

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800

FAX: 810-659-4212

PLANNING COMMISSION

DATE: SEPTEMBER 13, 2004 TIME: 7:00 P.M.

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

MEMBERS OF PLANNING COMMISSION

Jerome Doyle, Chair

Robert Gensheimer, Vice Chair

Eric Swanson, Secretary

Ronald Flowers, Board of Trustee Representative

Aaron Bowron

Richard Buell

David Gibbs

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: Eugene W. Mann, Ron Herrick, and Michael Watson - Representatives of the Flushing Jehovah's Witnesses Church, Debbie Upleger, Mark St. John, Lee St. John, Keri and Ron Greman

I. MEETING CALLED TO ORDER at 7:05 p.m. by Planning Commission Chair Jerry Doyle.

DOYLE requested Lee St. John – "Private Drive Issue with the Zoning Board of Appeals" be added to the Agenda, listed under New Business, number 2.

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Swanson to approve the Agenda for September 13, 2004 with the addition of Lee St. John listed as number 2 under New Business. **MOTION CARRIED.**

III. APPROVAL OF MINUTES OF AUGUST 11, 2004: BOWRON MOVED, seconded by Flowers to approve the minutes of August 11, 2004 with corrections with the exception of the Site Plan Review Checklist. **MOTION CARRIED.**

IV. 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 the request by **EUGENE MANN (MANN)**, representative of the Flushing Jehovah's Witnesses Church, had previously been made but there had been a request by the Flushing Township Planning Commission to obtain an engineer's drawing of what had been proposed by the Jehovah's Witnesses, as well as items that had been placed on the plan.

DOYLE stated at the August 11, 2004 Planning Commission Meeting, the Commission recommended the following conditions:

1. an engineered drawing of the plot plan showing the topography as well as the actual size of the property (the drawing had been measured to the middle of the road)
2. number of paved parking spaces (77) – the spaces would be paved without any grass parking spaces
3. drain flow direction – from the South property line to the Northeast to the center of the other parking lot along the East side; from that parking lot to the Southeast corner toward the center of the property to the front of the North side. The detention pond basin would be located between Coldwater Road and the church structure – everything would drain into the detention pond which would drain to the East
 - a. **GENSHEIMER** inquired as to the slant slope of the property.
 1. the property along the edge of the road currently is flat until after the proposed corner property
 2. the ditch currently is located three (3) or four (4) houses further South along McKinley Road
 3. septic tank system:
 - a. 1,500 gallon tank
 - b. 600 linial feet of septic field
 - c. located West of the house building
 - d. 10 feet from McKinley Road right-of-way
 - e. North of the initial drain field
 - f. no sand would be needed
 - g. there would be 8 – 70 foot trenches North and South
 - h. the drain fields would be no deeper than 18 inches
 - i. removal of all trees within 10 feet of drain field
 - j. no construction traffic over the drain field area
 - k. an extra drain field would be located to the North of the proposed septic area – it would be 42' x 42' in size
4. driveways:
 - a. Site Plan states the roadways would have two (2) drives or one drive large enough to handle the traffic problems
 - b. deceleration lane from the corner of Coldwater Road to the McKinley Rd property line
 - c. the engineered plot plan shows:

1. driveway would be located as far East as possible
2. 30' drive – would be acceptable for two (2) lanes out and one (1) lane going into the proposed church parking lot

DOYLE inquired as to the rationale of the Planning Commission's opinion for having only one entrance to the proposed property; there could be a large amount of traffic on the road at one time. **GENSHEIMER** felt if there was one (1) egress/ingress drive on Coldwater Road, cars would be going at a slower speed fifty (50) feet from the corner, than they would be if another line of cars was coming onto McKinley Road. There would not be enough room for two (2) drives on Coldwater Road. All the congregation, of the proposed church, would be coming or leaving at the same time. **GIBBS** stated the safety concern would be of cars turning South on McKinley Road at the same time as other automobiles being on the road. **BOWRON** opposed the addition of another driveway; was concerned about the hill and traffic problems; there would be automobiles going North on McKinley Road and then if automobiles should come out of the drive on the West side (Coldwater Road Extension), there would be automobiles at Coldwater Road trying to make a left onto McKinley Road, there would be automobiles traveling West and trying to make a right turn onto McKinley Road going North, it would create a backup on Coldwater Road for the automobiles exiting the church drive. **DOYLE** stated if there should be a traffic congestion, all the congestion would be in one (1) location. **FLOWERS** stated automobiles would be "cutting the corner" through the proposed Jehovah's Witnesses parking lot, unless a gate was installed. **BUELL** wanted to know if there were any emergency vehicle or ambulance requirements – **DOYLE** stated there were no requirements.

DOYLE stated situations in the past such as subdivisions or situations similar to churches, there had always been double access (ingress/egress) because one could enter and exit quicker. (**DOYLE** gave St. Robert's Church, Flushing, as an example with one (1) street going in one (1) direction).

FLOWERS stated the traffic count during a 24-hour period on McKinley Road was 8,883 cars; on a 24-hour period from Deland Road to McKinley Road on Coldwater Road would be 1,824 cars; North and South vehicles on McKinley Road and Coldwater Road was 3,420; 2,924 would be the vehicle count from Johnson Road to Elms Road on Coldwater Road. **SWANSON** felt there was not an issue with the outlet to McKinley Road; most churches in the area have one (1) entrance and one (1) exit. **DOYLE** stated there was currently an extra deceleration lane on the South side of Coldwater Road which extended around the corner; and from the property line angling to the road. Further information would be available when an engineered drawing had been completed; a decision would be made at the time.

REVIEW OF THE CONDITIONS:

1. seventy-five (75) paved parking spaces
2. there should be an engineer's decision on whether there should be detention ponds for the proposed church parking lot and place a storm sewer in the middle of the parking lot to drain
3. one (1) – 30 foot drive on Coldwater Road to be located at the East corner of the East property line at least five (5) feet off the property line

4. acceleration/deceleration lane from the corner of Coldwater Road beyond the proposed property line
5. intensity of the lights: would fully light the whole parking lot: three (3) lights in the parking lot and two (2) lights on the building for a total of five (5) lights - would shine vertically
6. the surface grading of the building: the structure should be the highest so water could be drained away from the structure
7. landscape buffers: installation of six (6) foot to eight (8) foot trees (a discussion was held regarding a solid wood fence. Doyle stated a solid wood fence beyond the front of everyone else's property would have to be a short fence). There would have to be a buffer landscaped with trees. Gensheimer and Bowron were 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 twenty-five (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 area 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.

POINTS OF DISCUSSION:

- **GENSHEIMER** wanted to know if there should be some type of acceleration lane instead of a deceleration lane, coming out of the driveway of the church, going East on Coldwater Road. **DOYLE** stated there currently was a lane there, further review from the engineer, from the drawing to be ten (10) feet from the property line extending forty (40) feet East on Coldwater Road; after review the lane would be forty-five (45) feet from the outlet going East on Coldwater Road and would come back onto Coldwater Road approximately fifty (50) feet for the 4th lane (ingress) when one would go around the corner.
- **GENSHEIMER** inquired as to a drain being on the South East corner of McKinley Road; **DOYLE/FLOWERS** stated there was not a definite ditch at the location. The water from the proposed parking lot would flow to the Northeast area and from the Northeast area toward the detention pond which would be located in the North center of the proposed property. The water would not flow uphill; **FLOWERS** stated the elevation of the property would be less than one (1) foot. **DOYLE** stated the proposed property currently is pretty level, it is the roadway on McKinley Road that gives the impression that the Southeast corner is lower; the roadway on McKinley Road drains to the South and the ditch on the West side of McKinley Road drains South.

FUTURE PLANS FOR THE PROPOSED CHURCH:

BOWRON wanted to know if the Jehovah's Witnesses had a prognosis of a long range forecast as to how soon the church would be moving on after reaching the congregation capacity of the church. **WATSON** stated the church body had no plans to move on; when the congregation grew to capacity, the church would divide with one half (1/2) of the congregation would move on and one half would stay at the proposed location.

DOYLE REVIEWED THE SITE PLAN REVIEW CHECKLIST.

FLOWERS MOVED, seconded by Gensheimer to approve the Checklist as corrected and to include the Checklist as part of the minutes of September 13, 2004. **MOTION CARRIED.**

8:16 P.M. OPEN TO THE PUBLIC

1. **Lee St. John, 9223 W. Coldwater Road, Flushing** – “what would happen to the water if the drain should become plugged up on McKinley Road; what about the Buckeye Pipe Line.”
2. **8474 Coldwater Road, Flushing** – “concerned about the drive on Coldwater Road; blind area on McKinley Road coming up the hill; concerned about the speeders on McKinley Road.”
3. “would there ever be a possibility to place a bridge over Coldwater Road.”
4. “are there any special criteria that churches have to adhere to to construct a church.”

DOYLE read Article XVIII, Special Use Permit, page 11 which stated

(M) Churches

1. Minimum of one acre plus ½ acre per 100 person seating in principal worship area.
2. Full-time schools or cemeteries that are part of the church operation must separately meet the SUP requirements for those uses, although parking requirements may be shared.
3. Parking shall not be permitted in the required front yard and must be fenced or bermed as required in Section 20-501.
4. No buildings shall be located closer than 75 feet from a side lot line or 25 feet from the rear lot line.

8:45 P.M. CLOSED TO THE PUBLIC

SWANSON was concerned about the parking for special events such as funerals and weddings. **WATSON** stated the overflow parking would be eliminated as the Jehovah's Witnesses Building Department would not allow for an overflow capacity for more people than the building would hold.

SWANSON was concerned about the future use of the proposed structure if the Jehovah's Witnesses should vacate the proposed church building. The structure would be located in an RSA zoning district which would be permissible to construct a church; the property would not be large enough for commercial property; the only other use would be a school or church.

WATSON stated the structure, which would be 40 feet by 78 feet, would be small enough to be

used as a home. **DOYLE** stated that if there should be an approval, some of the uses permitted by right to be placed on the proposed location would be: detached single family homes, general or specialized farming, greenhouses, greenhouses – non retail, nurseries, adult foster care family home, adult foster care small group home, family day care home, truck gardening. A discretionary and non-discretionary special use permit could also be requested.

GENSHEIMER MOVED, seconded by Buell to accept the proposal for the church structure at Coldwater Road and McKinley Road, however, it would have to go to the township engineer to answer some of the questions which the Planning Commission has requested based on the opinion, site plan, the Planning Commission's conclusion, and the final recommendations of the township engineer concerning the material from Buckeye Pipeline Company.

It was recommended to table the motion with withdrawals of the motion from Gensheimer and Buell.

GENSHEIMER MOVED, seconded by Swanson to have one more recommendation by the township engineer as to whether all the conditions are acceptable, and if there are other conditions which the ordinances states which the Planning Commission should be considering before making a final decision. **MOTION CARRIED.**

If all the information has been received back from the engineer by September 28, 2004, a decision would be made. This would include a recommendation from the township engineer and a review by the Planning Commission as to everything that had been discussed being placed in the conditions.

2. C.L. (Butch) Turner – Update/Information on Site Condominium

C.L. TURNER (TURNER) was present to bring the Planning Commission up to date on the wetlands for his site condominium project at the end of Johnson Road ; the wetland areas have been surveyed.

TURNER was concerned about the area which L.A. ATKINS (ATKINS) has been developing which would end up being a regulated wetland, per a Registered DEQ Agent, because of the water flow through the area which would end up in the Bowman Drain. If **TURNER** should decide not to develop the portion of his proposed property, how would ATKINS handle the water flow? **TURNER** has been working with ATKINS to install a pipe through the area to make sure the water flows off properly. **DOYLE** stated what ADKINS would have to contend with the decision if **TURNER** decided not to develop his (Turner) proposed property.

TURNER currently is expecting more information from the DEQ in the near future concerning the wetlands; as soon as the information has been received, he (Turner) will come back before the Planning Commission.

TURNER stated that his current driveway and his neighbor's driveway are off the legal area of Johnson Road. If **TURNER** should decide to have the private road paved and since there was a concern about a private drive coming onto a private road, **TURNER** could extend the road down to his (Turner's) drive. It was also recommended that **TURNER** extend Johnson Road to a point

where the two (2) existing driveways were covered; there would be sixty (60) feet from the legal end of Johnson Road to where the driveways would be located.

V. NEW BUSINESS:

1. Ron Coleman – Special Use Permit for Ponds at the following locations:

- a) 9323 W. Mt. Morris Road**
- b) 9327 W. Mt. Morris Road**
- c) 9339 W. Mt. Morris Road**

RON COLEMAN (COLEMAN) was present to request Special Use Permits for Ponds to be located at 9323 W. Mt. Morris Road (Parcel G – 5.38 acres); 9327 W. Mt. Morris Road (Parcel F – 3.67 acres); and 9339 W. Mt. Morris Road (Parcel E- 3.06 acres), Flushing.

COLEMAN stated the water level was about two (2) feet at the location vicinity and flat; the ponds would be used for recreational purposes with fish being in the ponds. The dirt from the ponds would remain on site. The ponds could be bermed on the East side to make the area more aesthetic to the neighborhood. A lot of the brush and undergrowth in the area would be removed to give the area a park-type affect. The trees, which are not in the pond line area, would not be removed.

BUELL stated the drawing showed the ponds to be twelve (12) feet deep; fifteen (15) feet would be the minimum depth. (The Cross Section of the drawing showed 15'). **BUELL** inquired about the right-of-way from W. Mt. Morris Road on the proposed drawings of the ponds; the lot dimentions would be from the center line of W. Mt. Morris Road. There would be a fifty (50) foot right-of-way on W. Mt. Morris Road from which the setback would start.

COLEMAN had purchase the proposed property locations June, 2004; the proposed locations are currently for sale to the public.

CONCERNS:

- Water Overflow - the water table currently is two (2) foot and steady – the area is the natural water flow for the area which flows to the North
 1. **DOYLE:** there needed to be an overflow ditch from the pond
 2. If all the dirt should be removed for the ponds, and no berm was placed, if the ponds overflowed and there was nothing to allow the overflow to do but continue to the East and cause problems in the area; there would have to be an overflow ditch that went from the pond to the front ditch so that any overflow would not go to the neighbor's property
- the dirt would be removed to expose the water that is currently on the property
- most of the dirt would be moved to the South but there would be a small berm to the East around the pond to prevent water to flow in that direction
- recommend an outlet flow to the ditch instead of going around and then coming into the ditch
- proposed ponds to be 50' x 100' at the outside extremity
- the area currently is sand and gravel

- one hundred (100) foot setback from the right of way – drawing shows seventy-five (75) feet
- no buildings are located on the property other than an old barn which has been partially destroyed
- **DOYLE:** if moving the one pond back one hundred (100) feet into a higher elevation, a berm could be placed around the pond on the North side and then remove the ditch on the one side and gradually let it drain
- ponds should be completed by October 2004

DOYLE reviewed Special Use Permits Article XVIII, Section 20-1804, Requirements for Permitted Special Uses, (BB) Ponds which states:

b. General Provisions and Conditions

1. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to construct a pond within the Township without first securing a construction permit from the building official. A site plan has to be approved by the Planning Commission for conditions and site approval. A pond shall be a special use permitted on property zoned RSA.
2. A pond shall not be constructed on a lot or parcel of land that is less than 2 acres in size.
3. Water shall be maintained in all pond excavations, and built in a spring or natural water drainage area according to current County topography maps and drain districts, showing existing property grades and also future pond grades.
4. Ponds shall be engineered and designed according to all provisions and conditions of this Ordinance, including engineered drawings, drawn to scale by a qualified designer showing all site buildings, easements, size, setbacks, etc. Such plot plan shall be approved by the Building Inspector before a hearing shall be scheduled.
5. All soil and similar materials excavated during the construction of the pond shall remain on the property, unless an Earth Removal Permit has been obtained.
6. If a pond exceeds 4.9 acres it would be classified as a lake, and could be cause for other permit requirements.
7. The parcel should contain natural land forms which are so arranged that the change of elevation within the site includes slopes of ten; and water (10) percent or less usage could provide water to fill pond.
8. The subject site and/or adjoining properties do not contain natural assets including trees, wood-lots, endangered species habitats, wetlands, 100 year floodplains, natural watersheds, or similar features that would be altered by the establishment of the pond.
9. The outside edge of the pond is not within fifty (50) feet of an existing County Drain.
10. The proposed pond is not located within one hundred (100) feet of a public road right-of-way, private easement, or school site.
11. The proposed pond is not within fifty (50) feet of an existing wetland.

d. Design Requirements

Private ponds shall be permitted as an accessory use provided they meet the following requirements

1. The setback distance for the pond shall be a minimum of seventy-five (75) feet from the waters edge at its highest point from any adjoining property line. There shall be a minimum of 25 feet between the edge of any berm or other placement of elevated soils removed from the excavated pond and any adjoining property line. The total height, as measured from original grade, of any berm or elevated soils and any fence or other materials built or placed upon the berm, except trees or other vegetation, shall not exceed a total of 6 feet. This provision shall not prohibit the placement of any otherwise appropriate fence across a part of such berm, which may cause the height of the fence to exceed 6 feet at the point of crossing the berm.

2. There shall be a distance of not less than fifty (50) feet between the outside edge of the pond and any building.
3. There shall be a distance of not less than fifty (50) feet from the water's edge to any overhead transmission lines.
4. Slopes of the excavation shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical, to a depth below water of six (6) feet on shallow walk in side, and no more than six (6) feet horizontal to six (6) feet vertical at three sides of pond. Ponds must be a minimum of 15 feet depth to existing grade in deepest spot to keep water from being stagnant, unless topography demands special consideration.
5. All areas disturbed during construction shall be seeded with bluegrass or other high quality grasses and maintained in good condition to prevent erosion.
6. The Township Planning Commission may, at its discretion, require the installation of a fence no less than four (4) feet in height to protect the health, safety, and welfare of the property owners and or tenants, neighboring uses, and Township residents.
7. The Township Planning Commission may, at its discretion, require the installation of a berm to be appropriately designed for height and width, whose slope shall be no more than at a 30 degree angle to prevent erosion and to protect the health, safety, and welfare of the property owners and or tenants, neighboring uses, and Township residents.

e. Limitations

1. No pond shall be located upon, cross, or extend beyond an existing property line and a permit shall not be issued for construction of a pond on more than one property, unless, in addition to the other requirements of this section:
 - a. The owners of each property on which any part of the pond is to be located, submit a joint application for a special use permit, signed by each property owner.
 - b. Each property owner executes a reciprocal easement, in recordable form, satisfactory to the planning commission which describes the benefits and burdens to each property, including adequate provisions to assure maintenance of the pond.
 - c. The easement shall be recorded as a pre-condition to issuance of the permit.
2. Construction of a pond shall be completed within twelve (12) months of the issuance of the construction permit. Extension may be granted by the Planning Commission for a reasonable cause shown.
3. The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the Township or by other public agencies having jurisdiction.

BUELL stated the proposed ponds met the design standards, but that he (Buell) did not agree with the design. He (Buell) thought the 1 to 2 slope design was a child trap and he would encourage **COLEMAN** to take appropriate steps to fence or use some other method of safety until the proposed property had been sold; be very careful.

DOYLE REVIEWED THE POND SITE PLAN REVIEW CHECKLIST:

Additional Recommendations:

1. Pond Setback Per Ordinance: 75' side setback; 100' from front property line to pond
2. public water line currently is located at the North side of the parcels on Mt. Morris Road
 - a. previous well was located on Parcel E – 9339 W. Mt. Morris Road – the well has been plugged
 - b. there was a windmill on another one of the parcels – the dug well has been filled
3. the surface grading will be hydroseeded
4. the topography is mostly brush with scattered trees
5. bond and soil erosion permits will be required for each of the three (3) ponds
6. all ponds to be 15 foot deep
7. the shallow end of the ponds will be closest to the home – the other three (3) sides will be deep ends

DOYLE read the letter of correspondence from Greg Disberry of 9315 W. Mt. Morris Road, Flushing – “has no problem with the plans for the ponds.”

SWANSON MOVED, seconded by Bowron to approve the ponds for Mr. Coleman with the conditions set forth with the setbacks, berms, bonds per the ordinance with the permit being for one (1) year. **MOTION CARRIED**. **BUELL** opposed due to the safety issue of the ponds with children living in the area.

3. Lee St. John – Informational Planning Commission Meeting – Postponement of the Request from the Zoning Board of Appeals - Ability to Add a Lot

DOYLE stated there had been a request for the Planning Commission to review the information to see if anything could be added to the current information, which the Planning Commission already had obtained, concerning the addition of a proposed home on the Coldwater Road Extension.

SPECIFICATIONS OF THE SITUATION:

- non-conforming use
- roadway and houses were in place before the ordinance was in place
- Planning Commission had previously discussed the situation and felt the only thing they had was the road
- **SWANSON**: felt the non-conforming use, per Township **ATTORNEY STEVE MOULTON (MOULTON)**, was becoming the issue in this particular case (See Exhibit A – Letter from Attorney Steve Moulton dated June 29, 2004)
- The object of the Zoning Board of Appeals and the Planning Commission would be to try to include as much as possible to remove the non-conforming use – not add to it
 - a. find fifty (50) foot of easement to put in a road – it would eliminate the grandfather clause
 - b. what would be the reasonable thing to do with the property or the road
 - c. everything has been located within the thirty-three (33) foot extension

1. reasonable use of the property and would keep away from the non-conforming use
- Zoning Board of Appeals (ZBA) viewed the situation as if they (ZBA) granted the allotted thirty-three (33) feet for the easement, it would be adding to the non-conforming use
 - a. ZBA would like to see a road in the area
 - b. the Planning Commission made the area a non-conforming use
 - c. now trying to work out situations to rid the non-conforming use
 - thirteen (13) properties accessing Coldwater Road Extension without being paved
 - **SWANSON:** the minutes of the Zoning Board of Appeals revealed there would be a minimum of fifty (50) feet for the easement; the private road should be at least eighteen (18) feet wide
 - a. after ten (10) residents, the road would be considered a road
 - b. what were the original uses before it was made into a non-conforming use
 1. uses before the new ordinance was put into affect
 2. particular parcel accepted at one time and should be continued to be accepted
 - **MARK ST. JOHN (M. ST. JOHN):** the road and all the utilities are in place
 - Utilities are located underground and include Consumers Energy, Buckeye Pipeline, and the water line
 - **BUELL:** have all the adjoining property owners on the South side of Coldwater Road Extension been granted an easement to Buckeye
 - Everyone on the road has a Maintenance Agreement – assessment district for the maintenance of the road with the Township
 - **LEE ST. JOHN (L. ST. JOHN):** there is fifty (50) plus feet in the easement and the road would be in place
 - a. ingress/egress privileges have been available to the people on the North side of the private road
 - b. **ATTORNEY STEVE IMARINO (IMARINO)** sent a letter in 1991, “no more building on the North side of the road” due to there being a lack of access to the parcels
 - c. has offered to negotiate a fair deal for half interest in the private road
 - **GENSHEIMER:** to resolve the matter should be a win for everyone involved
 - **SWANSON:** how much easement on the South side of the Extension
 - a. combine thirty-three (33) feet and Buckeye Pipeline has a minimum of ten (10) feet and maximum of twenty-five (25) feet off the South property line (43’ to 58’ deep)
 - b. North side of the Extension has the natural gas and water line (7 ½’)
 - c. **L. ST. JOHN:** last time Buckeye Pipeline cut trees to expand, they wanted to go twenty-five (25) feet beyond
 - **DOYLE:** if there is a two-way street; if all the utilities are already there; if there is a road maintenance agreement; St. John has supplied everything except the fifty (50) foot - everything has been included in the thirty-three (33) feet

- **GENSHEIMER:** per the ordinance, when there is a certain number of residents on the road it has to be paved
- **SWANSON:** should try to get rid of the non-conforming use
- **SWANSON:** Recommended that **M. ST. JOHN** get an engineered drawing
- **DOYLE:** the matter first brought to the Planning Commission to try to resolve the matter according to the ordinance
- **FITCH:** if could come up with fifty (50) feet for an easement the situation could be dwelt with at the Planning Commission, if not, there would be no other choice but to request a variance
- **DOYLE:** the ordinance is the law and how a situation is put together to make it a reasonable thing – how a situation would be made legal
- **M. ST. JOHN** should contact Buckeye Pipeline and find out what easements are along Coldwater Road
- **FITCH:** ordinance states there has to be sixty-six (66) feet for a right-of-way and it gives the Planning Commission the authority to reduce the right-of-way measurement to fifty (50) feet – not sure if an easement could be included in the fifty (50) feet
- Recommendation to take the matter back to the Zoning Board of Appeals
- **SWANSON:** would like to get rid of the grandfather rule (non-conforming use)
- Contact **ATTORNEY MOULTON** to determine if an easement could be placed over an easement – (Buckeye Pipeline, water line, etc. to be used as a Road Easement)

VI. MEETING SCHEDULE:

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.

REGULAR SCHEDULED MEETING – MONDAY, NOVEMBER 8, 2004 – 7:00 P.M.

VII. ADJOURNMENT: There being no further Work Session business, **DOYLE** adjourned the Planning Commission Meeting at 11:10 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval