CHARTER TOWNSHIP OF FLUSHING

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PLANNING COMMISSION MEETING MINUTES

DATE: OCTOBER 1, 2012 TIME: 7:00 P.M.

WEB ADDRESS http://www.flushingtownship.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

PRESENT: Mark J. Newman, Jerome Doyle, John Cuddeback**,** Ronald Flowers, Robert Gensheimer, and Mark Purkey
ABSENT: None
OTHERS PRESENT: Six (6) other individuals

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

II. ADOPTION OF AGENDA: PURKEY MOVED, seconded by Cuddeback to amend the Agenda by switching Number V, "New Business" and Number IV, "Unfinished Business" so New Business could be taken care of first. MOTION CARRIED**.**

III. APPROVAL OF MINUTES OF AUGUST 13, 2012: DOYLE MOVED, seconded by Purkey to approve the Minutes of August 13, 2012 as amended. MOTION CARRIED

NOTE: The meeting for September had been cancelled.

IV. NEW BUSINESS:

1. **John Nerychel, 8073 N. Nichols Road, Flushing MI 48433**
   Special Use Permit to Dig a Pond at 8073 N. Nichols Road, Flushing MI Parcel No.08-05-400-022, per *Special Use Permits Article XVIII, Section 20-1804(BB) Ponds*

The Commissioners received all the pertinent documents such as Notice to the surrounding neighbors, specific special use forms, maps, surveys, etc. regarding the proposed pond.

PETITIONERS' COMMENTS:

- From the time of the original request for the pond until now, Mr. John Nerychel (Mr. Nerychel) stated that nothing has changed on the Special Use Request; everything will be constructed as described on the request.

PLANNING COMMISSION COMMENTS AND QUESTIONS:

- **PURKEY**: after reviewing the drawing, it looks like there is 32' from the Southeast corner of the proposed pond to the fence. The proposed pond is 100' from the power line.
- **DOYLE**: there is 84' of clear area before getting to the driveway that goes into the house/garage; how did Mr. Nerychel decide the particular area was a good location for the pond?
  ANSWER: Mr. Nerychel built his house in 1995 and every year when there was a down pour the water would drain to the particular location. Since the area was already fenced in for safety, Mr. Nerychel felt that was a perfect spot.
  DOYLE: if allow for a pond, felt there should be some rational that water would be there either with springs or in an area where water will travel through the area and can be captured. The property to the Northwest is actually higher than where the pond will be located. The area for the proposed pond is actually some type of water way where water will be captured and then go into the pond. The distances from everything such as power line, neighbors, etc are fine. Mr. Nerychel has eight (8) acres so there is plenty of land for the pond.
- **NEWMAN:** one of the requirements in the ordinance for ponds is the size of the property; the property being fenced is even better.
- **DOYLE:** what is the pond going to be used for?
  ANSWER: the pond will be used for wild life and recreational.
  DOYLE: are there any problems with the septic system? Is the septic system in a high area?
  ANSWER: there is a swale between the proposed pond and the septic system and when the pond gets so full, there is an overflow system; there is 135' between the septic and the pond.
  DOYLE: what is the base?
  ANSWER: the base is clay and will hold water better.
  DOYLE: what is going to happen with the dirt that is removed for the pond?
  ANSWER: the dirt will be staying on the property; the fill area around the pond will have to be reseeded; the perimeter of the proposed pond is currently a hay field; the pond will be dug and the dirt will remain next to the pond so that it will be a natural setting.
  DOYLE: what is the depth and slopes of the pond?
  ANSWER: the shallow area will have an 8 to 1 slope; the deeper perimeter will be a 4 to 1 slope; the depth of the proposed pond will be fifteen (15) to eighteen (18) feet deep; the low shallow area is to the Southwest area of the pond.
- **FLOWERS**: the area has a natural water flow that flows from the back corner of the ten (10) acres; there is a definite wash out on the south east corner of the area; saw the power line and knew it was far enough away; glad the area is fenced in (there use to be alpacas

in the fenced in area); the creek flows toward Seymour Road where the Genesee Sportsman Club is located.

- **CUDDEBACK**: went out to the property but didn't go back on the property but noticed there was a hill on the other side of the creek; wanted to know if Mr. Nerychel's house was as high as the highest point of the property; is the overflow going to the creek (on the property); **CUDDEBACK** has no problems with the request.
  ANSWER: the overflow will end up in the creek which flows Northeast.
- **DOYLE**: in the past the Planning Commission has talked about plot plans as to whether it is feasible to allow a pond permit to be; instances similar to Mr. Nerychel's is the reason the Planning Commission would like the plans designed by someone that knows the area in order to determine the drainage and all the other things that are necessary to find out if the Planning Commission wants to accept the request which has led to the discussion regarding not having an engineered design drawing on issues in order to make a rational decision.
- **NEWMAN**: the Planning Commission has been discussing whether to change some of the ordinances such as whether to require an engineered drawing for plot plans. The Planning Commission has looked at the cost, but there are other ways to keep the cost down.
- **GENSHEIMER**: is the excess run-off water going to stay on Mr. Nerychel's property and flow to the creek or is it going to flow to someone else's property?
  ANSWER: the water will follow the natural water flow like it always has; about fifty (50) feet will be on Mr. Mike Fisher's (Mr. Fisher) property which isn't a problem with Mr. Fisher.
- **NEWMAN:** The natural water flow will not be altered. Mr. Fisher did receive a Notice regarding the Planning Commission Meeting for tonight; there wasn't any response from Mr. Fisher.
- **DOYLE:** does any part of the creek come onto Mr. Nerychel's property?
  ANSWER: No, it is water run-off to the creek.

7:27 P.M. – OPENED TO THE AUDIENCE:

None

7:28 P.M. – CLOSED TO THE AUDIENCE:

CORRESPONDENCE:

None

PURKEY MOVED, seconded by Flowers to approve the application to dig a pond at 8073 N. Nichols Road, Flushing MI.

ACTION OF THE MOTION:
ROLL CALL VOTE:

AYES: Doyle, Cuddeback, Flowers, Gensheimer, Purkey, and Newman
NAYS: 0
MOTION CARRIED.

2. Terrie Hubbs, 8077 N. McKinley Road, Flushing MI 48433
Special Use Permit for an Accessory Structure in the Front Yard at 8077 N. McKinley Road, Flushing MI, Parcel No. 08-03-400-010 per *Special Use Permits Article XVIII, Section 20-1804(a)*

The Commissioners received all the pertinent documents such as signed letter from Zoning Administrator Terry Peck to the people under State Law have actually received the Notice as well as the persons that subscribe to receive the Notice, the application for the Special Use Permit submitted by Terrie Hubbs, scale drawing of the property, copy of ordinance, etc.

PETITIONERS' COMMENTS:

- Ms Hubb's brought photographs for the Planning Commission to review since the back of Ms. Hubb's house faces the house to the North – the front of the house faces South; McKinley Road is on the East side of Ms. Hubb's house. Ms. Hubbs bought the house in 2006 and is still in the process of landscaping and dressing up her property. Ms. Hubbs is willing to do whatever the Planning Commission recommends for the accessory structure such as putting windows, a door in the structure, or shrubbs to make it look presentable in a very nice manner for people traveling on McKinley Road.

PLANNING COMMISSION COMMENTS:

- **NEWMAN**: as it stands now, if standing in McKinley Road looking at the garage would there be a flat wall there with no windows or doors?
  ANSWER: No, the design is still open waiting for a decision from the Planning Commission; currently has flower boxes on the house but can't see them - wants everything to blend.
- **PURKEY:** stated the neighbors are to the back of the house – what is considered the back of the house because McKinley Road runs North and South. Where would the neighbors be located. Was there any physical reason the accessory structure could not be in a different location?
  ANSWER: the North is the back side of Ms. Hubb's house. Ms. Hubb's property backs up to the Flint River. Ms. Hubb's house is half way underground. There would be major digging to put a structure in another location which would tear up the whole front yard due to the way the front yard is bermed.
  PURKEY: having trouble getting the location of the neighbors and how it will affect them. Who would the structure be the most visible to?
  ANSWER: there is one neighbor to the South and one neighbor to the North. The church is on the South and blocked by trees and cannot see Ms. Hubb's property. The road would be the most visible to the structure; the neighbors couldn't see the new structure. The proposed structure would overlap about ten (10) feet into the existing house; the tall trees would block the view of the accessory structure.

- **DOYLE:** according to the plot plan, 170 feet away from the front property line back to the accessory structure so far enough back for the minimum front line to the house could be at twenty-five (25) foot. The front of the house is toward the road, which the Planning Commission has to view it that way per the ordinance. There are some trees that are actually in front of the existing garage. Is the septic system located in the hill in front of the property? The distance set backs are fine according to the ordinances. If a person wants to put an accessory structure in the front yard, according to the ordinance, it has to be either screened from view to the roadway and adjacent lots or designed to be compatible with surrounding structures in height, style, and landscaping; the information is not available.
  ANSWER: Yes, there is a raised septic system in the hill in front of the house.
  Specifications of the Accessory Structure:
  1. Concrete foundation with 42" footings (similar to the house)
  2. 2 x 4 frame structure with trusses
  3. Pitch on proposed accessory structure will be 8/12; pitch on house is 6/12
  4. Asphalt or fiberglass roof similar to the existing house
  5. Overhangs (eves/soffits) of the proposed accessory structure will be the same as the existing house
  6. Garage door in the South end of the accessory structure
  7. Recommended to put windows in the structure to make it look like the existing house; recommended following *Section 20-1804(A)(3) Accessory Structures* which states:
     "The accessory structure shall either be screened from view of the roadway and adjacent lots or be designed to be compatible with surrounding residential structures in size, height, style of siding and landscaping."
  8. The height of the walls will be eight (8) foot
  9. Currently looking for a contractor
  10. There will be a loft with stairs
- **FLOWERS:** the septic system will not interfere with the proposed accessory structure; will there be a breezeway attached to the back of the house.
  ANSWER: No, there will not be a breezeway
- **CUDDEBACK:** has to assume the neighbors have been there a long time. Don't see any problems with the proposed accessory structure.
- **GENSHEIMER:** will the accessory structure be a garage?
  ANSWER: the accessory structure will be used for the tractor and yard equipment, etc.
- **DOYLE:** reminded everyone that the ordinance states there has to be ten (10) foot between accessory structures; recent case where the eves were closer than ten (10) foot; suggested to Ms. Hubbs that the eves of the two (2) buildings be ten (10) foot apart in case a vehicle has to get between the buildings (safety issue).

7:50 P.M. – OPEN TO THE AUDIENCE:

None

7:51 P.M. – CLOSED TO THE AUIDIENCE:

CORRESPONDENCE:
None

DOYLE MOVED, seconded by Purkey to approve the application by Terrie Hubbs for an accessory structure in the front yard (8077 N. McKinley Road, Flushing MI).

ACTION OF THE MOTION:
ROLL CALL VOTE:
AYES: Cuddeback, Flowers, Gensheimer, Purkey, Newman, and Doyle
NAYS: 0
MOTION CARRIED.

3. **Flushing Presbyterian Church, 5010 N. McKinley Road, Flushing MI 48433**
Special Use Permit for an Electronic Sign in the Front of the Church (corner of McKinley Road and Carpenter Road)

The Commissioners received all the pertinent documents such as signed letter from Zoning Administrator Terry Peck to the people under State Law have actually received the Notice as well as the persons that subscribe to receive the Notice, the application for the Special Use Permit submitted by Flushing Presbyterian Church, scale drawing by *Signs by Crannie*, of the property with front view where the sign will be , copy of ordinance, copy of the Zoning Permit with an estimated value of the electronic sign to be $30,000, and other pertinent facts, etc.

PETITIONERS' COMMENTS:

- There have been no changes; the Church wants to replace the sign that has been in place a number of years with a new electronic sign with new footings that will be placed in the same location (corner of McKinley Road and Carpenter Road). With the proposed electronic sign, it will be much easier to change the wording on the sign. The Church will follow the ordinance and will be used for times and dates of events/services.

PLANNING COMMISSION COMMENTS:

- **NEWMAN:** Carpenter Road is a high traffic intersection that extends west of McKinley Road; there are a lot of teen age drivers that travel the area; the drive from the trailer park is in the same vicinity; the changing of the words on the sign does draw a lot of attention.
- **PURKEY:** very familiar with the corner; will be a great improvement with the nicer looking sign; the corner always looks nice; always follow the rules on the changing of the messages, it will be a nice addition.
- **DOYLE:** as long as follows the ordinance, he has not objections.
- **FLOWERS:** don't want the messages to be faster than ten (10) seconds per the ordinance; has no objections.
- **NEWMAN:** thinks it will be a nice addition to the corner; will be similar to other electronic signs in the area.

8:00 P.M. – OPEN TO THE AUDIENCE:

None

8:01 P.M. – CLOSED TO THE AUDIENCE

CORRESPONDENCE:

None

DOYLE MOVED, seconded by Cuddeback to approve the Special Use Permit for an electronic sign at Flushing Presbyterian Church, 5010 N. McKinley Road, Flushing MI, corner of McKinley Road and Carpenter Road.

ACTION OF THE MOTION:
ROLL CALL VOTE:
AYES: Flowers, Cuddeback, Gensheimer, Purkey, Newman, and Doyle
NAYS: 0
MOTION CARRIED.

V. UNFINISHED BUSINESS:

1. Continued Update of Master Plan
   Postponed

VI . PUBLIC COMMENTS:

8:03P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS
None
8:04 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VII. BOARD COMMENTS:

1. **PURKEY:** still need to look for a new member for the Planning Commission, recommended to wait until after the Election; Mr. Richard Buell has contacted several people regarding the position; the Board is very happy that the Planning Commission has taken over and working on the Master Plan; the Township Attorney has expressed that political signs have to have very little regulations; the ordinance will be reviewed in the future.
2. **FLOWERS:** recommended getting a copy of the Sign Ordinance from the City of Clio.
3. **CUDDEBACK:** appreciates Mr. Doyle and his ability to bring up issues that he (Mr. Cuddeback) is not familiar with such as the eve (distance between buildings) issue.
4. **DOYLE:** made reference to an issue where the eves (soffits) of two (2) buildings extended into the ten (10) foot distance between two (2) accessory structures. THE TEN (10) FOOT RULE IS FROM ONE EVE/SOFFIT OF ONE (1) BUILDING TO THE EVE/SOFFIT OF ANOTHER BUILDING; NOT FROM FOUNDATION OF ONE BUILDING TO THE FOUNDATION OF ANOTHER BUILDING. THE ISSUE WAS PUT INTO EFFECT SO THAT EMERGENCY VEHICLES COULD GET BETWEEN THE BUILDINGS.

5. **NEWMAN:** the contractor from the pond (Mr. Nerychel) expressed concerns similar to what the Planning Commission has expressed in the past regarding the expense of having an engineered drawing but at the same time trying to protect everyone whether the catch on the eve overhang or some other issue; everyone's input is very important because everyone has different skills and experiences.

VIII. MEETING SCHEDULE: NEXT REGULAR SCHEDULED MEETING WILL BE HELD ON MONDAY, NOVEMBER 12, 2012 AT 7:00 P.M.

FUTURE REGULAR SCHEDULED MEETING DATES:

REGULAR SCHEDULED MEETING – MONDAY, DECEMBER 10, 2012 AT 7:00 P.M.

IX. ADJOURNMENT: Due to lack of business matters, **NEWMAN** adjourned the meeting at 8:11p.m.

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MARK J. NEWMAN, Chair JULIA A. MORFORD, Recording Secretary

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, Secretary Date of Approval