

CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
FLUSHING, MICHIGAN 48433
810-659-0800 FAX: 810-659-4212
PLANNING COMMISSION MEETING
DATE: MARCH 12, 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, Gibbs, Pratt, Fitch, and Morford

ABSENT: Swanson, Buell, and Flowers

OTHERS PRESENT: Daniel Wascha and Ken Marsh

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.

Due to a quorum of the Planning Commission being present, the absences of Swanson, Buell,
and Flowers were excused.

II. ADOPTION OF AGENDA: PRATT MOVED, seconded by Doyle to adopt the
Agenda as presented. **MOTION CARRIED.**

III. APPROVAL OF MINUTES:

Due to the Planning Commission not having reviewed the Planning Commission Minutes
of February 12, 2007, the Minutes will be approved at the next regular Planning
Commission Meeting.

IV. UNFINISHED BUSINESS:

- Daniel Wascha, 9112 Mt. Morris Road, Flushing, Michigan 48433**
Amend a Site Plan, to Add onto an Existing Building at 9112 Mt. Morris Road,
Flushing (Parcel Number 08-03-400-029), also known as Flushing Lawn and
Tractor.

DANIEL WASCHA (WASCHA) AND KEN MARSH (MARSH), owners of Flushing Lawn and Tractor, 9112 Mt. Morris Road, Flushing, Michigan, were in attendance. **WASCHA AND MARSH** had also attended the Regular Planning Commission Meeting of February 12, 2007, at which time there had been some questions concerning an up-to-date site plan drawing; the Planning Commission requested **WASCHA OR MARSH** get an up-to-date site plan drawing.

As per the request of the Planning Commission, a new site plan drawing was done by Dave Rowe of Inland Seas Engineering. On the drawing, Mt. Morris Road had accidentally been listed as McKinley Road.

DISCUSSION/CHANGES/ADDITIONS BY WASCHA AND MARSH SINCE THE FEBRUARY 12, 2007 MEETING:

- **WASCHA** stated nothing had changed since the meeting on February 12, 2007 except for one (1) addition they would like to add:
 1. **WASCHA** would like to put up fencing so the back section of the existing property could be closed in and locked.
 - a. **West** - currently, there is an existing fence which extends from the front southwest corner of the Flushing Lawn and Tractor building; proposed, the fence would be extended to the Western property line where there is an existing six (6) foot fence.
 - b. **East** - currently, there is an existing fence extending from the front southeast corner of the Flushing Lawn and Tractor building; proposed, the fence would extend North to an existing six (6) foot fence on the Northern property line.
 - c. the proposed closed-in area would create a rectangle shape by extending the closed-in area to the left (West property line) and straight back to the Northern property line.
 - d. the fence would not be extended South toward Mt. Morris Road.
 - e. currently there are no lights in the area.
 - f. a gate would be placed at both sections of the proposed fencing.

COMMENTS FROM JERRY FITCH (FITCH) THE BUILDING INSPECTOR:

- the proposed fencing would be the same as the existing fencing: six (6) foot high, board, privacy fence.

REVIEW OF THE SITE PLAN CHECKLIST BY THE PLANNING COMMISSION:

(The information listed below is additional questions/comments not stated on the Review Checklist which had been turned into the Building Inspector. The below listed letters correspond with the letters of the ordinance per Section 20-1902).

- a. **PRATT: WASCHA** had stated the proposed addition would create inside storage for existing inventory currently stored outside the building. There had to be a better method to secure the inventory.

b. NEWMAN: one building is located on the existing property; the request is to place an addition onto the existing building.

1. the existing building is within a couple of feet of being exactly centered on the property from left to right.
2. the existing building is over one hundred forty (140) feet from Mt. Morris Road.
3. after the proposed addition, there will be another seventy-four (74) feet to the back (North) property line.

c. NEWMAN: the original drawing and the site plan drawing by Inland Seas Engineering (Inland Seas) shows the existing gravel drive.

1. what were the “dotted lines” shown on the drawing by Inland Seas that looked like a drive or turnaround area. **WASCHA:** the “dotted lines” indicated where the drive had been located when the property was owned by Curtis Water Company; the property currently is owned by Montrose State Bank (Montrose Bank). **MARSH:** the prior owner had used the area indicated by the “dotted lines” to get to the existing building; there wasn’t an actual driveway. Since the “dotted line” (drive) already existed, it was drawn on the site plan drawing to give a better view of all of the surrounding area involved.

2. the concrete porch on the front of the existing building will still be used as the principal point for ingress and egress.

3. **DOYLE:** previously it had been indicated there would be a gravel parking lot, but in the next year or two (2) the drive would be blacktopped. **WASCHA:** there would be a concrete approach from the road. **DOYLE:** the driveway, parking lot, and how many other areas (maybe a turnaround) would be paved?

a. **MARSH:** there would be hard surface on the parking lot and drive, but not on the turnaround (loading) area. **WASCHA:** the drive and parking lot would be the first to be paved. At a later time, there would be concrete approaches to the big doors into the building.

b. **DOYLE:** what is currently being requested would be:

1. to have a gravel turnaround for loading and unloading (something similar to 60” x 54”).

2. currently there is a driveway with parking on both sides of the driveway; the future plan would be to put the area into some type of paved drive.

a. it was recommended that when the paving is done, the blacktop be kept five (5) feet away from the property line; the area would be considered open space so as not to park next to the other person’s property.

b. **MARSH:** in the future, there would be five (5) feet from the property line with a grassy knoll between the properties. **WASCHA:** the idea would be to

have a fence or something to keep the Flushing Lawn and Tractor customers' vehicles off the Montrose Bank property.

- c. **DOYLE:** a curb was usually placed between the properties. **NEWMAN:** a curb would be better than a fence to separate the properties because it would be easier for snow removals.

- d. **NEWMAN:** when the two (2) drawings (original and site plan drawing by Inland Seas) had been submitted together, the discussion has concerned future plans for hard surfaces, both asphalt and concrete.

- e. Non Applicable

- f. Additional fencing would be installed.

- g. **WASCHA:** the building would be similar to a lean-to-style construction:
 - 1. 16 foot high roof drop to 10 foot roof (South side – 16' and North side - 10').
 - 2. 24 foot span
 - 3. pole barn steel sides
 - 4. asphalt roof
 - 5. concrete floor
 - 6. garage and access doors
 - 7. everything would match - same colors to be uses as existing colors

- h. same as letter g.

- i. Public water and sewer

- j. signs and lighting: the sign would be a 4' x 8' lighted sign in the front of the existing building; there would not be any changes to the current sign.

- k. orientation of lighting: the lighting would not be affected since there is a vacant lot located to the West of the existing property; a bank is located at a distance to the East; a church is located to the North of the Montrose Bank; each building has its own lights.
 - 1. **WASCHA:** the proposed fence would be installed for security purposes since there isn't lighting in the area. The conclusion would be to have a light at each end of the existing building, and a light at the end of the proposed addition.
 - 2. If additional lights were to be installed in the future, they would be sodium vapor lights, which would shine directly down.

- l. a location map was included on the site plan drawing prepared by David Rowe of Inland Seas Engineering which showed the surrounding areas.

1. West – vacant C-2 property
2. North - RSA property
3. East - C-2 property owned by Montrose Bank
4. South - Mt. Morris Road
5. Vacant property is located to the South across the street from Mt. Morris Road.

m. NEWMAN: elevations have been shown all the way across the property on the site plan drawing by Inland Seas; indications are also shown as to where the grass, gravel area, gravel parking lots, etc. are located.

1. the front area doesn't have any drainage problems
2. water flows behind the existing building and continues to flow to the North; the flow drops constantly until it gets to the neighboring properties to the West.

n. the site plan was drawn and sealed by David Rowe, a licensed professional engineer, of Inland Seas Engineering of Flushing, Michigan

o. WASCHA: the interior of the proposed lean-to structure would all be open.

1. **PRATT:** the first drawing showed two (2), thirty-six (36) inch service doors on the Northeast corner of the proposed structure and one (1) door going into the Main building. Also, there is a ten (10) foot overhead door on the East side of the existing building.
 - a. NEWMAN:** does the thirty-six (36) inch single door still exist in the Northeast corner of the existing building? **WASCHA:** the door still existed, but after the proposed addition, the door would then be placed in the proposed addition. There would be a corresponding door in the proposed addition in the Northeast corner with an Eastern wall with a ten (10) foot overhead door.
2. **DOYLE:** the site plan wasn't necessarily a floor plan; when **WASCHA** applied for a building permit would they (Wascha and Marsh) be required to have a building plan which would have elevations as to the position to pole barn? **FITCH** stated items such as exterior finish, position of poles to pole barn construction, roof, etc. would be required.

p. location of underground and above ground storage tanks: **WASCHA** stated there would be a covered waste oil holding tank located outside the building. **GIBBS:** would anything such as gas or waste oil be on a pedestal? **MARSH:** the shop keeps only about fifteen (15) gallons of gas on hand and the gas is contained in cans. **MARSH:** nothing would be on a pedestal. **GIBBS:** recommended there be a drain in place and it be built up.

q. location of exterior drains: **WASCHA:** since there are no eave troughs, the water has to run off the building. A drain tile was installed in front of the existing building when it was first

built. The water flows off the end of the building into the drive that eventually flows toward the river. The area consists of sand.

- r. contamination of land: **WASCHA:** nothing was or has been contaminated
- s. Non applicable
- t. Non-applicable
- u. Environmental Permits: per the site plan drawing, the property is not in the 100Year Flood Plain.
- v. Topographic lines are located at one (1) inch intervals.
- w. Proposed and Existing Utilities: the existing public services will be used.
- x. Driveway location will stay the same as designated on the site plan drawing.
- y. Current zoning of property is C-2
- z. Statement as to Wetlands: there are no wetlands in the area.
- aa. Easements: there aren't any easements indicated on the plans.
- bb. Underground Utilities: all utilities are and will be underground

COMMENTS FROM THE PLANNING COMMISSION:

- **NEWMAN:** a provision in the ordinance stated Planning Commissioners could make other requirements or demands to applicants' requests, and could deny applications even if the information had been provided and was in compliance with the ordinances. If, in the Planning Commissions' opinion, the request was contrary to the health and welfare of the citizens, the request could be denied or additional requests could be made.
- **DOYLE:** the request complied with the C-2 zoning district
- **GIBBS:** where does the power come from for the existing building. **WASCHA:** a pole was located on the Southwest corner of the property; the utility lines are underground and come to the corner of the existing building.
- **NEWMAN:** the following conditions are also to be complied with:
 - a. allowance for the placement of exterior lighting
 - 1. current lights:
 - a. two (2) lights on the front of the existing building (South side)
 - b. one (1) light on the West side of the existing building at the gable end

- c. one (1) light on the East side of the existing building at the gable end
 - d. two (2) small light fixtures at the entrance to the existing building (South Side).
 - 2. placement of current lights:
 - a. attached to the front of the eve
 - b. approximately ten (10) feet from the edge at the end of the existing building
 - c. the lights are aimed straight down
 - 3. lighting for proposed structure:
 - a. the same type of lighting will be installed in order to keep everything uniform
 - b. two (2) lights will be attached to the eve of the back of the proposed building; there is a sixty (60) foot span on the back of the proposed building.
 - c. the lights will be mercury vapor
- b. safety recommendation for the tanks to be outside of the building and not on a pedestal
 - 1. **MARSH:** the gas is always fresh; only a small amount of gas stays at the office.
 - 2. the waste oil container is a fifty-five (55) gallon drum that sits into another tray which would be considered an overflow.
- c. additional fencing would add to the look of the property (see page 2 for further details)
- **DOYLE:** per the original request, to have a hard surface driveway/parking lot (either asphalt or concrete) within a two (2) year period.
 - a. **WASCHA:** he would not like to be placed in a time frame where a promise was made and it could not be fulfilled due to the economy.
 - b. **PRATT:** should the condition even be part of the application? If the ordinance doesn't specifically call for the issue or even a time period, and it doesn't have anything to do with the health, safety, and welfare of the residents, why should it be included.
 - c. **NEWMAN:** the issue would not be required under the ordinance; the Planning Commission had the ability and authority to require the paving to be done.
NEWMAN: he didn't feel a need to require a paved driveway/parking lot; he (Newman) would approve the driveway/parking lot as it was with gravel.
 - d. **DOYLE:** did **WASCHA** want to withdraw the issue of paving the driveway/parking lot? **DOYLE:** he had no problem keeping the driveway/parking lot gravel forever.
 - e. **WASCHA:** Flushing Lawn and Tractor had a new driveway that was still sinking and until the driveway got hard and under control, it would be useless to pave the area.
 - f. **NEWMAN:** would **WASCHA/MARSH** like for the Planning Commission to review the request and vote on it without any requirement for a time frame. The issue of paving

the driveway/parking lot was eliminated from the request. **WASCHA:** Flushing Lawn and Tractor will pave the driveway/parking as soon as they can.

g. **GIBBS:** the Planning Commission doesn't want to put a burden upon Flushing Lawn and Tractor.

h. **PRATT:** the Commission is pleased to have a business located in Flushing Township that wasn't there before which would be a good tax base and also offer good service to the community.

DOYLE MOVED, seconded by Pratt to approve the Site Plan as submitted on the Site Plan Review Checklist; the drawing originally submitted which correctly indicates the overhead door and the two (2), 36 inch doors; as well as the drawing now submitted for tonight's meeting from licensed professional engineer David Rowe of Inland Seas Engineering; along with our own additions of allowing for exterior lighting up to two (2) mercury vapor lights to be directed toward the ground on the addition; the installation of the fencing running from the fencing on the Southwest corner of the building to the Western property line where there already is existing fencing and that fencing would also be installed from the Northeast corner of the addition running due North to the Northerly property line where fencing also exists; with gates to be installed on both fence sections. The nature of the structure and the materials shall be:

1. the structure will be on the back side according to the site plan
2. it will be sixteen (16) feet on the South side and ten (10) feet on the North side
3. the span would be twenty-four (24) feet
4. the roof slope would be from the existing building back to the North
5. there would be a shed roof
6. there would be a pole barn structure
7. there would be steel wall sheeting
8. the roof would have a wood sheeting as well as asphalt roof
9. the propose building would match the existing building
10. concrete floor
11. there would be a garage and access door added

ROLL CALL VOTE:

AYES: Gibbs, Doyle, Pratt, and Newman

NAYS: 0 MOTION CARRIED.

ABSENT: Buell, Flowers, and Swanson

FINDINGS OF FACT:

Based on the following **Findings of Fact**, which demonstrates conformance with the requirements of the Flushing Township Zoning Ordinances, and the procedures and policies provided in Article XIX there, the request by **DANIEL WASCHA AND KEN MARSH**, for an amended site plan to add on to an existing building regarding the property located at 9112 Mt.

Morris Road, Flushing, Michigan 48433, Parcel Number 08-03-400-029, was approved by the Flushing Township Planning Commission having found:

1. The proposed amended site plan meets the submission requirements of Article XIX, Sections 20-1901 and 20-1902, of the Flushing Township Zoning Ordinances.
2. The proposed use will be consistent with the Master Plan, which shows that the area in question is to be developed as Commercial.
3. The site is zoned C-2 which permits the desired use.
4. Any and all off-site improvements are sufficient for the intended use.
5. The dimension, off-street parking and the other aspects of the use are in compliance with the district, as zoned and developed, which is, for this parcel, Commercial C-2.
6. Transportation facilities serving the parcel and the area are sufficient enough to provide safe and efficient access to the parcel and circulation within it.
7. Public and private utility services are sufficient, or will be sufficient once the proposed modifications thereto, as found in the site plan, are made, to service the site as proposed.
8. Fire safety regulations will be followed and area fire safety response resources are sufficient to handle and/or respond to any needs that may arise from the proposed use.
9. The surrounding properties shall not be negatively affected by the proposed use either due to existing natural features of the landscape or as a result of those that shall be installed pursuant to the site plan, as determined by the Commission after reviewing the site plans compliance with Section 20-1907(g) of the Flushing Township Zoning Ordinances.
10. The site plan is consistent with intent of the Flushing Township Zoning Ordinances.

A motion was made by Jerome Doyle, seconded by Barry Pratt, to approve the site plan based upon the aforementioned Findings of Fact, with additional conditions that were stated on the record. A Roll Call Vote was taken and it was approved

V. NEW BUSINESS:

None

VI. PUBLIC COMMENTS:

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

8:04 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VII. BOARD COMMENTS:

1. **PRATT:** stated he had read in an MTA Magazine *Legislation to Consolidate Planning Laws moves Forward*. Last year, the Legislature combined the three (3) major zoning acts in the state into a single law (PA 110 of 2006). This year, the Legislature is looking to do the same thing for the three (3) planning acts. The Senate Natural Resources and Environmental Affairs Committee took testimony on SB 206, which would create the new Planning Enabling Act. PEA would replace the Township Planning Act as well as the acts used by the cities and counties. In order to consolidate the various laws, numerous changes will occur, most often by simply picking one of the three existing procedures to become the norm for all three groups. The legislation is expected to be reported from committee next week.
2. **GIBBS:** a Joint Planning Commission meeting between the City of Flushing and Flushing Township will be held on Monday, April 16, 2007 at 7:00 p.m.
3. **NEWMAN:** there would not be a Planning Commission Special Meeting on Monday, March 26, 2007.
4. **NEWMAN:** the next Regular Scheduled Planning Commission Meeting would be Monday, April 9, 2007 at 7:00 p.m.
5. **PRATT:** a Joint Board of Trustees and City of Flushing Council Meeting would be held on Wednesday, March 28, 2007 at 7:00 p.m. at the Flushing Township Hall.

VIII. MEETING SCHEDULE:

REGULAR SCHEDULED MEETING – MONDAY, APRIL 9, 2007 AT 7:00 P.M.
PROPOSED SPECIAL MEETING – MONDAY, APRIL 16, 2007 AT 7:00 P.M. JOINTLY WITH THE FLUSHING TOWNSHIP AND THE CITY OF FLUSHING.
REGULAR SCHEDULED MEETING – MONDAY, MAY 14, 2007 AT 7:00 P.M.

IX. ADJOURNMENT: There being no further business, **CHAIR MARK NEWMAN** adjourned the meeting at 8:08 p.m.

MARK J. NEWMAN, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval

Planningminutes 031207