

CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
FLUSHING, MICHIGAN 48433
810-659-0800 FAX: 810-659-4212
PLANNING COMMISSION WORK SESSION
DATE: AUGUST 24, 2004 TIME: 7:00 P.M.
WEB ADDRESS <http://www.gfn.org/flushing/index.html>

MEMBERS OF THE 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, and Morford

ABSENT: Fitch

OTHERS PRESENT: Eugene Mann, Ron Herrick, and Mike Watson, Representatives of the Flushing Jehovah's Witnesses Church; Steve Heath, and Larry Heath

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

DOYLE requested permission to add to the Agenda, listed under Unfinished Business, **Number 1**, "Eugene Mann, Representative of the Jehovah's Witnesses, regarding a Special Use Permit to Build a Jehovah's Witnesses Church on RSA Zoned Property at 8505 Coldwater Road, Flushing, Michigan." Since the meeting is a work meeting only, no decisions would be made. **Number 2**, on the Agenda, would be the Attorney's Opinion Regarding the Proposed Storage Units Located in Back of the LUVS Banquet Hall on Mt. Morris Road, and **Number 3** would be the Continued Review of Update of Master Plan.

II. ADOPTION OF AGENDA: BOWRON MOVED, seconded by Flowers to approve the August 24, 2004 Planning Commission Agenda as amended. MOTION CARRIED.

III. APPROVAL OF PREVIOUS MINUTES:

A. Approval of Minutes of July 12, 2004: BOWRON MOVED, seconded by Swanson to approve the minutes of July 12, 2004 as corrected. MOTION CARRIED.

- B. Approval of Minutes of July 27, 2004: FLOWERS MOVED**, seconded by Swanson to approve the Minutes of July 27, 2004 as corrected. MOTION CARRIED.

III. UNFINISHED BUSINESS:

- 1. 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)**

DOYLE stated that MIKE WATSON (WATSON), Representative of the Jehovah's Witnesses Church, would like to update the Planning Commission with the recommendations from the Planning Commission Meeting of August 11, 2004.

The prime concern had been to make sure the church would fit on the proposed property.

OTHER MATTERS OF CONCERN:

- the Genesee County Road Commission (Road Commission) had a different opinion regarding the deceleration lane (Road Commission stated there wasn't a need for a deceleration lane)
- pine trees would be used for the specified trees
- there would be a three (3) foot high berm
- the drive would be thirty (30) foot wide with two (2) lanes going onto the property and one (1) lane coming out of the property
 - a. drive way close to McKinley Road and Coldwater Road would be a bad situation
 - b. entrances should be far away from the corner of McKinley Road and Coldwater Road
- there would be seventy-three (73) parking spaces due to a 12 foot x 12 foot storage shed; seventy-five (75) parking spaces were recommended by the Planning Commission
- MANN was informed by the Genesee County Road Commission there wasn't enough traffic at the intersection to warrant a traffic count.
- GIBBS was concerned about the traffic during the time of a funeral or wedding service
- Proposed church would have a full barrier free basement
- Carpenters would work around the clock to finish the proposed church

- 2. Attorney's Opinion Regarding the Proposed Storage Units Located in back of the LUVS Banquet Hall on Mt. Morris Road – Steve Heath**

DOYLE reviewed the Opinion from Township Attorney Steve Moulton, dated August 8, 2004, regarding the proposed storage units to be located in back of the LUVS Banquet Hall located at 8394 W. Mt. Morris Road, Flushing. The property has been owned by STEVE HEATH (HEATH), for five (5) years. The particular interest, in this case, would be what the Ordinance states, what the laws are as far as the Ordinance, and what other communities have done in similar situations. In summary:

“In summary, Mr. Heath cannot go forward with his plans to construct self-storage units on his property, as this would constitute an unlawful expansion of a non-conforming use.”

DOYLE stated in the present situation, the Planning Commission did not have the ability to do anything different than allow what **HEATH** couldn't do, with what he would like to do, according to the ordinances and the different cases that have gone through the Courts in the past. Making amendments to the ordinance would be the only thing the Planning Commission would be able to recommend changing in the present situation.

HEATH stated he would like to obtain a variance for the acreage. Due to the storage units being such a low impact business without the heavy traffic, would it be considered a C-1 enterprise?

HEATH has been looking for options on the proposed project:

- Rezoning the property
- C-1 has a minimum lot size of ½ acre
- 70 feet is needed on the residential side (East) - 20 feet on the back which is land locked, 20 feet on the West side which is commercial to the end of the road and across the street to the church
- a berm (foliage, trees, etc) would be needed between the commercial and the residential area to the East
- Review C-1 as to the setbacks stated
 - a. setbacks would be the same for C-1
 - b. when there are two (2) acres in C-1 what do you do with the eighty (80) feet setback unless there would be a perfect configuration of distances on that side, because of the area being only one hundred (100) foot wide
 - c. if two (2) commercial properties should be butting next to each other, the setback would still be eighty (80) feet
 - d. if a commercial property should butt up to residential there would be a one-hundred (100) foot setback
 - e. new laws have placed **HEATH** in a position where his property is questionable
 1. recommendations:
 - a. place an addition to the building
 2. the use of the building has been grandfathered; the use would be fine because it would be a non-conforming use, but should the use of the building be changed, according to the ordinance, it would no longer be grandfathered
 3. if **HEATH** should sell the building to someone else, would it have to remain a banquet hall?

DOYLE interpreted the meaning to be: there would be a building (the LUVS Banquet Hall) that had been used for many things in the past, but the business could not be expanded to other buildings on the same piece of property. The interior of the building could be used for different type of businesses; it is currently an existing C-2 (commercial) building. The building would be a non-conforming building. The building had been given permitted uses over the years but the uses had not included storage buildings.

THE PROBLEM:

DOYLE stated that when there are different zoning districts, all the uses of the districts in one area would explain what could be constructed in those areas. Storage units are new on the market; the units were never considered when reviewing the C-2 Zoning District. In the agricultural area, storage units are not constructed upward like a parking ramp, but extended out flat onto the property.

The township has to be continually updating ordinances and districts or there would be a menagerie without any control. **FLOWERS** stated in the past the Township Master Plan had to be revised every twenty (20) to twenty-five (25) years; the State recently recommended a mandatory revisit every five (5) years.

HEATH inquired as to the different uses in C-1; **BUELL** mentioned some C-1 Zoning District Uses that are permitted would consist of:

- Baking shops
- Barber and Beauty Shop
- Florist and Greenhouses
- Stationary Store
- Tailor Shop
- Day Care Center
- Township Municipal Buildings

There are also uses permitted by discretionary special use permits in the C-1 Zoning District.

HEATH wanted to know if the Planning Commission was interested in helping him move forward and if there was an impact to allow him to address and resolve the matter or would the opinion be “the material doesn’t fit the plans” so there would no further decisions by the Planning Commission. **DOYLE** stated what would delay the Planning Commission would be the property being of a non-conforming use and it would compound the matter; it would be illegal for the Planning Commission to do something to this extent.

BUELL inquired as to the property to the East (Bunch) being RSA. **HEATH** lost twenty (20) feet of setback after **BUNCH** sold the property to **HEATH** due to the property becoming residential. The storage units should meet the requirement of the C-1 Zoning District in terms of use permitted by right and in terms of lot size and use. **BUELL** wanted to know if there were ever setback variances on businesses or building placements within the lot. Variances are setbacks. **BUELL** stated it states in the ordinances that business activities, which in the judgment of the Planning Commission, would be of a local or neighborhood character and conducted within an enclosed building only providing necessary services for day to day operations of the household and which could be supported economically by a small neighborhood.

DOYLE stated his recommendation would be to request that Township **ATTORNEY STEVE MOULTON** recommend a solution; such as a rational amendment to the ordinance. The biggest problem would be to set up a deal where the matter and variances could be approved.

GENSHEINER felt the situation was hard to argue as to a reasonable fit when down the road there were similar units. **BUELL** stated the proposed storage units were not an appropriate C-1 because of the size.

BOWRON inquired as to **HEATH’S** intention when he purchased the property as to the zoning, purpose, etc. The main purpose of the building, per **HEATH**, was to purchase the building, rent the banquet for weddings, hold auctions, and to have a storage area.

GENSHEIMER wanted to know, after consultation with **ATTORNEY MOULTON**, if the setbacks could be moved further west due to the property to the East being residential.

LARRY HEATH (L. HEATH) father of **STEVE HEATH**, stated the building sits six (6) feet off the property line on the West side. The property West of **S. HEATH'S** does have a drain extending through the property, so unlikely the property would be developed. On the East side (residential) if there could be a seventy (70) foot setback, it would be adequate to meet **S. HEATH'S** needs and he could go all the way to the back and have a twenty (20) foot setback where the property would be land locked according to the current zoning and could not be developed; there would be no impact in the back, to the West, and the setback would be seventy (70) feet to the East. This arrangement would move the issue forward.

SWANSON wanted to know the square footage of the proposed property; **HEATH** stated the size of the proposed property was 175 feet by 519 feet. **SWANSON** stated the lot area was 20,000 square feet; there would be 2.8 acres which would be four (4) times the required area. The front setback would be eighty (80) feet.

POSSIBLE SOLUTION:

DOYLE stated the possible situation would be for **HEATH** to request to rezone to C-1 so that it would eliminate the variance on property; the ideal thing would be to have the two (2) acre parcel be accepted, which **HEATH** would fall into this category. **HEATH** would then go to the Zoning Board of Appeals (ZBA) and request a variance on the setbacks. **DOYLE** stated that after the hearing and if it was changed to C-1, the Planning Commission could make a recommendation to the Zoning Board of Appeals (ZBA) on the setbacks. **DOYLE** stated that **HEATH** could enhance the proposed property from the C-1 to the RSA with trees or something similar.

Another recommendation involved how the building should be set up; how much space should be between the property line and the building. In some instances when a variance has been requested, it would be easier to request a smaller variance number and then use trees or some type of buffer zone to block the commercial area from the residential area. Due to wetlands being on the West side of the proposed property, what would transpire with the property; the variance request would be a minor matter. (Just because a variance request goes to the Zoning Board of Appeals, it is not always approved.) If a variance request should be granted, **DOYLE** recommended placing the building in the middle of the property and leave distances from the property line to the building; a buffer zone with trees could be placed between the commercial area and the residential area. **L. HEATH** stated that **S. HEATH** could have the option of leaving the property in the back that is not cleared as a green belt and continue around to the sides of the proposed property.

DOYLE stated that coming from residential to C-2 was a big step; the normal recommendation would be from RSA, RU-1, RU-2, RU-3, C-1, C-2, so there would be a gradual change.

REZONE THE PROPOSED PROPERTY:

DOYLE stated that if **HEATH** wanted to rezone from C-2 to C-1 he would have to talk to the Building Inspector; **HEATH** would be going from five (5) acres to two (2) acres.

3. **Continued Review of Update of Master Plan**
 Minutes of February 24, 2004, page 5, Industrial Land:

Goals – Page 5

PROBLEM TITLE	STATEMENT	CONCLUSION	REVISITED 08/24/04
<u>Industrial Land</u>	Sites should be identified and reserved over the long term for industrial development.	True- identified along M-13 (Sheridan Road) and by the railroad tracks on Seymour Road, just before the Flushing City limits.	Requests have not been received for changes.
<u>Recreation</u>	Adequate recreational services should be provided.	True – Nature Park and the Walkway	The Nature Park is already in existence and the Walkway is in the process of being constructed.
	Public Access to the Flint River should be encouraged.	True – at the Nature Park	The Walkway will be part of the Flint River; the Nature Park will have more than one area for access to the River.
<u>Surrounding Areas</u>	Coordinate land use planning between Flushing Township and surrounding municipalities.	True	True – mandated by the State of Michigan.

POLICIES:

<u>General Policies</u>	A) Development in the township and the surrounding areas should be tracked annually to assist the township planning commission in identifying development trends. Information gathered would include building permit issuances, zoning changes requested,	True – every time the Planning Commission reviews a request for a subdivision.	A) Development in the township and the surrounding areas, i.e. surrounding townships and counties should be tracked annually to assist the township planning commission in identifying development trends. Information gathered would include building permit
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	and changes in area land use plans.		issuances, zoning changes requested, and changes in area land use plans.
<u>Natural Resources</u>	A) Effort should be made to upgrade and preserve the quality of the Flint River and adjacent lands in the Township.	True	The Planning Commission would have a certain amount of responsibility.
	B) Development or other use of known floodplain area should be carefully regulated.	True	In the process of working on floodplains and wetlands.
	C) Wooded areas which have unique scenic or recreational potential should be conserved.	Where possible	Goal would be to conserve where possible.
	D) Township officials should support the opportunities presented in the Farmland and Open Space Preservation Act for designation of open space “holding zones” to preserve valuable natural areas, in addition to prime agricultural land, from urban sprawl.	True	Soil and erosion should be controlled from urban sprawl. The “holding zones” should be preserved.
	E) The township should take actions to ensure the availability of groundwater supplies which are adequate to meet anticipated needs.	True	The State keeps track of new wells being drilled.
	F) The township should consider at site plan review, where presently required for	True	This process takes place all the time.

	development on land which contains floodplains, wetlands, steep slopes and woodlots with the goal of attempting to protect those natural features wherever possible.		
	G) When the location of a proposed building in relation to an existing floodplain boundary is questionable, building permits will be accompanied by a statement from a licensed professional land surveyor stating whether the parcel is in or out of the floodplain and floodway and the elevation of the building site.	True	An update of the floodplains is in the process at present. (Grants)
	H) The township will make sure that development meet all state and federal government regulations related to environmental protection.	Put in the ordinance stating that when a development is assembled the regulations should be considered.	This has to be updated.
	I) Land disturbed by mining will be restored so that it may be developed for some other use in keeping with the area once mining activities end.	True	Controlled through the Ordinance, after the development and in the site plan review.
	J) Soil suitability should be considered in determining the	Developing and rezoning.	This is done naturally.

	appropriate land use for an area.		
<u>Agricultural Lands</u>	A) Public water and sanitary sewer systems should not be extended to areas designated as prime agricultural lands, except when there is a threat to the public health and safety.	True	True
	B) Prime agricultural land is classified as land containing soils classified as prime by the US Soil Conservation Service, is made by predominately of large (40 acre +) parcels, is not currently served by municipal water and sewer and the extension of those services is not planned for the area.	True	True
	C) Encourage preservation of prime farmland	True	True
	D) Prime agricultural areas should be buffered from currently developing areas by transition zones that permit low density residential development as well as low impact agricultural land uses	True – should be added to the ordinance as a condition.	True
	E) Development of non-productive agricultural land for residential uses will be permitted in the	True	True

	<p>prime agricultural area as long as the design, scope and density of the development is such that it will not change the character of the area or increase demand for extension of urban services.</p>		
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ADDITIONAL COMMENTS:

- **DOYLE** recommended that letters be sent to the Planning Commission for the surrounding townships as to what activity is taking place in their township or county
- Have a Planning Commission representative attend the planning commission meetings in other townships, counties
- There is a lot of junk along the Flint River property frontage.
- **FLOWERS** stated Fire Stations codes were stricter and the fluids had to flow through a separator catch basin system before the fluids flowed out of the building. The same code applies to a Service Station (gas).
- **BUELL** stated that at a recent seminar, “rural character” was discussed – does Flushing Township present itself as an area of “rural character.” Compared “old” barns in Shiawassee County to Flushing Township; scenic preservation of barns. **GIBBS** stated some of the barns are not functional due to modern equipment, etc. **MORFORD** stated a local Boy Scout did a report and display of old barns in Shiawassee County, Genesee County, etc for his Eagle Scout badge.

IV. NEW BUSINESS:

None

PLANNING COMMISSION COMMENTS:

1. **MORFORD** stated the owner of the former Moore’s Mobile Service, had recently had parts stolen from some vehicles on his property. He would like to place a fence, with barbed wire at the top, around his property; would the owner have to come to the Planning Commission? **DOYLE** stated there was a similar matter at the corner of Frances Road and Seymour Road which resulted with a fenced-in storage area in the back of the building. The Mobile Service owner could place a decorative four (4) foot fence from the building out to the front property line; if a fence should be installed it would have to be placed at the back of the property and the space would be limited. It was determined, the ordinance does not allow for the fence to be placed in the requested area and **FITCH** should inform the owner that he should come to the Planning Commission with a site plan review.

V. MEETING SCHEDULE:

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 – TUESDAY, OCTOBER 12, 2004 – 7:00 P.M.
(MONDAY, OCTOBER 11, 2004 IS A HOLIDAY SO OFFICE WILL BE CLOSED)
PROBABLE WORK SESSION – TUESDAY, OCTOBER 26, 2004 – 7:00 P.M.

VI. ADJOURNMENT: There being no further Work Session business, **DOYLE** adjourned the Planning Commission Meeting at 9:55 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval

Planningminutes 082404