

CHARTER TOWNSHIP OF FLUSHING

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PLANNING COMMISSION WORK SESSION

DATE: SEPTEMBER 28, 2004 TIME: 7:00 P.M.

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

MEMBERS OF THE 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, and Morford

ABSENT: Fitch (arrived later toward the end of the meeting)

OTHERS PRESENT: Major Lanxton, Jerry Lawrence, and Representatives of the Flushing Jehovah's Witnesses Congregation Eugene W. Mann, Ron Herrick and Michael Watson

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

II. ADOPTION OF AGENDA: GIBBS MOVED, seconded by Flowers to adopt the Agenda for September 28, 2004 as presented. **MOTION CARRIED.**

III. APPROVAL OF PREVIOUS MINUTES:

None

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 at the last Planning Commission Meeting no approvals for the Flushing Jehovah's Witnesses Church had been given because the Planning Commission felt there needed to be more information from the Township Engineer to review the Township Ordinance.

LETTER OF CORRESPONDENCE FROM STEVE WARREN OF ROWE INC:

DOYLE reviewed the letter of correspondence of September 24, 2004 from Steve Warren of Rowe Inc., addressed to Building Inspector **JERRY FITCH (FITCH)**, concerning items on the Site Plan for the Flushing Congregation of Jehovah's Witnesses:

1. The plan does not state whether any wetlands or floodplains exist on site. If such exist, the applicant will be required to obtain the proper permits from the MDEQ.
2. Existing grades shall be provided for areas 50' outside of the parcel to determine whether proposed grading might adversely impact adjacent properties.
3. Existing right of way shall be dimensioned and all utilities shall be shown. Buckeye Pipeline has a petroleum pipeline running along the south side of Coldwater Road, this shall be displayed on the plans to determine if any conflicts. All proposed utilities shall be shown, including water supply.
4. Detention basin grades, pipe inverts of basin outlet, culvert grades and existing ditch grades shall be provided for review.
5. Proposed grades along edge of parking lot shall be provided for review to verify all runoff from proposed improvements is maintained on site and directed towards the proposed detention basin.
6. The applicant will be responsible for obtaining all state, county and township permits necessary to complete this work.

DOYLE inquired as to whether **MANN** had the opportunity to place all the information (obtained from Rowe Inc.) on the site plan drawing, or if he (Mann) felt all the information was already on the site plan drawing. **MR. MICHAEL WATSON (WATSON)** Representative of the Jehovah's Witnesses Congregation stated everything had been shown on the site plan drawing except for the fifty (50) feet outside of the site plan.

REVIEW OF THE BUCKEYE PIPELINE TOPOGRAPHY MAP:

DOYLE reviewed the topography map from Buckeye Pipeline which showed the proposed property for the Flushing Jehovah's Witnesses.

- Forty-five (45) feet from the North line of the center of the roadway
- right-of-way would be one-hundred (100) feet on Coldwater Road
- Buckeye Pipeline would be six (6) feet off the right-of-way line
- the site plan would no longer be correct but would have to show that everything would be included in the area that would be free, not on the right-of-way area

GRADING OF THE PROPERTY:

- the Planning Commission had requested a berm to be around the pond
- the three (3) foot high berms would not create problems for the neighbors
- the property to the South and East of the proposed property would be on the same level as the church property plus the front Northeast corner of the proposed church property would be lower

- a. if the property should be all flat, according to the topography map, the three (3) foot high berms would more than take care of any water and would flow, according to the plot plan, to the detention pond
 - b. the extension of the grade should show fifty (50) feet on the site plan drawing outside of the property line
- the ditch floor would be 97.1 and would flow to the East
 - bottom of the basin would be 92 which would mean there would be a six (6) foot fall from the bottom of the ditch to the bottom of the basin – according to the site plan
 - the ditch could not be mowed
 - the right of way is 50 feet and not 33 feet so 17 feet of the pond would be sitting on the right-of-way – the whole site plan would have to be moved South
 - a storm sewer would come across the property and back to Coldwater Road and would then flow down to the river. (There had been a previous discussion concerning the line at McKinley Road and Coldwater Road, extending to the East, coming from Coldwater Road to the South, the water would then cross McKinley Road at the low area, continuing around and eventually going to Lee St. John’s property on Coldwater Road.)

It was determined the site plan should be redrawn, showing the changes, before the Planning Commission could proceed with any approvals.

7:50 P.M. – OPEN TO THE PUBLIC

1. Major Lanxton, 9344 Stanley Road, Flushing – “would like verification on the new law concerning maintaining a 30,000 square foot lot; Mr. Lanxton has been trying to purchase a small portion of a property lot from the next door neighbor. The portion of the lot would be a non-buildable lot which would not be large enough to build on; the lot is considered a wide lot between two (2) houses.”

Points of Interest: (A formal request had not been received by the Planning Commission; the information supplied to Mr. Lanxton’s was for his benefit only)

- township had told Mr. Lanxton that he couldn’t purchase the property due to the neighbor’s lot having to remain at 30,000 square feet due to sewer, water, etc.
- dimensions of the proposed property 130 feet x 253 feet – approximately 32,800 square feet
 - a. there are no existing buildings on the proposed property
 - b. Parcel 08-10-300-022 (Major Lanxton) and Parcel 08-10-300-023 (Mark Simpson) were involved in the discussion
 - c. Simpson has to retain 30,000 square feet in order to stay within the ordinance
 - d. Lanxton would like to purchase twenty (20) feet
 - e. No reason the proposed property could not be sold
 - f. Very sandy soil in the proposed area
 - g. A new septic field was installed three (3) years ago behind Simpson’s house – not on the proposed eleven (11) feet
 - h. Lanxton’s septic field (next to Simpson’s property) would be to the right of the property line in the back yard – there would be two hundred (200) feet or more

- between the two (2) edges of the two (2) septic fields which would consist of the small lot area (20) feet which Lanxton would like to purchase
- i. **JERRY FITCH (FITCH)** stated the Genesee County Health Department issued the permits for septic systems
 - j. **FITCH** stated the changes in lot sizes took affect June 10, 1999 - from 20,000 to 30,000 square feet
 - k. **DOYLE** stated the area of Stanley Road and Gillette Road was a platted area and took affect before 1999
 - l. Purpose of the proposed purchase of property would be to make Lanxton's property wider so as to make Lanxton's property frontage one hundred (100) foot and also so that Lanxton could have access to the back of Lanxton's property which extended eight hundred (800) plus feet to the area where Lanxton had a pole barn constructed
 - m. if Lanxton purchased the proposed twenty (20) feet, it would reduce the neighbor's property to 27,830 square feet
 - n. the proposed strip of property which Lanxton would like to purchase would be 20 feet by 253 feet and would be incorporated into Lanxton's current property
 - o. there was a discussion regarding Lots 6, 7, and 8 of the Country Lane Acres on Gillette Road as to the lot size being smaller – the whole subdivision was plotted prior to 1999
 - p. an easement from Simpson was discussed: the easement would stay with the property forever and would be part of the deed (one piece of property would be granting an easement to another piece of property)
 - q. **FITCH** stated that if Simpson wanted to go smaller than the 30,000 square feet, there would have to be a variance and he (Simpson) would have to go before the Zoning Board of Appeals
 - r. Lanxton stated he could legally purchase eleven (11) feet which would leave Simpson with 30,227 (?) square feet
 - s. The twenty (20) foot easement would be the better way for Lanxton to proceed and at the same time Simpson could also use the easement
 - t. Anytime a drive was extended to the road, there had to be a permit for a driveway culvert
 - u. If Lanxton purchased the eleven (11) foot, there would be fourteen (14) feet between the edge of Lanxton's garage and the outside of the proposed eleven (11) foot property strip
 - v. Lanxton stated his garage would be three (3) feet from the property line
 - w. If Lanxton purchased the eleven (11) foot and decided to construct a new garage, an unattached garage would have to be five (5) feet from the property line; an attached garage would have to be ten (10) feet from the property line

DOYLE stated that the lot had to be functionable because of the amount of area that would be needed for a septic system. Genesee County Health Department has assembled rules and regulations as to the method of approval of septic systems; septic systems are currently raised fields. In a raised septic field, it would allow more property to be set aside for drainage off the raised field in order to not interfere with the neighbor's property. In the past, lots had to be 20,000 square feet; request was

received to have the area wider to handle the sloped septic system. The property could still be one hundred (100) feet wide, but the property would be deeper. The septic field has to be twenty (20) feet away from the property line.

DOYLE recommended that Lanxton assemble a plot plan which would show all the details on the neighbor's property that would allow for extra space for a septic system; **FLOWERS** stated the Planning Commission needed the details on the plot plan concerning the location of the house and other fixed assets.

DOYLE stated the simpler method would be:

1. Lanxton purchase the eleven (11) feet – exchange the deed
 - a. best to have surveyed
 - b. best way to get a description of the land would be to have an engineer give a description of the 11 feet x 253 feet and then take the description and compose a deed
 - c. if went the route of the twenty (20) foot easement, would also have to have the description and have an engineer draw up the deed and the easement
 - d. if either party (Lanxton or Simpson) sold his property, the easement would go with the property – the ordinance would not be violated
 1. there would be a driveway
 2. there would be an easement to use
 3. find out the restrictions such as a fence, etc.

BOWRON stated the only problem that he saw with the easement would be that it would burden the neighbor's property if and when he (Simpson) decided to sell the property because it would be encumbered by the user right of another party. **LANXTON** stated he would purchase the eleven (11) foot to be used as a lane to get to his pole barn located at the back of his property. **LANXTON** would then have full right, title and interest to the proposed property instead of just a user right.

SWANSON stated if **LANXTON** decided to purchase more than the eleven (11) feet, he (Lanxton) would have to go before the Township Zoning Board of Appeals.

2. Jerry Lawrence – 7101 Gillette Road, Flushing – “concerned about the increase of housing and the decrease of farmland.”

DOYLE stated that if a farmer wished to develop his property, the Planning Commission could not stop him. The Land Division Act (State Act), which the Planning Commission had to abide by, would allow a person to plot off four (4) parcels without subdividing his property. **GIBBS** discussed the possibility of \$5.00 per acre taxes on farmland. **BUELL** reviewed Farmland Act 113 with the Planning Commission. **FLOWERS** stated there were two (2) committees in Lansing discussing the possibility of changes to the Land Division Act.

8:20 P.M. – CLOSED TO THE PUBLIC

2. **Continued Review of Update of Master Plan**
 Minutes of February 24, 2004, page 7, Residential Land:

Policies – Page 7

PROBLEM TITLE	STATEMENT	CONCLUSION	REVISITED 09/28/04
<u>Residential Land</u>	A) Permit high density residential development only in areas proposed for both public water supply and sanitary sewer service.	True	True
	B) Land areas should be identified for prime consideration for low density, medium, and high density urban residential develop.	Case by case basis	True – The Planning Commission places conditions.
	C) Low density development should be encouraged only in those areas where such development is not likely to require a high degree of public investment in utility and services.	True	True
	D) Low density residential land use should be buffered from high and medium density, commercial and industrial developments.	True	True
	E) Residential developments in the township should result in housing supply for all economic and social groups.	True	True – In the State Ordinance
<u>Commercial Land</u>	A) Maintain current levels of active	True	True – Case by case basis

	commercial development in relationship to population increases.		
	B) Commercial development should take place only in concentrated fashion.	True	True
	C) Commercial locations should be selected in such a manner as to efficiently serve residential areas, at areas along county primary roads.	True	True
	D) Convenience level commercial operations should locate at intersections to provide adequate access and to limit commercial traffic in residential and agricultural areas.	True	True
	E) The principal commercial area in the township is at the intersection of Mt. Morris and McKinley Roads. Additional commercial development will be concentrated around this existing center, with the exception of convenience level facilities which may be developed close to the residences they serve.	True	True
	F) Commercial development should be developed in such a way as to minimize the impact to the rural atmosphere of the	True	True

	community. This includes screening of parking areas.		
	G) Commercial development should be clustered, with shared driveways, parking and signs.	True	True
	H) Commercial land uses should be buffered from low density residential land uses. The scale of the buffering will be dependent on the scale of the commercial development, but include fencing, landscaping, greenbelts, open spaces, and intermediate intensity land uses such as medium/high density residential.	True	True – the ideal way would be to make the buffer wider and to if coming from RSA to RU-1 or RU-2, the ideal buffer would be to come from RSA to RU-1 to RU-2 to RU-3 and then commercial (C-1 or C-2); at some point the Commercial will come in contact with the RSA. Solution: to make a wider buffer with trees. Revisit the Ordinance under the medium/high density residential. Review the Land Preservation Act.
<u>Transportation Planning</u>	A) The roadway network should be improved where necessary to accommodate present and future motor vehicle needs.	True	True
	B) All roadways should be designed to minimize traffic conflicts at ingress/egress points.	True – add additional information to this statement; review eliminating the amount of driveways; limit to turning only with the traffic	Other municipalities are planning to put in one (1) access drive rather than have a lot of drives for the service roads. Mandatory recommendation, for the ordinance, to have an ingress/egress lane.

			If there is an increase in the use of the property so that the site plan had to include a parking lot and ingress/egress drives if there wasn't two (2) different ingress/egress points. Should there be an ingress/egress lane on every driveway where there is major parking.
	C) Maintain a system of functional road classifications and standards to facilitate coordination of efforts to improve transportation facilities in the township and Genesee County. Road condition and traffic counts should be monitored annually and road improvements should be prioritized based on condition, capacity and the proposed area.	Based on the Budget of the Genesee County Road Commission	True - Based on the Budget of the Genesee County Road Commission
	D) Existing and future road capacity should be considered when reviewing rezoning requests and special use permits.	True	True – Nothing could be done
	E) Driveways along major collectors should be limited through the use of shared driveways, service drives and access roads. Subdivisions on major collectors should	True	True – incorporate

	not provide driveways for individual lots along the road, but should be designed to provide access to lots from interior streets.		
	F) Commercial and high density residential developments should be designed to encourage pedestrian circulation.	True	True – depends upon the type of traffic involved
	G) Provisions for bicycle traffic should be made when roads are upgraded.	True	True

ADDITIONAL COMMENTS:

- **FITCH** will get recommendations from **ATTORNEY MOULTON** regarding the C-1 and C-2 property (LUVS Banquet Hall on Mt. Morris Road)
- Review by the Planning Commission of commercial setbacks for property
- C-1 does not allow for Storage Units (LUVS Banquet Hall)
 - a. Mini-Storage Facilities are not allowed in C-1 but are allowed in C-2; storage units are allowed in C-3 with a Special Use Permit
 - b. Permitted by right in M-1 and M-2; Permitted by Discretionary Use in M-3
- **DOYLE** felt there were other methods to have storage units other than the small, outside storage units
- **FLOWERS** recommended the Planning Commission review the township storage ordinance
- **GIBBS** inquired as to when and if he should decide to quit farming, could he (Gibbs) use his tool shed as a storage unit?
- **BUELL** inquired if someone could build a special purpose building at the individual’s farm for storage purposes only; **DOYLE** stated there had to be a special use permit to store the items; the township ordinance allowed for the storage purpose in an enclosed building.
- **SWANSON** stated the intent of the matter would be the main concern for the C-1 zoning district
- The matter would be directed to **ATTORNEY STEVE MOULTON** for his opinion
- Review the Rolling Meadows/Flushing Nazarene Church 2nd drive (66’ easement) at the next meeting – **GIBBS** felt there still should be an ingress/egress entrance on the West side of the church if the Planning Commission should request; the sixty-six (66) foot easement for Rolling Meadows (Nemer’s property) should have been the second (2nd) drive onto Pierson Road for the Church – **FITCH** will check with **ATTORNEY MOULTON** as to the legality of the Flushing Nazarene Church having two (2) entrances to their property – **FITCH** felt the Church would be coming back to the Planning Commission in the future for more requests for

additional structures. **DOYLE** stated the plot plan for the Church had been approved based on a 2nd drive (the easement). There should be another ingress/egress drive.

- a. special conditions as to the parking
- b. special conditions as to the ingress/egress outlets

The continuation of the Minutes of February 24, 2004, page 10, *Community Facilities Planning*, would be discussed at the next Work Session.

V. NEW BUSINESS:

None

VI. MEETING SCHEDULE:

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.

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

PROBABLE WORK SESSION – TUESDAY, NOVEMBER 23, 2004 – 7:00 P.M.

VII. ADJOURNMENT: There being no further Work Session business, **DOYLE** adjourned the Planning Commission Meeting at 10:15 p.m.

JEROME DOYLE, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval