII

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(a) The owners of each property on which any part of the pond is to be located, submit a joint application for a special use permit, signed by each property owner.

(b) Each property owner executes a reciprocal easement, in recordable form, satisfactory to the planning commission which describes the benefits and burdens to each property, including adequate provisions to assure maintenance of the pond.

(c) The easement shall be recorded as a pre-condition to issuance of the permit.

2. Construction of a pond shall be completed within twelve (12) months of the issuance of the construction permit. Extension may be granted by the Planning Commission for a reasonable cause shown.

3. The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the Township or by other public agencies having jurisdiction.

**f. Fees Required**

1. Fees for the review of applications for the purpose of obtaining a construction permit for a pond shall be \$50. The fee may be changed at a later date by resolution of the Township Board.

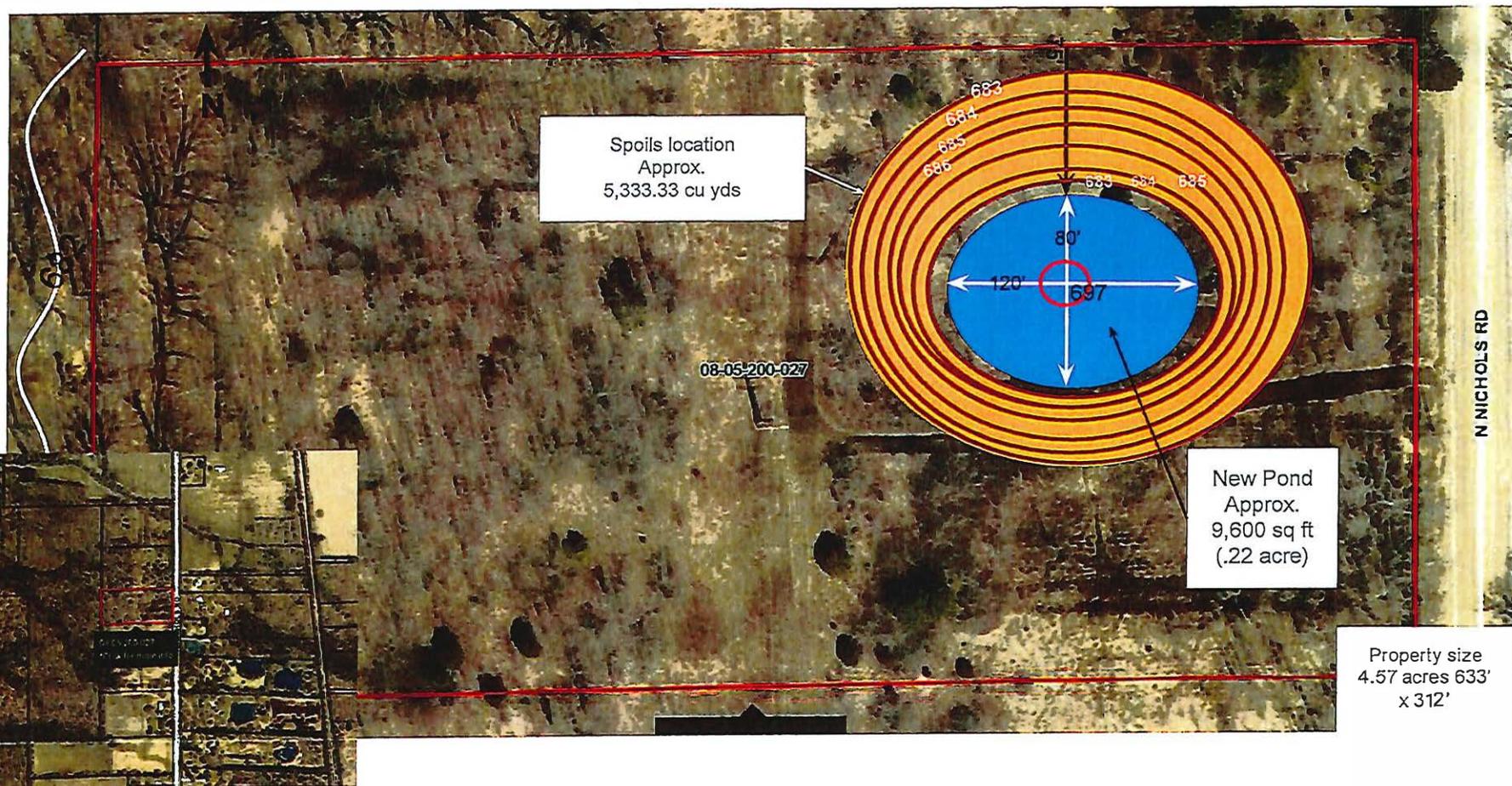
2. There shall be a minimum \$7,500 Performance Bond presented at the time permit is issued. Total amount of bond to be determined by the Planning Commission. The \$7,500 Earth Removal Performance Bond may be combined with the Performance Bond for a pond.

3. Bonding or insurance shall be in accordance with our Earth Removal Permit.

08-05-200-027

7/6/2022

Parcel C: Part of the Northeast fractional 1/4 of Section 5, Township 8 North, Range 5 East, Flushing Township, Genesee County, Michigan, more particularly described as follows: Beginning at a point on the East line of Section 5 which is North 1020.72 feet from the East 1/4 corner of Section 5; thence South 89 degrees 42 minutes 13 seconds West 657.52 feet to the East line of the West 1/2 of the Southeast 1/4 of the Northeast fractional 1/4 of Section 5, as occupied; thence along said occupied line North 00 degrees 02 minutes 20 seconds West 312.08 feet; thence North 89 degrees 45 minutes 59 seconds East 657.73 feet to the East line of Section 5; thence South along said East line 311.36 feet to the point of beginning.





# BASEMAP

