

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

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PLANNING COMMISSION

DATE: AUGUST 11, 2004 TIME: 7:00 P.M.

WEB ADDRESS <http://www.gfn.org/flushing/index.html>

MEMBERS OF PLANNING COMMISSION

Jerome Doyle, Chair

Aaron Bowron

Robert Gensheimer, Vice Chair

Richard Buell

Eric Swanson, Secretary

David Gibbs

Ronald Flowers, Board of Trustee Representative

Jerald W. Fitch, Building Inspector

Julia A. Morford, Recording Secretary

PRESENT: Doyle, Gensheimer, Swanson, Bowron, Buell, Flowers, Gibbs, Fitch, and Morford

ABSENT: None

OTHERS PRESENT: Clare and Janice McFall, Eugene W. Mann, James Csiki, and Ron Herrick - Representatives of the Flushing Jehovah's Witness, Jeff Martin Ted Breidenstein, Cynthia Wittman, Jon and Tonya Badder, Marjorie Spaleny, Linda Diag, Lee St. John, Fred Meredith, Mary Mossman, Deana and Peter Schad, Brian Smith, Bob and Martha Morin, Scott Pelch, Lisa Hawk, Michael Watson, Scott Neumann, Charles Jerke, and Carl Clark

I. MEETING CALLED TO ORDER at 7:00 p.m. by Planning Commission Chair Jerry Doyle.

II. ADOPTION OF AGENDA: BOWRON MOVED, seconded by Flowers to approve the Agenda for August 11, 2004 as presented. **MOTION CARRIED.**

III. APPROVAL OF MINUTES OF JUNE 14, 2004: SWANSON MOVED, seconded by Flowers to approve the minutes of June 14, 2004 with one correction. **MOTION CARRIED.**

IV. UNFINISHED BUSINESS:
None

V. NEW BUSINESS:

**1. Scott Pelch, 7202 Gillette Road, Flushing, Michigan
Special Use Permit to Build an Accessory Structure in the Front Yard
(Parcel No. 08-10-400-015)**

SCOTT PELCH (PELCH) was in attendance to request a Special Use Permit to build an accessory structure in his front yard at 7202 Gillette Road, Flushing, Michigan, on property located next to the Flint River and also known as Aspen Meadows Subdivision. **PELCH** currently has a home under construction located very close to the river. To construct an accessory structure behind his home would be impossible.

SPECIFICATIONS OF CONCERN:

- the water line in the Aspen Meadows Subdivision has not been completed
- **PELCH** property is one of the further most east properties next to the river
 - a. the property is 170 feet wide by 700/800 feet long depending upon the angle of the river
 - b. very difficult to see the location of the property from Gillette Road
- the developer (Scott Hope) has property to the North of the Pelch property
- **PELCH'S** property was not one of the subdivided twelve (12) lots – the property was one of the original partials
- an accessory structure could not be set in front of another house
 - a. if another house was constructed on the river, **PELCH'S** accessory structure could be located in front of the other individual.
 - b. The developer would be constructing his home further back from **PELCH'S** home

CONSTRUCTION OF HOME AND ACCESSORY STRUCTURE:

- basement of home has already been built in the ground
- the outside of the home would have rock and cedar with the sides and back of the home to be barn siding
- the accessory structure would have rock and cedar on the front elevation, the sides and back would be barn siding
- the house and accessory structure would have a hip roof structure all around
 - a. one (1) gable on the front of the accessory structure
 - b. two (2) gables on the front roof of the home
- the accessory structure would be 30 foot x 40 foot
- the house would be 70 foot wide
- the home would be a ranch with 2,500 square feet
- there are subdivision guidelines to be followed
 - a. guidelines are the same for the front of the home as for the back of the home
 - 1. accessory structure has to be at least 1,000 square feet
 - 2. exterior of the accessory structure has to be the same structure as the home
- there would be no electricity on the accessory structure at this time
- **PELCH** would like to store his camper in the accessory structure – campers have to be inside a building per the subdivision guidelines

- the construction of the accessory structure would be similar to a garage and have a continuous concrete floor
- there would be one (1) 16' garage door on the side
- there would be windows on the front of the accessory structure that would match the windows on the front of the home
- the home would be located sixty (60) feet from the house
- minimum distance would be from the barn to the property line
- Reference was made to Special Use Permits Article XVIII, Section 20-1804 which states:

(A) Accessory Structures

Accessory Structures in front yards in RSA and RU-1 subject to the following conditions:

1. The lot the accessory structure shall be located on is at least 400 feet deep or adjacent to a river or lake.
 2. The accessory structure shall conform to all minimum front and side yard setbacks required for principal structures in the district it is located in.
 3. 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.
- there would be 11 foot walls and would match the 10-12 roof pitch on the house
 - a. the house would have eleven (11) foot ceilings
 - the front yard setback would be in compliance
 - the side yard setback for accessory structures would be a minimum of ten (10) feet
 - a. **DOYLE** recommended having the setbacks further due to the situation with the property owner to the North which **PELCH'S** proposed accessory structure would be in his front yard
 - b. a pocket of trees would be located between **PELCH'S** property and the neighbor to the North
 - c. mature trees would be located on the property side next to the Flint River approaching the accessory structure

BUELL wanted to know if the neighbor to the North was on the list of individuals notified of the current meeting. Scott Hope, the developer and also the neighbor to the North was listed on the Certification of Notice which was sent out by the Clerk.

MARY MOSSMAN (MOSSMAN), who was in attendance, and has property directly across the Flint River on the other side from **PELCH** wanted to know the exact measurement of the property and house. **PELCH'S** property would be 170 foot wide with a frontage on the river of almost 200 feet due to the angle of the property. The property would be 700/800 feet deep. **DOYLE** interpreted the meaning to be: if you took the property both straight north and south, from the North property line to the South property line it would be 170 feet, but if followed along the river it would be almost 200 feet. **DOYLE** stated as far as the size of his (Pelch) lot was concerned, the depth of his (Pelch) lot and the fact that he was located on the river, goes with the wording of the Ordinance.

BOWRON MOVED, seconded by Buell to approve Mr. Pelch's petition for a Special Use Permit to build an accessory structure in the front yard at his home at 7202 Gillette Road, Flushing, Michigan, Parcel No. 08-10-400-015, in accordance with Article XVIII, Section 20-1804 (A) and the Site Plan submitted at present and the conditions which were set forth. MOTION CARRIED. Nays - Gensheimer

2. **Eugene Mann, 6666 River Road, Flushing, Michigan**
Special Use Permit to Build a Jehovah's Witnesses Church on RSA Zoned Property at 8505 Coldwater Road, Flushing, Michigan (Parcel No. 08-23-100-027)

EUGENE MANN (MANN), on behalf of the Flushing Congregation of Jehovah's Witnesses, was present to request a Special Use Permit to build a Jehovah's Witnesses Church on RSA zoned property at 8505 Coldwater Road, Flushing Michigan, Parcel No. 08-23-100-027.

DOYLE REVIEWED THE SITE PLAN REVIEW CHECKLIST ORDINANCE REQUIREMENTS AND COMMENTS:

- proposed location at the South East corner of McKinley Road and Coldwater Road
- proposed property is 330 feet along McKinley Road and 267 feet along Coldwater Road
- Review of the Site Plan Review Checklist
 - a. **DOYLE** stated there had to be an engineered drawing to show the size of the property as compared to being able to handle the below listed recommended items:
 1. deceleration lane
 2. acceleration lane
 3. area where the drive extends out to Coldwater Road – moving the drive away from the corner of Coldwater Road/McKinley Road
 4. amount of parking and pavement
 5. amount of drainage and location for drainage
 6. area for detention pond would be necessary
 7. an engineered septic system – an area for the septic system as well as another area if need be
- **SWANSON** – “corner of Mt. Morris Road and McKinley Road a church was recently sold – was there a relation to the present Flushing Congregation of Jehovah's Witnesses? If so, why was the church sold.”

ANSWER: For the number of members in attendance the church was too big and due to the number of senior citizens it would cost too much to make the building barrier free. It was much cheaper to build a new building.

- Seventy-five parishioners in the church
- Services are held three (3) times a week: Sunday morning for two (2) hours, Monday or Tuesday night for two (2) hours, and Thursday night for one (1) hour
- **DOYLE** – “schools and churches could be constructed in a residential suburban agricultural (RSA) zoning district”
- **BOWRON** – “some of the discretionary permissible uses for the land currently zoned are: agricultural research and testing, agricultural tourism facility, general or specialized farming, kennels, and nurseries”

- **BUELL** – “did the Jehovah’s Witnesses have an option to purchase the property? Per a Jehovah’s Witness representative – “with the approval of the Planning Commission”
- **BUELL** – would a traffic count of the area be in order – the Planning Commission could request a study

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

1. **Mrs. Marjorie Spaleny, 8464 Coldwater Road, Flushing** – “congested corner at present; property not large enough to support a church.”
2. **Cindy Whitman, 8477 Coldwater Road, Flushing** – “she has small children so would the detention pond be fenced; concerned about the drainage of the septic system; what about planting pine trees on the gas pipeline, no trees could be planted in the area between the property line and the street; worried about the amount of traffic.”
3. **Ron Herring, 7344 100th Street, Flushing** – “all the traffic (42 cars) would not come from Flushing so traffic would not be blocked; there were no parking violations at the former Church on Mt. Morris Road/McKinley Road; single drive way at the former Church.”
4. **Bob Morin, 9037 Coldwater Road, Flushing** – “move the driveway to the East to prevent problems; water could drain to South to the river.”
5. **Brian Smith, 8490 Coldwater Road, Flushing** – “property not large enough to construct the church; the church congregation could not increase; he has no problem with the church being constructed.”
6. **Martha Morin, 9037 Coldwater Road, Flushing** – “what about the noise such as church bells, etc; a lot of traffic coming around the corner.”
7. **Charles Jerke, 8489 Coldwater Road, Flushing** – “lives East of the proposed property; what about his privacy – buffers from the traffic; what about the septic system.”
8. **Fred Meredith, 9086 Coldwater Road, Flushing** – “did the Planning Commission consider the opinion of the immediate neighbors such as changing the zoning district from residential to commercial for the church; residents want to keep the area residential.”
9. **Mary Mossman, McKinley Road, Flushing** – “the Planning Commission does not have the authority to do something that is against the law, so if the area is zoned RSA and they meet the requirements of the Zoning Ordinances, if refusal is given to the Jehovah’s Witnesses, they could sue. (Doyle: the Planning Commission has the discretion to place conditions to make it a rational thing to do); the former Hall was beautifully maintained area and very quiet.”

10. **Janice McFall, 5529 N. McKinley Road, Flushing** – “since McKinley Road has been built up - what recourse would the neighbors have if basements should flood; individual could not see over the hill when a left hand turn is made from Coldwater Road onto McKinley Road; how much weight do the neighbors have.”
11. **Jon Badder, 8496 W. Coldwater Road, Flushing** – “his driveway would be straight across from the proposed church driveway.”
12. **Scott Neumann, 5489 N. McKinley Road, Flushing** – “concerned about the setbacks since the church would be on two (2) major roads; would there be less than two (2) acres of usable land; septic problem with a neighbor and would like to know if anything has been done.”
13. **Jeff Martin, 208 N. Berry, Bay City** – “he is part of the Building Committee; would the recommendations/conditions be in writing.”
14. **Letter of Correspondence** from Linda Coleman, 6021 N. McKinley Road, Flushing – “against the petition for the Jehovah’s Witnesses Church at 8505 Coldwater Road.”
15. **Letter of Correspondence** from Trent Farnsworth, 6007 N. McKinley Road, Flushing – “total and unwavering disapproval of any changes in the zoning status of Parcel No. 08-23-100-027; countless accidents and close calls.”
16. **Letter of Correspondence** from Brian and Tonya Smith, 8490 W. Coldwater Road, Flushing – “opposition of the plan to build the Jehovah’s Witnesses Church; traffic concerns on an already busy section; not enough space to construct any type of commercial establishment.”

10:00 P.M. CLOSED FOR PUBLIC COMMENTS

PLANNING COMMISSION RECOMMENDED CONDITIONS:

1. an engineered design of the Plot Plan showing the topography as well as the actual size of the property
2. number of paved parking spaces
3. direction of the drainage off the parking lot and whether there needed to be a detention pond
4. what type of septic system and how much property would it take (Doug Franks from the Genesee County Health Department is currently working on the situation)
5. roadways:
 - a. two (2) drives or one (1) large enough to handle the traffic problem
 - b. deceleration lane from the corner of Coldwater Road beyond property line

SWANSON MOVED, seconded by Gibbs for the Planning Commission to postpone the matter for another thirty (30) days until there could be an engineered design showing the conditions could be met; a final decision would be made at that time:

1. 75 paved parking spaces
2. there should be an engineer's decision on whether there should be detention ponds for the parking lot and place a storm sewer in the middle of the parking lot to drain
3. one – 30 foot drive on Coldwater Road to be located at the East corner of the East property line at least 5 feet off the property line
4. acceleration/deceleration lane from the corner of Coldwater Road beyond proposed property line
5. intensity of the lights so they fully light the whole parking lot
6. the surface of the building as far as the grading, the structure should be the highest so water could be drained away from the structure
7. landscaping buffers: installation of 6' to 8' trees (there was a discussion regarding a solid wood fence. Doyle stated a solid wood fence out beyond the front of everyone else's property would have to be a short fence). There would have to be a buffer and it would have to be landscaped with trees. Gensheimer and Bowron are opposed to the fence - would like to see an actual traditional buffer with trees – aesthetically better looking. If a fence was placed as a buffer, it would be in addition to trees etc. and would be six (6) inches to one (1) foot inside the proposed church property (the East property line and South property line). Landscaping around the building and the roadsides would be low bushes and small trees. Consideration of the 25 foot triangle at the driveways for vision clearance would also have to be considered.
8. septic system engineered by Genesee County Health Department (extra septic space would also have to be available in case of failure of the original system)
9. engineered design of the plot plan with all the information including a topography of the property

MOTION CARRIED.

FUTURE MEETINGS:

1. Steve Heath – Work Session Meeting of Tuesday, August 24, 2004 - the Opinion of Attorney Steve Moulton on C-2 Property regarding storage units
2. Eugene Mann – Regular Meeting Monday, September 13, 2004 - Special Use Permit to construct a Jehovah's Witnesses Church – 8505 Coldwater Road

VI. MEETING SCHEDULE:

PROBABLE WORK SESSION – TUESDAY, AUGUST 24, 2004 – 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, SEPTEMBER 13, 2004 – 7:00 P.M.

PROBABLE WORK SESSION – TUESDAY, SEPTEMBER 28, 2004 – 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, OCTOBER 12, 2004 – 7:00 P.M.

PROBABLE WORK SESSION – TUESDAY, OCTOBER 26, 2004 – 7:00 P.M.

VII. ADJOURNMENT: There being no further Work Session business, **DOYLE** adjourned the Planning Commission Meeting at 10:45 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval

Planningminutes 081104