

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: NOVEMBER 9, 2015

TIME: 7:00 P.M.

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

MEMBERS OF PLANNING COMMISSION

Chair: Jerome Doyle

Donn Hinds

Vice Chair: Robert Gensheimer

William Mills

Secretary: Ronald Flowers

Mark Newman

Board of Trustee Representative: Shirley D. Gage

Recording Secretary: Julia A. Morford

PRESENT: Jerome Doyle, Robert Gensheimer, Mark Newman, Ronald Flowers, Donn Hinds, Shirley Gage, and William Mills

ABSENT: None

OTHERS PRESENT: 0 9ther individuals were present.

I. MEETING CALLED TO ORDER at 7:02 p.m. by Planning Commission Chair **JEROME DOYLE** with Roll Call and the Pledge to the American Flag.

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Newman, to accept the Agenda as presented. **MOTION CARRIED.**

III. APPROVAL OF PREVIOUS MINUTES:

1. **APPROVAL OF MINUTES OF OCTOBER 5, 2015: GENSHEIMER MOVED**, seconded by Hinds, to approve the October 5, 2015 Meeting Minutes as presented. **MOTION CARRIED.**

IV. UNFINISHED BUSINESS:

None

V. NEW BUSINESS:

1. **Robert Verschaeve, Project Engineer for Gosling Czubak Engineering Sciences, Inc., 1280 Business Park Drive, Traverse City, Michigan 49686-8607**

Formal Hearing for the purpose of obtaining a Discretionary Special Use Permit to construct a *Department Store and/or Variety Store (a/k/a Dollar General Store)* at 9040 W. Mt. Morris Road, Flushing MI 48433, Parcel No. 08-03-400-007. The Zoning District is C-2 and a Discretionary Special Use Permit (DS) is allowed. (*Site Plan Article XIX, Site Plan, Section 20-1900, Section 20-1901, and Section 20-1902*).

MR. ROBERT VERSCHAEVE ("Mr. Verschaeve"), Project Engineer for Gosling Czubak Engineering Sciences, Inc, and MR. PETER OLESZCZUK ("Mr. Oleszczuk"), Developer for

Midwest Property Development Inc. was present to describe the project that is being proposed for the Discretionary Special Use Permit, which is a Department Store and/or Variety Store.

The current property had a bank constructed on it. The proposed is to tear the bank down and re-construct the site with a *Dollar General Store*. The proposed layout of the building will be similar to the current building but will be a little larger.

The public access of the two (2) drives off Mt. Morris Road will be the same; there is also an access point off McKinley Road with a drive-through around the existing building. The proposed plans are to leave the existing access off McKinley Road as is; the area where the drive through for the bank starts will be the point for the tie-in of the new construction. The second drive on Mt. Morris Road, to the West, will be eliminated.

The proposed parking will be a total of thirty (30) spaces for the store. The delivery trucks would be able to access the “receiving” area from McKinley Road. The delivery trucks would come around park and unload at the “Receiving” area and continue around to the front (on the East Drive) and exit onto Mt. Morris Road.

There is an existing sanitary sewer along Mt. Morris Road which will be utilized for the store. There is an existing water main in front of the store also. There will be a detention area to the West of the proposed store, which will handle the storm water.

From the surveys that have been taken, the soils are good and most of the water will be able to infiltrate into the ground; Mr. Verschaeve will be meeting with the Genesee County Drain Commissioner’s Office to make sure everything is proper.

The proposed store building is nothing extravagant and consists of 9,100 square feet. The lights are on timers except for the building sign and the pilon sign; everything shuts down at night except for a few security lights.

The operating hours are from 8:00 a.m. to 9:00 p.m. or 9:00 a.m. to 9:00 p.m. which ever time fits the area.

Deliveries are once a week; milk and occasional bread trucks throughout the week.

COMMENTS/QUESTIONS FROM THE PLANNING COMMISSION:

1. **GAGE:** you mentioned that the delivery trucks would come off McKinley Road?

ANSWER: that is how the plans are proposed now in order to do a “through access”. A truck would come in and stop at the receiving doors, which are large double doors; most of the deliveries are during the day when the employees are there in order to unload the truck by way of the rolling racks; the truck would then proceed to Mt. Morris Road. **GAGE:** the deliveries for the large Dollar General semi’s are once a week unless the store is doing really great and they make sure the store is stocked appropriately? ANSWER: for the most part, under the distribution for the large Dollar General the semi’s are about once a week. **GAGE:** concerned about the trucks going in and out of the property. ANSWER: the truck traffic is minimal.

2. **HINDS:** by minimal do you mean several times a day for perhaps the Pepsi Truck?

ANSWER: the drivers have a specific day that is once a week, twice a week at the most, that the

trucks will come in; from an operational standpoint, they line up and unload and stock the shelves then space out the trucks.

3. **NEWMAN:** is there sufficient space if a semi shows up for customers that come in off McKinley Road or is the McKinley Road access going to be designated for deliveries only?

ANSWER: The McKinley Road access is going to be for deliveries. It was primarily based so everything would be closer to the road and not have to go back closer to the property to the North. There will be traffic that uses the McKinley Road access but there is enough room to be able to go around the semis in the area. **NEWMAN:** I think it was previously mentioned there wasn't a formal loading dock or pit in the area? **ANSWER:** "No", the driver pulls the truck up to the back, slide the ramp out, roll the racks into the store, and then put the empty racks back into the truck. The whole process takes approximately one (1) hour. The deliveries are all on a route – they may stop at two (2), three (3), or four (4) stores at a time and then head back to the distribution facility. **NEWMAN:** from a layout perspective, why not keep the second access, the one closer to the West, and move the entrance further away from the intersection of McKinley Road and Mt. Morris Road? **ANSWER:** there was a standpoint where they wanted to have the access a little closer to the intersection; also with the drainage and the additional property to the West that may be used in the future, but there are no plans at present. Currently, the layout works for the company as to traffic and being able to facilitate the deliveries.

4. **DOYLE:** the access on Mt. Morris Road is an "in" and "out" access. **ANSWER:** the access mostly served drive-through customers for the bank. Instead of taking the drive out, it would be an added bonus for the customers.

5. **NEWMAN:** he has a business in Flint Township and they run into the problem around the shopping mall with driveways that are very close to intersections such as Corunna Road and Linden Road where there is an accident a couple times a month due to the large amount of driveways. In his opinion, if the access point could be moved further away from the intersection there would be a better flow of traffic. **ANSWER:** they have been in discussion with the County but hear what the Planning Commission is saying, but will wait to also get the feed back from the County. For now, because it is the existing drive and access point, they would leave the drive where it was located. The West drive will be eliminated.

6. **DOYLE:** according to the Plat Plan, there is 208' on the back drive from the corner on McKinley Road.

7. **HINDS:** are the delivery trucks full size? **ANSWER:** the trucks are a full 53' long semi.

8. **GENSHEIMER:** what is the exterior of the building? **ANSWER:** the exterior is a new type of metal building with dark browns on the front and split face block on the front of the building. It is a light stone color primarily for the "branding" of the *Dollar General Store*; the new stores have the newer color, they are "branding" for the *Dollar General Stores*.

GENSHEIMER: what is the difference in the proposed 9,100 square feet and the size of the existing bank that is presently located on the property? **ANSWER:** there is a difference of approximately 1,500 square feet.

9. **HINDS:** what is the time table for construction? **ANSWER:** it will be a Spring project.

10. **NEWMAN:** what is the total construction time? **ANSWER:** total construction is ninety (90) days.

11. **GAGE:** would you start in the Spring? **ANSWER:** "Yes".

12. **HINDS:** would the demolition start at that time also? **ANSWER:** the demolition would start at the same time. **HINDS:** has the existing building been checked for hazardous materials? **ANSWER:** "Yes" – an environmental contractor has been hired; nothing has been detected, but

it will definitely be checked out because the existing building has to be taken down per State standards.

13. **DOYLE:** the detention pond is to the West? ANSWER: “Yes”. **DOYLE:** the drive way and parking lot drains into that detention pond? The overflow goes off onto a storm sewer. ANSWER: the way the storm water would be routed is, the parking area would be collected and transmitted into the detention pond and basin; the building run-off from the roof would be directed to the back; there is a swale where it would have an opportunity to infiltrate plus it would be graded so that it would drain that way. There would be a slow release outlet structure that would have a stand pipe in it that lets the water slowly trickle out into the county ditch and soak into the ground. **DOYLE:** Your saying this goes to a ditch? ANSWER: “Yes”. **DOYLE:** I can see the topography marks and it drains that way and, of course, the detention pond itself goes from what elevation? ANSWER: It goes from 690’ as the bottom elevation and 693’ as the top elevation with three (3) feet of height. **DOYLE:** So it is approximately 3’ deep? ANSWER: Yes, the water level would not get that high. I did some preliminary calculations, and the water level was at 692’/692 ½’. **DOYLE:** So your existing grade is the same, you are just going to dig the swale into the ground? ANSWER: Correct. The trees along the side are existing and so basically the contours are just refining what is there, although there is a slight berm and it would be excavated to hold water. **DOYLE:** the area is pretty much grass? ANSWER: “Yes” - it would be replanted with grass.

14. **NEWMAN:** the back of the building where the water collects on the roof will run off and there is a swale that will direct it toward the detention basin. After looking at the drawings, I can’t tell how much change in elevation between the swale area and the property owner behind. Is there a berm there? ANSWER: “No” – about the 693 elevation is where it will be matched into; they are not proposing to build the area up. At the 692 and 691 elevation, there will be a gradual slope that will allow water to slowly make its way toward the basin and give it every opportunity to infiltrate. **NEWMAN:** with the heavy rain the roof will collect a fair amount of water. ANSWER: The basin is sized to handle the water. **NEWMAN:** is more concerned about the flow. **DOYLE:** if you look at the topography, it slopes from the back of the building down and then up again to the present grade so you would be actually digging some type of swale in back of the building. ANSWER: that is correct. **DOYLE:** everything in the back of the building would drain to the pond and not the outside property. ANSWER: Correct we are not shedding water toward the neighbor. **MR OLESZCZUK** stated the Drain Commissioner has to review and approve it from the standpoint that none of the store’s storm water run off transfers onto the neighboring property. So we do have to make sure that with the swale the slope is very gradual, it is still a very deliberate slope to identify that any roof water run off will have to transfer to that swale and go into the storm water.

15. **DOYLE:** I would imagine there will be at least three (3) or four (4) downspouts for that building. ANSWER: There will be six (6) downspouts, concrete sidewalks, and a concrete parking lot.

16. **FLOWERS:** how is the parking lot set up for parking? ANSWER: There is a total of thirty (30) spaces for parking; there are twelve (12) spaces along the front of the building including a handicap space, twelve (12) spaces next to the road (in front of the store), and six (6) spaces along the side of the building. *Dollar General* has done a lot of research with all their other stores, traffic, and identified that thirty (30) spaces is more than sufficient parking even for peak holidays hours.

17. **FLOWERS:** are you working with the County on the driveway on Mt. Morris Road?
ANSWER: they are currently working with the County regarding the driveway, but have not applied for a permit. **FLOWERS:** the County will probably have questions regarding the egress on that second driveway because one will have to be able to pull out of the drive and mingle with the traffic. By taking the second driveway out, the drive may be too close to the intersection.
ANSWER: they will work out any problems with the County; *Dollar General* will have to get a permit. **DOYLE:** the drive will probably have to be wider at the entrance of the drive; it also might have to be wider at the exit. **ANSWER:** the drive will consist of three (3) lanes – entrance drive, right lane, and a left lane. The lanes will be ten (10) feet wide. The County will dictate whether the drive will be asphalt or concrete. *Dollar General* will work hand in hand with the County.
18. **DOYLE:** will there be a sign out from the building or on the front of the building?
ANSWER: there will be two (2) signs: one sign on the front of the building and one proposed pylon sign by the “little island” out by the road.
19. **NEWMAN:** what is the size of the signs? **ANSWER:** Typically, the sign is a 6’ x 16’ standard pylon sign; however, if *Dollar General* feels it necessary, they do have another account that handles signs. **DOYLE:** since Flushing Township has a “Sign Ordinance,” *Dollar General* will have to go before the Planning Commission for a permit for the sign.
20. **HINDS:** there is a significant amount of impervious material involved
- a. 89,000 square feet for the whole parcel; a little over two (2) acres.
 - b. approximately 35,000 square feet (40 to 42% of the acreage) would be in concrete or asphalt which would include the building.
 - c. **ANSWER** from Mr. Verschaeve, not too far off from the statistics of the existing business.

DOYLE REVIEWED THE DISTRICT REGULATIONS REGARDING C-2 ZONING:

Section 20-702

	<u>Ordinance</u>	<u>Proposed</u>
a. Lot Area (Sq Ft) =	22,500	2.06 acres
b. Lot Width (Ft) =	150	ok
c. Lot Depth (Ft) =	150	o
d. Setbacks (Ft)		
<i>i.</i> Front =	50	85’
<i>ii.</i> Side =	50	139’ - 80.7
<i>iii.</i> Rear =	50	69.7’
e. Lot Coverage (%) =	N/A	
f. Max Building Height		
Stories =	2.5	18 ½’

DOYLE REVIEWED THE SITE PLAN REVIEW CHECKLIST

SITE PLAN REVIEW CHECKLIST

Name of Applicant__MIDWEST V, LLC

Mailing Address: 403 OAK STREET, SPRING LAKE, MI 49456

Property Address: 9040 W. MT. MORRIS ROAD, FLUSHING MI 48433

Parcel Number: 08-03-400-007

Proposed Use: RETAIL VARIETY STORE

Existing Zoning: C-2

Section 20-1902 Site Plan Review Requirements:

Before any Building Permit shall be issued, a site plan drawn to a scale of one (1) inch equals twenty (20) feet, and at least two (2) copies of this site plan shall be submitted to the township clerk. Such site plan shall contain the following information:

ORDINANCE	PROPOSED	DETERMINATION OF COMMISSIONERS
(a) Statistical data including: number of dwelling units, size of dwelling units (e.g., one-bedroom, two-bedrooms, and three-bedrooms), if any, and total gross acreage involved. In all other cases, the location, type, horsepower, fuel, dimensions, and other data of all machinery to be used on the proposed site.	See Site Plan Notes	None; fully enclosed area for dumpster located in back of building
(b) The location of principal and accessory buildings on the lot and the relationship of each structure to the other.	See Site Plan	OK
(c) Vehicular traffic and pedestrian circulation features within and without the site.	See Site Plan	OK
(d) The location and dimensions of all off-street parking areas including maneuvering lanes, service lanes, off-street loading spaces and other service areas within the development.	See Site Plan	OK
(e) The location, dimensions and proposed use of all on-site recreation areas, if any.	N/A	None
(f) The location of all proposed landscaping, fences or walls.	See Site Plan	Dumpster only; no fence permit as of now
(g) The height and dimensions of all structures.	See Site Plan and Typical Architectural Drawings	18 ½ feet for building
(h) Front, rear and side elevations of any typical structure proposed for development.	See Architectural Drawings	OK
(i) The location and capacity of private or public water and sanitary services and solid waste disposal facilities servicing the site.	See Site Plan	Water line on South side of street; already existing water service to bank; sanitary sewer service in front of existing bank; 8 employees
(j) The locations, dimensions and lighting of all signs.	See Site Plan	1 sign in front and 1 sign on building

(k) The location, intensity and orientation of all lighting.	See Site Plan and Typical Architectural Drawings	Lights internally lite – ball pack mounted to building, and will shine down to sidewalk and parking lot
(l) A location map indicating the relationship of the site to the surrounding land use for an area of not less than one (1) square mile.	See Survey and Zoning Map Attachment	OK
(m) A physiographic map showing the natural topography, the soil types, and suitability for intended use, natural features such as wood lots, lakes, drains, streams, and ditches, and surface coverage data (such as paved areas and structures) related to storm water runoff characteristics.	See Site Plan	Woods on Northwest side of proposed property but outside of proposed parcel; per USDA – fine sand rated “K”; best for draining
(n) The site plan shall be sealed by a professional engineer, architect, landscape architect or community planner.	See Site Plan	OK
(o) Location and size of interior and exterior areas and structures to be used for storage use, loading/unloading, recycling, or disposal of hazardous substances.	See Site Plan and Typical Architectural Drawings	Loading and unloading areas are located in the back of the proposed <i>Dollar General</i>
(p) Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.	N/A	None
(q) Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store to transport storm water or waste water. The point of discharge for all drains and pipes shall be specified on the site plan.	See Site Plan	Detention basin and 1 catch basin in the parking area

(r) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.	N/A	None
(s) Submission of the “Hazardous Substances Reporting Form for Site Plan Review.”	N/A	None
(t) Submission of the “State/County Environmental Permits Checklist.”	See Site Plan for Permit Notes	Will be obtaining all required permits
(u) 100 year floodplain.	N/A	None
(v) Topographic lines at 1’ intervals.	See Survey and Site Plan	OK
(w) Proposed and existing utilities including water, sewer, storm water and lighting.	See Site Plan	OK
(x) Driveway location.	See Site Plan	OK- another permit required
(y) Current zoning of parcel and if the proposed use is not permitted in the district the parcel is zoned, an indication as to the proposed zoning. (Amended by adoption July 25, 2002).	See Site Plan	OK
(z) Statement on the plan as to whether wetlands exist on the site. (Added by adoption July 25, 2002).	See Site Plan	None
(aa) Easements impacting property.	See Survey	
(bb) Underground utilities present on property.	See Survey and Site Plan	Existing basement will be filled in with sand from the site; the proposed <i>Dollar General</i> building will not have a basement

NOTE: Review Act XVIV for additional information.

ADDITIONAL COMMENTS:

Date Approved: _____

JEROME DOYLE, Chair

MISCELLANEOUS COMMENTS/QUESTIONS FROM THE COMMISSIONERS:

1. **GENSHEIMER:** does *Dollar General* own the stores or do they build the stores and then lease them? ANSWER: Mr. Oleszczuk owns the facility and then leases the facility on a long term lease. (Fifteen (15) years with four (4) - five year extensions.)
2. **NEWMAN:** assumes from the quick responses, this is not Mr. Oleszczuk’s first *Dollar General Store*. ANSWER: Mr. Oleszczuk owns approximate one hundred (100) *Dollar General* stores in Michigan. He also has developments in Ohio and Pennsylvania but his home state is Michigan.
3. **GENSHEIMER:** the only windows on the exterior are the doors on the front? ANSWER: that is correct. The front doors have bi parting doors with glass on either side of it; there is glass on the top of the door which is a section measuring 21’ x 10’; there isn’t any glass in the area, at the top of the proposed building, where the *Dollar General* wording is located. There will be a proposed sign out by the driveway which is being proposed as a 6’ x 16’ sign; if it is required to have a variance a separate contractor for *Dollar General* will come to the municipality and request a variance or go with a permit before the Planning Commission. Tonight we are only dealing with the Site Plan – not the sign.

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DOYLE REVIEWED THE SITE PLAN REVIEW PROCEDURES:

Site Plan Article XIX - Section 20-1903, Site Plan Review Procedures

The site plan review process is intended to allow the Township the opportunity to review a proposed development prior to its construction, to determine compliance with the requirements of this Ordinance.

- (a) Step One – preliminary site plan review – The applicant shall submit a complete site plan to the Zoning Administrator at least fifteen (15) days prior to the Planning Commission meeting. The Zoning Administrator shall submit one copy to any Township or State official as determined by the Planning Commission. In those

instances where the Zoning Administrator or Planning Commission determines it necessary, the Township will submit a site plan for review by professional consultants. The applicant shall be responsible for reimbursing the Township for the cost of this review. Fees charged to the applicant must be paid prior to the issuance of a building permit for the site. The Planning Commission shall review the site plan to determine whether all required information is included, as well as identify any issues or concerns associated with the preliminary site plan. The Planning Commission shall then direct the applicant to submit a site plan which considers the Planning Commission preliminary review comments for final review.

(b) Step Two – final site plan review

(1) The Planning Commission shall review the site plan to determine its compliance with the requirements of this Ordinance, any conditions attached during preliminary review and proof of approval from all county, state, and federal departments or agencies. Following their review of the site plan, the Planning Commission shall do one of the following:

- (a) Approve the site plan.
- (b) Approve the site plan with conditions.
- (c) Postpone the decision on the site plan pending required additional information.
- (d) Deny the site plan.

(2) Record of review – A record of the decision shall be filed with the Township Clerk, including:

- (a) A copy of the submitted site plan, signed by both the applicant and the Zoning Administrator.
- (b) A copy of any meeting minutes related to the site plan.
- (c) A copy of any other relevant records related to the site plan.

(c) Construction observation – During the installation of all public utilities and township approved private infrastructure such as private roads and retention/detention basins, construction observation services will be provided by the Township Engineer or other appropriate owners representative such as the Genesee County Road Commission or Water and Waste Services. All costs will be paid by the applicant. The improvements that are to have construction observation services provided will be identified during final site plan approval.

(d) As-Builts – As-built drawings shall be provided to the township of all improvements requiring construction observation, unless determined unnecessary by the Planning Commission. A Certificate of Occupancy shall not be issued on a development until as-builts have been provided as required.

(e) Any disapproval of a site plan by the Planning Commission may be appealed to the Township Board of Zoning Appeals under provisions of *Section 20-2209*.

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CORRESPONDENCE:

- 1. Mr. Joseph Medici, Deputy Director of Operations and Maintenance, Bishop International Airport Authority, 3425 W. Bristol Road, Flint MI 48507 –**



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CAL RAPSON
FRED SHALTZ, P.S.

CRAIG WILLIAMS, A.A.E.
Airport Director

October 29, 2015

Mr. Dennis Judson
Zoning Administrator
Charter Township of Flushing
6524 North Seymour Road
Flushing, MI 48433

RE: Discretionary Use Permit at 9040 W. Mt. Morris Road, Flushing, MI 48433

Dear Mr. Judson,

On behalf of the Bishop International Airport Authority, I would like to provide your office comments regarding the above referenced development. As indicated by the address, the site is located beyond the 10-mile jurisdictional boundary of the Airport's Joint Airport Zoning Board Ordinance Permit requirements as recorded in Ordinance 98-01. As such, the provisions of the Ordinance do not apply and a zoning permit for the development is not required to be submitted on behalf of the project.

Assuming the structure to be constructed is less than 200 feet above ground level (AGL), notification to the Federal Aviation Administration (FAA) would not be required. However, if any component of the development was to exceed 200 feet AGL, then notification (FAA Form 7460-1) would be required at least 45 days before construction begins. Additional notification requirements and form can be found at the following website: <http://www/faa.gov>.

If you have any questions, please feel free to contact me at (810) 235-6560.

Sincerely,

A handwritten signature in blue ink that reads "J. Medici".

Joseph Medici, A.A.E.
Deputy Director, Operations & Maintenance

cc: Linn Smith, MDOT

2. Sam and Gino Kalo, Business Owners, Mt. Morris Road, Flushing MI 48433

To: Dennis Judson, Zoning Administrator

From: Kalo Incorporated / Gino's Quik Stop

Subject: Discretionary Special Use Permit

This letter is in reference to the Robert Verschaeve, Project Engineer for Gosling Czubak Engineering Sciences, Inc., petitioning the Charter Township of Flushing Planning Commission for the purposes of obtaining a Discretionary Special Use Permit to construct a Department Store and or a Variety Store also known as a Dollar General Store. The property is located at 9040 W. Mt. Morris Road, Flushing Mi. 48433. Parcel No. 08-03-400-007.

Our position is far less than positive. Please review the following.

- Small businesses make up about 99.7 percent of all U.S. employer firms. This was according to the U.S. Small Business Administration.
- Small businesses power our economy in a wide range of industries. Look around our Township and see the small businesses that have supported this community.
- Customers patronize small businesses instead of chain stores to support their communities and to receive more personalized service.
- Small businesses command high regard in many customers' eyes and people often want to support them.
- Small businesses usually offer more personal, one-on-one contact with merchants, customer service people and local administrators than chain businesses.
- Most small business owners live in the community they serve.

There are more examples that can be listed in reference to the advantages of a small business. However the concern we have is that the Party Store owners in the immediate area, (Gino's Quik Stop, M&S, Vic's Market, Bears and Hoagies) already sell similar products to the Dollar General.

What sense does it make to build a Dollar General when there is already a Dollar General Store located on E. Main Street in Montrose, and on E. Pierson Road in Flint?

Does the benefits to the Township from the future Dollar General out weight what the small businesses have contributed to the Township and its community?

We object to the approval of a Discretionary Special Use Permit to construct a new variety store in our immediate area.

Sincerely,

Sam and Gino Kalo



NEWMAN: does *Dollar General* sell beer, wine, or liquor? **ANSWER:** it does not sell liquor but in some stores they do sell beer and wine. It all depends if the store can get a license.

NEWMAN: has there been any thought or decisions as to what this store might do?

ANSWER: none that he has been privy to in regards to the issue.

7:59 P.M. – OPEN FOR COMMENTS FROM THE AUDIENCE:

1. Carol LeBrecque – Coldwater Road, Flushing MI 48433

“she lives on Coldwater Road but has property on McKinley Road at the corner of Mt. Morris Road; is concerned about the traffic pattern and where it must be located; at the four-way stop at Mt. Morris and McKinley Road with the people heading West – they have their feet on the accelerator; there could be some accidents; it is a hard area with the placement of the driveways; don’t think the State Bank had that many customers there where they had a traffic pattern but can see there being a problem with the traffic flow; the Township Police Department has all they can handle with the school system and with some areas in the township having issues, the crime rate is increasing in the area; even though the gentleman stated there would be two (2) to three (3) people in the store at any one time manning the store, I beg to differ with him; in some of the stores that she has been in, there might be one (1) person in the store and how are they going to control the traffic flow of people; Flushing Township is out in the Country; they are similar stores in Montrose and on Pierson Road, Clio has their *Dollar General*; she has questions regarding the *Dollar General* coming into the area; there are issues in the Township that need attention.”

2. Joe Martin, 8320 N. McKinley Road, Flushing MI 48433

“big businesses dominate their respective market and industries; the characteristics of big businesses include a global presence that sell diversified products in a complex organized structure; the growth of big businesses can hurt the small business profitability; big businesses can deploy more marketing professionals and more product designs each year in their budgets; small businesses are usually at a competitive disadvantage because they do not have comparable resources; in his opinion, the Township is not ready for a variety store; the products that will be sold at a variety store are similar to what the small businesses in our area already offer their customers; don’t think anyone would want to see small businesses that have been dedicated to the community placed in a bad situation; he is asking before the Planning Commission approves a building plan, please listen to some of the concerns of other people in the area.

QUESTION TO MR DOYLE: – has the property already been purchased? - **ANSWER**

FROM DOYLE: if it hasn’t, the owner is in the process of trying to purchase the property.

NEWMAN: there is a letter in the packet from the Bank giving the gentlemen the authority to apply for the Permit. **MARTIN:** will the Township have to approve a *Dollar General* going in the area? **NEWMAN:** normally with contracts of that type there is a contingency; doubt if *Dollar General* would want the property if it was not approved for the intended use; there probably is a contingency in the purchase agreement. Mr. Martin understands, that per the Ordinance, the letter is sent out to a certain number of people within a certain distance; there are a lot of people not interested in having the store there; business owners that should have been notified within the Township regardless of the distance out of respect of them doing business

fifteen (15), twenty (20) years and to the people in the Township who have been dedicated as residents.”

DOYLE: by way of the Clerk - letters were sent out to everyone within three hundred (300) feet of the property in question; the Notice was published in the newspaper, and was also placed on the Web. **DOYLE:** we have done what the State requires.

3. **Steve Nemer, 7302 W. Mt. Morris Road, Flushing MI 48433**

“his parents bought the business in 1982; he has lived at the address practically his entire life, grew up in the community, went to school at Flushing High School; it is tough to see something come into the community when we are family owned businesses; he was raised out of the business; he is raising his family out of the business and there is a possibility that when Mr. Nemer is no longer able to run the business, his child may run the business to raise their family out of the place; the local community sticks together; we service one another and help one another; he finds it hard to see something approved, when as stated earlier, in the commercial areas in Montrose and Flushing; don’t see the purpose of putting a store on Mt. Morris Road when there are already five (5) businesses in the area that provide the same services as the *Dollar General*.”

DOYLE: the area is in a C-2 zoning area so what is being ask for is what the area is zoned for so they are within the requirement.”

4. **Bonnie Martinson, 5232 Tahquamenon Trail, Flushing MI 48433**

“why did you select this property? Did you do some type of analysis of the community where you discovered a new store was necessary? We have 10,000 residents, about five (5) party stores and convenient stores already located in the area; do we need another store?”

ANSWER: (by Mr. Verschaeve), *Dollar General* did an analysis and did identify this was a market that was within their demographics and projections; we are a discount store but we do sell a wide range such as clothing, pretty much everything that you would find at a Meijers store but in a very small format; in regards to the location there was an analysis done, we did have a real estate agent check out the area and identified the fact that the bank was going to be closing and had a desire to sell the building. **MARTINSON:** if you felt there was going to be enough income to support the store, what happens to the income of the other people that have stores? There is only so much money in a community. She became frustrated when the Commissioners were asking questions about where the driveways were going to be, how many deliveries there were going to be, etc instead of the fact that five (5) businesses already in operation. This is her concern, as a resident, because we don’t want these people to go out of business. They have supported the community; she hates to see an organization business come in that has no ties to the community and put these men out of business.”

NEWMAN: the first part of the Planning Commissions’ analysis has to be before the Planning Commission even gets to that even though it is not enumerated but what is supposed to be considered even though the Planning Commission is bound to what the ordinance states. If the structure, the site plan, don’t meet the initial requirements, the analysis can end there with a rejection; that is why the first part of the analysis, even when he was the Chair for some six (6) or seven (7) years, always starts with an analysis of the physical property. If this is a three (3) story building, and the ordinance only allows for two and one half (2 ½) stories, the meeting ends there because the building won’t qualify. The Planning Commissions’ initial review of the

placement of driveways, materials, heights etc. is not intended to be dismissive of the concerns of the citizens, instead if the building doesn't meet the physical requirements, and the site doesn't, there isn't any need to get into the other issues because it won't be approved.

HINDS: the Planning Commission has the task of following the ordinances and the laws of the Township; some of the extraneous things like free competition in our society actually go beyond the scope of this Board.

DOYLE: the ordinance explains the duty of the Planning Commission; also explains that the request can be approved, approved with conditions, or deny the site plan and there is a rationale that if the request is denied there has to be a reason why; the reason why in this case is a reason in the instance of you supposedly talking against the request, the Planning Commission almost has to look at it as if it is your selfish reason for what purpose, we don't know, although you have stated what you feel. The items have to be taken into consideration when the Planning Commission makes a decision. Everything that Mr. Verschaeve has mentioned goes along with the ordinance that can be seen at this time.

MARTINSON: per the Planning Commission meeting in October, under "Board Comments," *Future Businesses in Flushing Township*, so by the introduction of this business there may be other businesses coming to Flushing Township, which may not be our small businesses that are promoted, generated, or started by our local residents.

DOYLE: when you are talking about that type of issue you are talking about having somebody that is local only be the ones that are able to do this kind of thing rather than allowing outside people to come in – that isn't "free enterprise" anymore. When the Planning Commission makes a decision, they have to look at all the issues; the whole country is based on "free enterprise." That is how the Country got started in the particular manner as it did. You are suggesting that we don't allow "free enterprise"; it is very hard for the Planning Commission to decide to make a decision based on the fact that some people don't like the idea. If the Planning Commission has a situation where they intend to follow the ordinance as the Planning Commission has specified, or it goes according to what the State specifies that the Planning Commission should also do, the Planning Commission has to look at the matter very hard because that is the Law. The other things which the Planning Commission have to consider are, like which you are explaining now, are personal feelings about an issue, but what do you do – go downtown Flushing and say to one person that they can have a store and to the other person, they can't have a store. What is a reasonable thing!

5. **Ray Fenton, Bear's Party Store, Elms and Coldwater Road, Flushing MI 48433**
"his family owned Bears for two (2) years and he has owned the business for the past forty (40) years for a total of forty-two (42) years; the issues have already been discussed and is not an issue that the community can stand on in order for the Planning Commission to make a decision; the community was built on small businesses; realizes it is free enterprise and everyone should be able to come in and do what they want; if you look at it like they are going to sell the same things that the local businesses are selling at a cheaper price, the issue is that we have been here forever and there is enough of us – like the one lady was saying – there are only so many people in the community and so much money; there is enough small businesses in the area to supply the community with what they need; there is a personal relationship with the community; we have spent our whole life taking care of the community and the community has taken care of the businesses; it is like a family;

don't want to see someone else not be able to make a business but when you have hundreds of stores and you are all over the place; he only wants to make a living for a few more years and then retire; this is all we have but these guys have stores and money all over and can go anyplace they want to; commend for doing a great job and making a name for themselves; can't see someone coming in and hurting what the businesses have worked for; can't compete with the large stores. When does it end!"

8:30 P.M. – CLOSED FOR AUDIENCE PARTICIPATION

CONTINUED COMMISSIONER REMARKS

DOYLE: everyone is talking about the same situations that Flushing went through when larger stores were built such as Meijers, Walgreens, Genesee Valley, which took a lot of business away from the locals. They could buy products at a cheaper price than what the locals could sell an item; clothing stores could not compete with the big stores; whatever they are looking for is an over saturation of whatever is needed in the community. The Planning Commission cannot stifle anyone that wants to do something in the community.

NEWMAN: we are not insensitive to everyone's position; he also grew up in Flushing, went away and then came back to Flushing to raise family; has a small business. The Planning Commission has an ordinance which they have to follow; if they meet the requirements for a Special Use Permit, one of the points of the analysis that the gentlemen and women have been here before and invested time and money in the community – unfortunately, that is not a factor to be considered; respect all the comments.

HINDS: feels the same way as **NEWMAN**; don't think anyone is more "Mom and Pop" than he is but speaks for himself; do resent the big corporations but in this case all the "hoops" have been taken care correctly; the Planning Commission has to follow the ordinances; would hate to be a restaurant owner and have a similar type of restaurant open next door to his store and cut his business in half; unfortunately, that is how business goes sometimes. It would appear that the proposed business would be carrying additional and/or different items so there could be an overlap; assume they would be hiring locally; so trying to look at the situation in a different view; understands the situation.

LIQUOR LICENSE: The State sets the number of licenses allowed based on populations; not sure if there are any licenses left.

FLOWERS: understands the feelings of everyone; the County will take care of the drives and roads. Flushing Township is considered a "dry" community so nothing can be sold by the glass – packaged items only. Since the bank did not have a liquor license, a license cannot be transferred to the *Dollar General*. The area is zoned C-2 (Commercial).

DOYLE: owns a small business; talking about beer and wine and that goes along with selling other items; owns a bowling alley on Pierson Road and has the same situation - a competitor that sells liquor for less than what **DOYLE** can buy it; sometimes have to put yourself in a position to compete.

NEWMAN MOVED, seconded by Hinds, to approve the application for a Special Use Permit at 9040 W. Mt. Morris Road, Flushing MI 48433, as applied; the request does not include the signs.

GENSHEIMER wanted to know if the Planning Commission with condition that the store could not obtain a liquor license.

NEWMAN read *Site Plan Article XIX, Conditions, Section 20-1904(a)(b)(c)*

- (a) Be designed to protect the natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- (c) Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

HINDS: not sure if the Planning Commission should be in the position of saying the applicant could not sell certain products; are we going to ban potato chips? Uncomfortable with the idea.

NEWMAN: could also fall under the heading of “spot zoning” ; recognizes one of the owners of a convenience store/self-serve laundry mat, approximately 150 yards from the proposed variety store, where **NEWMAN** stops before the Planning Commission meetings; the store sells both beer and wine; could fall in the category of “it is ok here but not there.” Not in favor of the condition.

DOYLE: a condition that the Planning Commission can’t enforce

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Gensheimer, Newman, Flowers, Hinds, Mills, and Gage

NAYS: Doyle

MOTION CARRIED

VI. PUBLIC COMMENTS:

8:38 P.M. – OPEN FOR PUBLIC COMMENTS

None

8:40 P.M. – CLOSED FOR PUBLIC COMMENTS

VII. BOARD COMMENTS:

None

VIII. MEETING SCHEDULE: NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING WILL BE MONDAY, DECEMBER 14, 2015 AT 7:00 P.M.

IX. ADJOURNMENT: CHAIR DOYLE adjourned the meeting at 8:41 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

RONALD FLOWERS, Secretary

Date of Approval

11 09 2015 Plan Min