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810-659-0800 FAX: 810-659-4212  
**PLANNING COMMISSION MEETING**  
DATE: JUNE 11, 2007 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, Buell, Flowers, Gibbs, Pratt, Fitch, and Morford

**ABSENT:** None

**OTHERS PRESENT:** Karen Westin, Charles Weber, Darrin Lum, and David Lum

**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: FLOWERS MOVED**, seconded by Buell to adopt the  
Agenda as presented. **MOTION CARRIED.**

**III. APPROVAL OF MINUTES OF MAY 14, 2007: PRATT MOVED**, seconded by  
Gibbs to approve the Minutes of May 14, 2007 as amended. **NEWMAN** abstained from voting  
because he was absent for the May 14<sup>th</sup> meeting. **MOTION CARRIED.**

**IV. UNFINISHED BUSINESS:**  
None

**V. NEW BUSINESS:**

- Darrin Lum, Hyde Park (PUD) Subdivision**  
Amendment to Special Use Request to Change one Four-Plex Building into two  
Duplexes on Kings Way

**NEWMAN** stated that Building Inspector, **JERRY FITCH**, had sent out Notices to surrounding  
residents of the proposed subdivision explaining the proposed amendment to Hyde Park and that  
a hearing would be held on Monday, June 11, 2007 as provided by ordinance or State Statute.

**REASON FOR REQUEST FOR AMENDMENT BY APPLICANT:**

**DARRIN LUM (LUM)**, stated there were three (3) reasons why he would like to change the one four-plex structure into two duplexes as per his request to the Planning Commission.

1) - Per Exhibit A, the orange highlighted area on the “Residential Drawing”, technically the back corner of the four-plex (quad) unit would be in the detention pond. If the four-plex unit was placed on the proposed property, **LUM** would be unable to twist the unit to keep it (the unit) out of the pond. By doing a mirror image where the back left lot of Lot 92 was the further most portion back toward the pond, Lot 92 (Building 29, Unit 92 on the *Residential Map* drawing) could be twisted clockwise to follow the contour of the street to keep the unit out of the pond.

2) – with two (2) duplexes, construction would be able to start sooner and financially if one unit was sold, another building could be started; if the unit was a four-plex, **LUM** would have to wait to sell two (2) or three (3) pre-solds in order to get his money back.

3) – interior units are apparently harder to sell.

**QUESTIONS/COMMENTS IN GENERAL:**

- **LUM** stated the orange on Exhibit A, indicated an existing unit. With a four-plex the unit would have to be kept straight and it might be close to the pond.
- **NEWMAN** stated the number of units would be the same but the units would be divided and would be turned. **LUM** stated the major concern with the set backs was to make sure there was more than twenty (20) feet between the structures. After the field measurement, it was determined there was plenty of distance to make the arrangement work and to allow the unit to be twisted which would keep the unit away from the detention pond.
- **NEWMAN** wanted to know if there were other quads? **LUM** stated there was only one quad on Kings Way located to the southeast of the property at the end of the road. The rest of the units were tri plexes. The proposed duplexes that **LUM** would like to construct, would have the same front elevation as the tri plexes. **LUM** stated the right unit of the quad would be removed for the drawing of the duplex.
- **PRATT** wanted to know why a four-unit structure was put on Kings Way in the first place. **DOYLE** stated originally there was a combination of tris and quads throughout the whole Hyde Park Subdivision.
- **NEWMAN** stated the Planning Commission needed to see if the unit would fit in with the surrounding development. **LUM** stated the quad (located on Kings Way) had a totally different front elevation than all the units on the West side of Kings Way.
- **NEIGHBOR - Charles Weber, 7181 Kings Way, Flushing** – “currently, there are three (3) duplexes in the neighborhood that were changed from the existing site; two (2) were tri-plexes and one was a quad.”

**COMMENTS FROM THE PLANNING COMMISSION:**

- **DOYLE:** was **LUM** at the current meeting requesting to obtain approval before the plot plan was put together? **LUM** stated the drawing was done by Delta Surveying who laid out the plan. **DOYLE:** in order for the building inspector to issue a building permit, he (building inspector) had to have the plot plan in order to know that the set backs were correct. **LUM** stated he has been doing the same type of work since 1989 and that Hyde Park was a unique subdivision; there weren't any monuments in the subdivision. **DOYLE:** originally there were monuments. **LUM:** when he (Lum) was ready to build, he would call Delta Engineering.
- **DOYLE:** what type of pond was located behind the proposed lot. **LUM** stated it was a detention pond which held water temporarily.
- **DOYLE:** wanted to make sure the architectural design of the unit followed along with the original **PUD** that had been granted; wanted to make sure that everything in the whole subdivision was kept the same.
- **DOYLE:** the square footage necessary had to be at least the amount of the original square footage. **LUM:** the proposed square footage for the duplex would be 1,208 square feet which was the original square footage.
- **NEWMAN:** the proposed unit would be similar to a tri-plex located in Hyde Park but with the right hand side removed.
- **PRATT:** would all the features would match the rest of Hyde Park? **LUM** answered in the affirmative.
- **FLOWERS:** very frustrated there wasn't some type of survey control in Hyde Park.
- **NEWMAN:** were there lots in Hyde Park? **SWANSON:** There were building envelopes in the subdivision. **LUM:** the proposed property was a very difficult corner to set up in order to face the road.
- **FLOWERS:** the drawing did show a storm sewer that was connected at the back of the proposed property and went down through the area.
- **GIBBS:** there has to be monuments someplace in the subdivision.
- **DOYLE:** with the envelope, there would still be a lot line to deal with at certain distances from each side.
- **DOYLE:** would the units be for rent or for sale? **LUM:** the units would be for sale.
- **PRATT:** did the original dedicated plat call for two (2), three (3), and four (4) units throughout the subdivision? **FLOWERS:** there was supposed to be a mixture of plexes.
- **FITCH:** the site plan was for three (3) and four (4) level units. **PRATT:** when did the two unit duplexes become available? **FITCH:** the two (2) units were allowed in Devonshire Commons (Mary Jane Hudson), which is another part of Hyde Park. **PRATT:** did Devonshire Commons come before the Planning Commission for approval? **FITCH:** Devonshire Commons did come before the Planning Commission. Mr. Howard Scheuner, developer of the particular phase, had come before the Planning Commission and requested that some of his units be changed to duplex units. **FITCH** stated the area of Cambridge Dr where it joins Kings Way then extending out to Stratford Ln, had been changed to three (3) and four (4) units. Later, some of the three

(3) and four (4) units were replaced with duplexes. **PRATT:** did the minutes read that Mr. Scheuner was given permission to place duplexes wherever he wanted or just on certain sites? **FITCH:** Mr. Scheuner was given permission, per the drawings, on certain window envelopes. **FITCH** stated that ninety (90%) percent of the foundations on certain lots have been staked by an engineer. All the requests have come through the Planning Commission. Originally the front yard set back was twenty-five (25) feet with a minimum of twenty (20) feet between buildings. (Unit 33 on Kings Way is the proposed unit up for approval of a request to amend one four plex to two duplexes.)

- **SWANSON:** the confusion has come about because there are no lot lines, only window envelopes. Two things have happened in the past: 1) the buildings on the drawing represented an architectural approval of a building design of a certain size for a two, three, and four unit structure. The location of the buildings on the envelope were established by the size of the buildings, which had been approved by the Planning Commission and the architectural design, which represented the offsets, the distance from the road, and the distance between each building. Over the course of the Hyde Park PUD, a lot of things have happened which included five (5) or six (6) amendments, with larger sizes, etc. Architects are now coming in to actually plot from the original starting points where the building places are located.

**SWANSON** doesn't have any problem with the amendment of putting in two (2) duplexes as they would fit in and look good in the subdivision. **SWANSON** stated he does have a concern that he doesn't want every other builder to come in and say that Mr. Lum was given permission to put in duplexes, so all the other builders would like to put in duplexes also. There has to be a reason for a change. **SWANSON:** felt the main reason for Mr. Lum's request was the pond, and the distance away from the pond, for construction of the duplexes.

- **LUM:** would the total number of buildings change if going from four (4) units to two (2) units? **DOYLE:** the plans called for a "certain amount of units". **NEWMAN:** if there was one overall large structure, which would be four (4) dwellings, and the dwelling was split into two (2) separate structures, there would still be four (4) living units. **LUM:** if in the future, as with development and changes of three (3) and four (4) units down to two (2) units, would the footprints be kept the same throughout the development so there would be the same number of buildings?
- **DOYLE:** the developer had come before the Planning Commission and requested a change in part of the subdivision; the Planning Commission allowed the developer to go single family condominiums in a section of the subdivision, which the Planning Commission felt at that time was a better use of the property. The number of residents was decreased from the total package. At a later time, there was a change in the multiple commercial dwelling for the aged to duplexes. Only specific units were allowed to be changed to the duplexes.

1. **Karen Westin, 7225 Kings Way, Flushing** – "if the approval was given to build on the proposed property, the whole street would be completed and built up to Cambridge Dr. Westin stated it was a positive thing for the community."

2. **Charles Weber, 7181 Kings Way, Flushing** – “as a representative of the Hyde Park Association, they have no objection to the request; believe it would be the best use of the particular piece of property; Good Luck to Lums. The residents are in the process of taking control of the Association in the neighborhood of July 1, 2007.”

**LUM** wanted to know if he (Lum) sold the two (2) units and wanted to purchase more, would they have to come before the Planning Commission again? **SWANSON** stated he did not want the whole development to turn into duplexes.

1. **NEWMAN:** a lot of time, effort, and money goes into approving and reviewing a Planned Unit Development (PUD). The original Commission had to look at the whole project rather than have developers come back before the Planning Commission for a “piece meal change”. There are no set policies, but there is a process that at the end of the day, there has to be an ownership interest of some type to file an application to get an amendment. It doesn’t mean the issue would be approved, but it doesn’t mean it would be rejected either, it would be reviewed by the Planning Commission.
2. **SWANSON:** felt marketing and salesmanship was necessary to move the four (4) unit buildings. **SWANSON** doesn’t want the issue of not being able to sell the center units to be the reason for coming before the Planning Commission; **LUM** has a valid reason because of the pond. **SWANSON** doesn’t see any problem with changing the four plex to the two duplexes.

**Charles Weber, 7181 Kings Way, Flushing** – “part of the agreement with the current association and developers is that as soon as the proposed property is completed, there won’t be any more construction on Kings Way.”

**SWANSON:** wanted to know when the pile of dirt on the proposed property would be moved?

**LUM:** stated he has talked with the City of Flint; Donaldson Concrete, Central Concrete, Rahala Homes, and about forty (40%) percent of the dirt has been removed already. The removal of the dirt is worth \$7,000. Individuals have also been taking some of the dirt. **LUM:** could he use some of the dirt around the detention pond? **SWANSON** recommended that **LUM** work out something to get the pond finished first. It was recommended that **LUM** check with the Genesee County Drain Commission as to details of the detention pond; currently the detention pond has been dry. **FITCH** stated the water in the pond dissipated after rain; there has been very little standing water in the pond. **SWANSON** felt the only water going into the detention pond was off the streets or road drain. **FITCH** stated there was a stand pipe in the pond that went down to the road and eventually to the ponds by River Road.

**DOYLE:** The issue could be a condition that the ponds have to be straightened out and planted with seed to stop the erosion. **SWANSON:** not sure who is responsible for the pond but don’t want to necessarily put a condition for **LUM** on something that he had no control over, but something has to be done. **DOYLE:** it would be a way to get rid of some of the dirt on the proposed property.

**PRATT:** in the future, maybe performance bonds could be required for ponds so the matter could be completed properly.

**LETTER OF CORRESPONDENCE:**

1. **Richard and Phyllis Campbell, 7151 Kings Way, Flushing** – “feels that Mr. Lum’s petition should be granted; would rather see two-two unit condos than the four unit slated for the particular site.”

**SWANSON MOVED**, seconded by Flowers to approve Mr. Lum’s request to change a four plex unit to two duplex units as per his (Mr. Lum’s) print supplied by Delta Engineering showing the off sets in consistent with the elevation and design submitted tonight.

**Amendment:**

**SWANSON MOVED**, seconded by Doyle to approve Mr. Lum’s request to change one four plex unit to two-two plex units per his (Mr.Lum) request as per his (Mr. Lum) print supplied by Delta Engineering, per the following: 1) elevation design as submitted, 2) removal of the dirt on the proposed property, 3) approval of the original plat and setbacks of the PUD, and 4) in accordance with all other aspects of the ordinances and the building inspector’s office.

ROLL CALL VOTE:

AYES: Doyle, Swanson, Buell, Flowers, Gibbs, Pratt, and Newman

NAYS: 0 MOTION CARRIED.

**FINDINGS OF FACT:**

- **NEWMAN:** Planned Unit Development (PUD) is a permitted use under the Special Use Permits. The development was approved at an earlier meeting by a prior form of the Planning Commission.
- There was a sufficient review of the procedures and policies of the ordinances that the application by Mr. Lum, the applicant, was appropriate and complete and finds that it conforms with the ordinances for a Special Use Permit. It does advance the Health, Safety, and Welfare of the Flushing Township community.

**VI. PUBLIC COMMENTS:**

**8:02 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS**

None

**8:03 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS**

**VII. BOARD COMMENTS:**

1. **FLOWERS** reminded everyone about the Summer Zoning Seminar at Frankenmuth on Tuesday, July 31, 2007 from 5:00 until 9:00 p.m.

2. **PRATT** recommended addressing the following items at a future meeting: 1) Grading Ordinance; 2) Fines for Violation of Ordinances; 3) Site Plans for Additions; 4) Definitions of Townhouses, Duplexes, in Ordinance Books; and 5) Conflict of Interest
3. **NEWMAN** stated there would be a Special Planning Commission Meeting on Monday, June 25, 2007 with the following items on the Agenda:
  - a. Grading/Drainage Issue
  - b. Conflict of Interest

**VIII. MEETING SCHEDULE:**

**PROPOSED SPECIAL MEETING – MONDAY, JUNE 25, 2007 AT 7:00 P.M.**

**REGULAR SCHEDULED MEETING – THERE WILL NOT BE A REGULAR SCHEDULED MEETING IN AUGUST, 2007**

**REGULAR SCHEDULED MEETING – MONDAY, AUGUST 13, 2007 AT 7:00 P.M.**

**IX. ADJOURNMENT:** There being no further business items on the Agenda, **CHAIR NEWMAN** adjourned the meeting at 8:10 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

Planningminutes 061107