

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800

FAX: 810-659-4212

**PLANNING COMMISSION**

DATE: APRIL 11, 2005

TIME: 7:00 P.M.

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

**MEMBERS OF PLANNING COMMISSION**

Aaron Bowron, Chair

Jerome Doyle, Vice Chair

Eric Swanson, Secretary

Barry Pratt, Board of Trustee Representative

Richard Buell

Ronald Flowers

David Gibbs

Jerald W. Fitch, Building Inspector

Julia A. Morford, Recording Secretary

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

**ABSENT:** None

**OTHERS PRESENT:** Eugene W. Mann, Ron Herrick, Michael Mantie, Michael Watson  
Representatives of Flushing Jehovah's Witness Congregation, Marc Wolf and Henry Sandweiss  
representing Phase II, Hyde Park Estates (Single Family Homes) plus five (5) interested  
township residents.

**I. MEETING CALLED TO ORDER** at 7:00 p.m. by Planning Commission Chair Aaron  
Bowron with Roll Call and the Pledge to the American Flag.

**II. ADOPTION OF AGENDA: GIBBS MOVED**, seconded by Flowers to adopt the  
Planning Commission Agenda for April 11, 2005 as presented. **MOTION CARRIED.**

**III. APPROVAL OF MINUTES:**

**(A) APPROVAL OF MINUTES OF FEBRUARY 28, 2005: PRATT MOVED**,  
seconded by Flowers to approve the February 28, 2005 Planning Commission  
Minutes as presented. **MOTION CARRIED.**

**(B) APPROVAL OF MINUTES OF MARCH 14, 2005: FLOWERS MOVED**,  
seconded by Gibbs to approve the March 14, 2005 Minutes with corrections.  
**MOTION CARRIED.**

**IV. UNFINISHED BUSINESS:**

None

**V. NEW BUSINESS:**

1. Eugene W. Mann, 6666 River Road, Flushing, Michigan  
Special Use Permit to build a Church on RSA zoned property at 5122  
Sheridan Avenue (M-13), Flushing, Michigan, part of Parcel  
No. 08-19-300-013

**BOWRON reviewed:**

**Article XVIII, Section 20-1804 (M), Churches:**

1. Minimum of one acre plus one-half (1/2) acre per 100 person seating in principle 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.

**Article XVIII, Section 20-1802:**

At the meeting where an application for special land use is considered, the commission shall consider the requests in accordance with the following standards:

- (a) That the special land use shall be consistent with and promote the intent and purpose of this chapter.
- (b) That the proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment and the capacities of public services and facilities affected by the proposed land use.
- (c) The special land use sought is consistent with the public health, safety, and welfare of the township.
- (d) A request for approval of the land use or activity, which is in compliance with the standards stated in this chapter, the conditions imposed pursuant to this chapter, and other applicable ordinances and state and federal statutes shall be approved by the commission.

**BOWRON** stated the church would be a minimum two (2) step process: 1) Preliminary Site Plan Review and 2) Final Site Plan Review which would incorporate any conditions or recommendations which the Planning Commission would have.

**7:20 P.M. – OPEN FOR PUBLIC COMMENTS**

**MIKE WATSON (WATSON)** Elder of the Flushing Jehovah’s Witnesses Congregation produced a larger site plan drawing with all the previous recommendations and conditions (from the Coldwater Road/McKinley Road proposed church) incorporated into the new proposed property site plan at 5122 Sheridan Avenue (M-13), Flushing.

**SPECIFIC DETAILS:**

- Two (2) parcels involved
- All zoning requirements have been met
- Seventy-five (75) feet from the side property line
- More than twenty-five (25) feet from the back property line
- Topography has been included in the drawing
- Drains are taken care of
- Retention ponds
- Sale of the property is contingent upon the approval of the site plan.
- There will be no recreation on the property.

**BACKGROUND INFORMATION:**

- The capacity of the auditorium is 115
- Seventy-five (75) individuals attend the church
- Three (3) services are held per week: Sunday Morning, Tuesday Evening, and Thursday Night
- Seventy-five (75) parking spaces available based on the capacity of the church – one (1) parking space for every three (3) people
- There is an overflow for 30 plus cars

**BOWRON** reviewed:

**Parking Ordinance, Article V, Section 20-501(b) (2):**

**Assembly halls, churches, mortuaries, theaters:**

“1 space per 3 seats or per 21 square feet of assembly space, whichever will require the largest number of parking spaces.”

**REVIEW OF THE SITE PLAN REVIEW CHECKLIST**

**Additional Comments**

- Wetlands - one of the site plan review requirements specified there needed to be a statement concerning wetlands. (There are no wetlands on the proposed property.)
- Space Between Structures - 150 feet between structures which would be the 12 x 12 shed in the back of the property
- Unloading Area Size - the 24’ x 24’ area includes the carport area

- **BOWRON** recommended Code Enforcement Officer Fairchild check the sign dimensions and location of the proposed sign.

**(Continued review of the Check List)**

**BOWRON** reviewed:

**Signs, Chapter 13, Section 13.5-60:**

Residential, institutional uses permitted in residential zoning districts – Permanent Signs.

(a) Where institutional uses are permitted in a residential zoning district, there shall be permitted one (1) residential sign which may be directly or indirectly illuminated not to exceed thirty-two (32) square feet in area. In the case of a freestanding sign, such sign shall not exceed fifteen (15) feet in height, and shall be set back so that the face or any part of the sign is not less than ten (10) feet back from right-of-way line. A permit is required.

- Landscaping General – there will be a berm with shrubs on the South edge of parking area, trees on the North side, and small shrubby in front of the church.
- Number of Lights - there will be one (1) light located under the roof of the car port and on the “Exit” sign on the North side of the building. 2/3 of the parking lot is on light timers for the parking lot.
- Septic System – will be regulated by the Genesee County Health Department.

1. Chris Henderson, 5150 Sheridan Road, Flushing – “lives North of the proposed property because he has a pond in his back yard; would like to see the end result to see what has transpired; he drives race cars and don’t want to interfere with the church services.”

2. **JERRY FITCH, (FITCH)** Flushing Township Building Inspector, stated there was a high water table in the area.

**7:45 P.M. – CLOSED FOR PUBLIC COMMENTS**

**CONDITIONS FROM THE PLANNING COMMISSION:**

- **DOYLE:** will the whole area have a two (2) foot high berm by the South parking area? (There will be nothing on the North side.)
- **PRATT:** will the berm be used to control the headlights?
- **FLOWERS:** how far is Chris Henderson’s (Henderson) house from the road? (125 yards off the center of the highway – 350’)
- **PRATT:** was concerned about people pulling into the parking spaces of the proposed church, with their head lights shining into Henderson’s house.
- **DOYLE:** there has to be a distance of twenty (20) feet away from the property line in order to build up a berm.

- **PRATT:** made reference to Site Plan Article XIX, Section 20-1907 (g) for his concern to the lighting, which states:  
“The site will be developed with the goal of controlling any negative impacts the project might have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries.”
- **DOYLE:** suggested that a two (2) foot berm be on the North and South sides with evergreens planted on top of the berms.
- **PRATT:** could the proposed berm on the property drain to the front ditch? **DOYLE:** the water can't be drained, from the proposed church property, onto the neighbor's property anymore than what has been draining previously.
- There is a natural drain that flows from the field to the Northwest corner of the proposed church property, and runs through Henderson's pond; in 2004 the back yard of Henderson's property was like a small river; would the amount of water disturb the septic system for the proposed church?

**MICHAEL MANTIE (MANTIE)** a registered builder with the State of Michigan, suggested more mature trees and taller shrubs could be planted so that Henderson's privacy would be protected. The church would comply with Henderson's wishes as they (Jehovah's Witnesses) would like to be good neighbors.

- **GIBBS:** there needed to be an on/off lane on M-13. He (Gibbs) recommended three (3) car lengths. **WATSON** has been working with Michigan Department of Transportation regarding the lanes.
- **BOWRON:** actually 75 parking spaces – the Planning Commission always likes to see more parking spaces.
- **FLOWERS:** concerned about the overflow – overflow parking in the back of the church – 75 is the minimum parking spaces required at present.
- **BOWRON:** what are the projections for future growth? (“People are moving away so not sure at present.”)
- **FLOWERS:** no public water available at the proposed church site (M-13). Birchmeier Well Drilling has been contacted regarding the well system.

**DOYLE MOVED**, seconded by Buell to approve the Preliminary Site Plan.

ROLL CALL VOTE:

AYES: Pratt, Flowers, Buell, Swanson, Doyle, and Bowron

NAYS: Gibbs                    MOTION CARRIED.

2. **Marc Wolf and Henry Sandweiss – Phase II, Hyde Park Estates (Single Family Homes) - Informal discussion regarding changes in Phase II, Hyde Park Estates (single family portion)**

BOWRON stated that the meeting was only an informal discussion as notices had not been sent out to the surrounding residents.

**8:12 P.M. OPEN TO COMMENTS FROM THE AUDIENCE:**

**HENRY SANDWEISS (SANDWEISS)** a partner of SW/Flushing Development Associates, LLC, of Farmington Hills, Michigan stated the development started out with the 64 single family homes. Because times have changed due to the economy, he has found that some of the requirements of the special use permit, him and his partner **MARC WOLF (WOLF)** are burdened by some of the conditions.

**POINTS OF RECOMMENDATION:**

- The development was approved to allow five (5) homes at 1,300 square feet.
- Due to a study by the engineer, there can only be one type of home constructed in 1/3 of the lots in the development.
- The economy market has been leaning toward the smaller, less expensive homes.
- The neighbor Mary Jane Hudson, developer of the Devonshire Commons, has constructed homes of nine hundred (900) square feet, one-car garage, side yard requirements are different, distance between buildings has been less than twenty (20) feet; the township ordinance states fifty (50) feet.
  - a. **BOWRON** stated that in a Planned Unit Development (PUD) the Planning Commission is not bound by square footage minimums otherwise required by the Zoning Ordinance.
- **SANDWEISS and WOLF** have had preliminary discussions with **JERRY FITCH (FITCH)**, the building inspector, and would like to make amendments to the November 4, 2002 Hyde Park Estates conditions to allow smaller, lesser minimum structures. Some amendments would be:
  - a. ranches with 1,400 square feet
  - b. two (2) story with 1,800 square feet - 900 square feet on each floor has been a burden.
    - 1. not profitable to build an 1,800 square foot - 3 bedroom home with two (2) baths
    - 2. would like approval from the Planning Commission to have 1,400 square feet
  - c. 1 ½ story home – Suggestions: Cape Cod with unfinished attic; there could possibly be three hundred fifty (350) square feet.
- Currently there are small lots that back up to the original Hyde Park Development where condominiums are located.
- The major lots on the outer perimeter of the development would not be changed.

**POINTS OF INTEREST:**

- **SANDWEISS/WOLF:** selling their homes for \$164,000 to \$190,000 depending upon the extra incentives.
- **SANDWEISS/WOLF:** have constructed five (5) homes off Potter Road.
- **SANDWEISS:** people would purchase homes in Flushing, if they could get more for houses for the money as opposed to northern Oakland County.
- **SANDWEISS:** people want smaller square footage.
- **BOWRON:** have they (Sandweiss/Wolf) ever considered the reason for the homes not selling? Could it be because the homes are modulars?
- **WOLF:** trying to overcome Flint Township and the Grand Blanc Market for selling so many homes. People need a reason to get off the beaten path to purchase homes.
- Of the current five homes in Phase II, Hyde Park Estates, one of the homes won an award during the Parade of Homes.
- **SANDWEISS/WOLF:** would like an equal set of standards. (Ex: sidewalks).
  - a. reference made to the HJM Conditions of November 4, 2002, number 18 which states: “There would be no sidewalks.”
- **DOYLE:** when the whole PUD was first approved, Mary Jane Hudson’s property was supposed to be for seniors, that were outside of the major area (Alzheimer structures) presently constructed, that did not need help. The rest of the area was for the construction of tri plexes and four plexes.
  - a. There had been a request to construct single family homes similar to the 64 single family homes.
  - b. Mary Jane Hudson’s area could be changing into what would be similar to the plans in the first place when it was individually duplexes instead of large homes.
  - c. It was felt that in order to develop the proposed property it would be better to have single family homes on separate lots rather than have duplexes and tri plexes
  - d. Market is what drives the construction business
  - e. What would really work in the area?
  - f. The PUD is a separate entity by itself and the ordinances would not have to be followed.
  - g. Construction needed in the PUD that would be appealing to not only the customers but also the township.
- **SANDWEISS:** only wants to change ½ dozen of the conditions, especially the footprints of the homes
- **BOWRON:** made reference to the actual minutes of November 4, 2002 Minutes, page 4, No. 18:
  - P.C.** – There would be no sidewalks
  - HJM** – We request that as the homes are built that sidewalks would be constructed by the builder. HJM will construct the sidewalks, if any, adjacent to the open space areas.
  - CONCLUSION:** There would be sidewalks.
- **FLOWERS:** the township has no method to clean the sidewalks.
- **BUELL:** have **SANDWEISS AND WOLF** have taken over the entire 64 single family development, Phase II, Hyde Park Estates from HJM? (Yes)

- **SANDWEISS:** the developer did not sit down and think the situation through because some of the lots are too small to construct homes.
- The pie-shaped lots are the major problems.
- The lots that would be affected are Lots 8-21, 64, 54, 53, and 50.
- **WOLF:** wants homes which they (Sandweiss and Wolf) could walk away from and still be proud they constructed the homes. If there should be a warranty problem in a year, he (Wolf) would still take care of the situation.

**CONCLUSION:**

- It was recommended that **SANDWEISS AND WOLF** make a formal request with a Preliminary Site Plan to the Planning Commission for amendments to Phase II, Hyde Park Estates.
- **OR** deal with the situation as it is.

**8:50 P.M. – CLOSED TO COMMENTS FROM THE AUDIENCE.**

**VI. PUBLIC COMMENTS – OPENED AT 8:50 P.M. FOR NON-AGENDA ITEMS**

None

**8:50 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS**

**VII. BOARD COMMENTS:**

1. **FLOWERS** presented a synopsis of a meeting which he recently attended sponsored by the Planning Commission with concerns such items as: 1) senior drivers, 2) testing through a CD, 3) intersection studies, and 4) truck safety regulations. **FLOWERS** will present all the material at the next Special Planning Commission Meeting.

2. **SWANSON**, who spent the last month in Florida, stated that Florida is now considering action in Florida that when a developer is planning to put in a large development, he has to put in all infrastructures up to the date of that development, including schools.

3. **BOWRON** stated the Planning Commission Meetings scheduled for October would be October 3, for a Regular Scheduled Meeting and October 24, for a Special Meeting.

4. **DOYLE** inquired as to a bond being in affect from HJM of Hyde Park being required for the ponds in Hyde Park.

**VIII. MEETING SCHEDULE:**

**PROPOSED SPECIAL MEETING – MONDAY, APRIL 25, 2005 – 7:00 P.M.**

**REGULAR SCHEDULED MEETING – MONDAY, MAY 9, 2005 – 7:00 P.M.**

**PROPOSED SPECIAL MEETING – MONDAY, MAY 23, 2005 – 7:00 P.M.**

**REGULAR SCHEDULED MEETING – MONDAY, JUNE 13, 2005 – 7:00 P.M.**

**PROPOSED SPECIAL MEETING – MONDAY, JUNE 27, 2005 – 7:00 P.M.**

**IX. ADJOURNMENT:** There being no further business, **BOWRON** adjourned the Planning Commission Meeting at 9:00 p.m.

---

AARON BOWRON, Chair

---

JULIA A. MORFORD, Recording Secretary

---

ERIC SWANSON, Secretary

---

Date of Approval

Planningminutes 041105