CHARTER TOWNSHIP OF FLUSHING

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PLANNING COMMISSION MINUTES
OCTOBER 5th, 2026 TIME: 6:00 P.M.

MEMBERS OF PLANNING COMMISSION

Chair – Vicki Peivandi
Vice Chair – Matt Strnad
Secretary – Amy Bolin
Board of Trustees Representative – Terry A. Peck
Kyle Raup
Michael Moon
Thomas Nichols

Jeanette Sizemore, Recording Secretary

1. **MEETING CALLED TO ORDER** at 6:00 P.M. by Planning Commission Chairperson Peivandi with Roll Call and Pledge of Allegiance to the American Flag.

ROLL CALL
PRESENT: Peivandi, Moon, Nichols, Strnad, Raup, Bolin and Peck
ABSENT: None
OTHERS PRESENT: Fifteen (15) others were present.

II. APPROVAL OF AGENDA

TREASURER PECK MOVED, supported by Commissioner Raup to approve agenda as presented.

Commissioner Bolin would like the agenda to be corrected to read on item number 1, second line (pursuant to Article 18 section 36-1800 Special Use Permits) instead of (pursuant to 36-18 Special Use Permits). And item number 2, second line should also read (pursuant to Article 18 section 36-1800 Special Use Permits) instead of (pursuant to 36-18 Special Use Permits).

TREASURER PECK MOVED, supported by Commissioner Raup to approve agenda amendments as follows. Item number 1, second line (pursuant to Article 18 section 36-1800 Special Use Permits) instead of (pursuant to 36-18 Special Use Permits). And item number 2, second line should also read (pursuant to Article 18 section 36-1800 Special Use Permits) instead of (pursuant to 36-18 Special Use Permits).

ACTION ON THE MOTION
ROLL CALL VOTE
AYES: Nichols, Bolin, Peivandi, Moon, Raup, Peck and Strnad
NAYS: None

ABSENT: None
THE MOTION CARRIED.

III. APPROVAL OF PREVIOUS MINUTES

COMMISSIONER MOON MOVED, supported by Treasurer Peck to approve previous minutes from July 13th, 2026

After no discussion the following motion was made.

ACTION ON THE MOTION
ROLL CALL VOTE
AYES: Raup, Peck, Peivandi, Moon, Nichols, Strnad and Bolin
NAYS: None
ABSENT: None
THE MOTION CARRIED.

IV. PUBLIC COMMENTS FOR AGENDA ITEMS ONLY

OPEN FOR PUBLIC COMMENTS 6:03 P.M.

No comments

CLOSED FOR PUBLIC COMMENTS 6:04 P.M.

V. UNFINISHED BUSINESS

None

VI. NEW BUSINESS

Zoning Administrator (Mr. Czyzio):

- Around 1967 a gas station was built at that location.
- I have some documentation that mentions August of 1994 and August of 1995 about Total Petroleum purchasing that property and a letter from the Township stating that the property is currently zoned C2 and that use does fit with that particular zoning classification on that property.

- At tonight's meeting we are looking at a special use permit for the land use. We are not doing a site plan or anything like that. So, the question is, can a gas station go on this particular property?
- I know that the applicant for this particular property has also received approval for some zoning changes from the ZBA for setbacks and what not. That is already complete. So, tonight the main focus is for this hearing and the applicant's request is to make sure he can do the use of a gas station on this particular property.

1. PUBLIC HEARING on Special Use Permit for a First Stop Gas Station at 8490 W. Mt. Morris Rd, Parcel No. 08-02-300-009, pursuant to Article 18 section 36-1800 Special Use Permits

OPEN FOR PUBLIC HEARING at 6:06 p.m.

Mark Koerner (Attorney from Foster Swift Collin & Smith PC)

- Here on behalf of Rick Hansen
- Statement of Zoning Board of Appeals has approved some variance request. We have not yet received this as of yet and the minutes have not been approved.
- A FOIA request has been requested and did not receive any documentation to that effect.
- Your review of a special use permit application focuses on 3 primary things: the special land use consistent to promote the intent purpose of the ordinances, the purpose will ensure the land use or activity authorized will be compatible with the adjacent uses, natural environment and compacities of public service facilities affected by the proposed use, and the special land use sought is consistent with public health service, safety and welfare. We are here today to indicate that we do not believe that the applicant can satisfy any of those requirements.
- The first is that the ordinances seek and preserve community care or encourage orderly development protecting adjoined properties promote aesthetic development patterns or advanced long-term planning objectives.
- In this case we don't see how an additional gas station immediately adjacent to one that is already there furthers those goals. Instead, it introduces a commercial use which primary

function is an accommodation of additional vehicle traffic brought in to service the immediate area.

- The existence of the current gas station located at 8490 W. Mt. Morris Rd further undermines any claim that it satisfies that requirement of the ordinance.
- The Commission may consider if the concentrating of two gas stations in one vicinity would be duplicating an existing service.
- Traffic movement, fuel delivery activity, lighting, signage and impervious surface and petroleum related risk.
- We further believe that the proposed use is not compatible with the adjacent land use of the natural environment. I believe the information was submitted to the Zoning Board of Appeals regarding the study that was conducted by environmental resources June 17, 2026. The Department of Licensing and Regulatory Affairs of the State of Michigan underground storage tank, indicated that it was a gas station since 1967, four underground storage tanks were removed in July/August 1994 following a confirmed leak of petroleum products. Approximately 53 yards of contaminated soil and 495 gallons of contaminated ground water were reportedly removed with replacement of 2 ten-thousand-gallon gasoline tanks.
- This site clearly had contamination. The underground storage tank issue was closed by EGLE. Due to a lapse in time, it was closed. This was a statutory default due to the agency not responding in time.
- There is still currently a tank underground and there are issues with respect to the way that the water pattern flows from a contamination stand point. Additionally, the report identifies additional unresolved exposure pathways. Those are vapor issues and those have not been addressed. So, there are some environmental problems with this property. We have contacted EGLE. There has been no due care obligations undertaken. There has been no baseline of phase 1 environmental assessment occurred or a phase 2 or any base line environmental evaluation that has been filed with the state.
- The well issue is important because there is a requirement by EGLE that the placement of any underground storage tank cannot occur within more than 800 feet of an existing well. There is a well at a church and a residence nearby that we believe are within 100 feet which is another issue.

- Ultimately our argument is that the proposed use is not consistent with the public health, safety and welfare.
- The plans that have been submitted show the insistence of a 35-foot fuel tanker that is supposed to go on the property. And if you have been to the property, you can see that its dimensions, it is not a large property and the trail of the pathways and everything else that they have listed on the property that they identify. The method on which they are supposed to bring fuel will only increase traffic, increase number of vehicles and create a public safety risk.
- We also are unaware of any traffic study to show what the impacts of traffic in the area would be with another gas station with two exits and entrances in that area.
- My client also has a signed letter from 200 property owners that are opposed to the redevelopment of this property as an additional gas station.
- Under the Township ordinance it indicates that you are required to approve a special land use if you find the first three requirements are met. It is mandatory and we feel that section D of your ordinance requires approval only when the Commission first determines that the special land use standard has been satisfied. When the record demonstrates noncompliance with section A, B and C the Commission has the authority and the obligation to deny the application. And mandatory approval language is only after compliance has been established. For those reasons we request the special land use application be denied.

Tim Hebert (ERG)- I represent Rick on a variety of environmental sites.

- I have about 42 years of experience in environmental containment.
- The biggest concern I have from the environmental standpoint is that there are a lot of due care issues still pending out there.
- As we previously heard, the site itself was closed under default of the State of Michigan. They failed to review the closure file.
- There is contamination both in soil and ground water on the site. The depth of the ground water is about 7 feet below grade. There are records that show that the soil and ground water are contaminated east and west of McKinley Rd.

- I don't believe that thorough evaluation and definition of the assessment activity previously conducted by others defines the extent of contamination. And the biggest issue that really stands out right now is the due care obligations of the new owner.
- By approving the installation of subsurface structures to redevelop a property that has contamination without thoroughly assessing and understanding the extent of the impact is a volitional due care obligation he carries. Which one of them is, he shall not undertake activities to exacerbate the existing conditions of the site. Now only 53 yards or so of soil being removed and 495 gallons of water is not much. So there still is an environmental issue.
- If you go and put new infrastructure in the ground (i.e. sewers, water lines or whatever) you are introducing a conduit for migration unless somebody undertakes thorough cleanup of existing contaminates.
- The other issue is the well head protection act. 800 feet is the setback and there are at least 5 wells within 800 feet. So, installing new tanks will require special permitting and authorization through both LARA, EGLE and the local health department.
- The tanks in the ground right now are out of compliance.
- The owner/operator took the property on as is, which is fine, but give him obligations under LARA.
- The last time I checked 3 years ago the tanks were not capped.

John Adams and Leslie Deboer (BLDI 931 Interchange Dr. Holland, MI 49423)

- Agreed with LARA and EGLE details discussed by others
- Disagrees with the majority of what was said.
- With regards to wells, distances, depth and what the soils are at the location, we have approval from LARA and DEQ for tank replacement.
- The State looks at these sites as a positive thing, of getting old tanks out of the ground. The tanks that are there are steel tanks that will decay over time. The only way to clean the site out is to properly remove them. Have an environmental company come in and they will dictate soils that need to come out. So, pretty much this site has been approved by LARA and DEQ for replacement.

- With respect to the wells and setback distance, ultimately with sites like this LARA will not approve them to go in within those distances unless full evaluation has been done to show that the geology there is going to be protective of those wells. So, even the Township issuing a special land use permit for a gas station to go in there, that does not mean that you are approving the tanks to go into the ground in any way shape or form. They still have to go through the proper channels. And LARA certainly will not let tanks go in the ground unless all that has been looked at. This is the very first thing that we will look at on any project. We are part of the members of Michigan Petroleum Association. So, I will immediately do my evaluation and send it to LARA for review. And basically, if LARA says hey, we need to stop, so no one has to spend money. On some would say on well reference Leslie would be the person I would contact, based on clay depth, based on sand, gravel and water movement. Is this worth going for a variance, because it is extremely expensive. In this case it was approved without any variance. Sites that have tanks, you know that well distances don't matter if it's a one-to-one replacement. This particular location, when I looked at the well map, was very easy. It's a website that you can measure distances, they would be fine to put tanks in, anywhere on the site, not just in that location.
- Anytime you replace tanks or 50% piping you have to have an environmental company involved. They are the ones that will dig samples and they are the ones that will dictate what we can do as a contractor.
- The geology on this site, while it might be true that there could be limited water that could be shallow. The deeper aquifers the ones that these wells are screened within. All the wells in the area are bedrock wells. That's overlayed by about 60 – 80 feet minimum of clay so it is very, very protective of the drinking water wells. He does have obligations as the owner of the property.
- You cannot evaluate vapor intrusions while the building systems HVAC are running. So, there are a lot of elements that go into that stuff that would be determined and decided based on the use, based on the redevelopment. He has tank plans; he's not putting in steel tanks. Those are all the important things to know. You have a vacant building just sitting there with tanks in the ground. He is not saying he is going to reopen the station with those same tanks.

- He will be replacing those tanks and the tanks that are red tagged currently you do not have to do any testing or anything on red tagged tanks. Basically, they were CP protected tank tags where you want them to come out of the ground. The sooner they come out of the ground the better. And tanks and everything put in today; anything post 2008 have to have double walls and piping annual tank and line testing every 3 years you have to test containment sumps. Anything prior to 2008 none of that was required.
- This site would be setting a new standard and spending a lot of money and testing to make sure quarterly inspections are done.
- He has an environmental company that is working alongside him and a reputable oil company. He is doing all the right things. Right now, there is an eyesore on the corner. You have somebody that wants to take and redevelop it. Increase the aesthetics of the area, make it actually useable and create jobs and things like that. And again, he is going through all the right channels before anything can be done.

David McDade – (Roark Galt Architects)

- A couple of things that were brought up. One was traffic concerns; we are going to start the process with Genesee County Road Commission. Which I had a conversation with them about that today.
- They wanted us to get a traffic count as well.
- We didn't want to start some of this before receiving a special use permit. Because all of that final approval has to be done within site plan. We completely understand and we are heading that direction.
- Concerns about non aesthetics is not an issue. I feel what we are doing on that corner will make it a wow factor. Property owner wants the building to look good. I personally am most proud of this one.

Kim Carlson (Surveyor)-

- Storm water on site. Retention requirements or needs.
- Disturbed area is less than an acre
- Less than half an acre does not require detention of stormwater

Chris Czyzio –

- The other gas station owned by Mr. Hansen the same issues came up.
- I don't remember the exact number of water wells in the area. However we did work with the State of Michigan and it was determined that all those wells were well outside the range.
- As everything else, Mr. Hansen had to fulfill all of the requirements as well.

CLOSED PUBLIC HEARING at 6:33 p.m.

2. Discussion and possible motion on Special Use Permit for a First Stop Gas Station at 8490 W. Mt. Morris Rd, Parcel No. 08-02-300-009, pursuant to Article 18 section 36-1800 Special Use Permits

TREASURER PECK MOVED, supported by Commissioner Moon to approve Special Use Permit for a First Stop Gas Station at 8490 W. Mt. Morris Rd, Parcel No. 08-02-300-009, pursuant to Article 18 section 36-1800 Special Use Permits as presented.

Some discussion on:

- Approved minimum setbacks at Zoning of Board of Appeals are being met on the existing drawing.
- We are not approving site plan tonight.
- Township will need all approved documentation from State and County as previously stated in Public Hearing.

ACTION ON THE MOTION
ROLL CALL VOTE
AYES: Peck, Strnad, Bolin, Nichols, Peivandi, Moon and Raup
NAYS: None
ABSENT: None
THE MOTION CARRIED.

3. PUBLIC HEARING on Special Use Permit for Micheal Oleyar at 8333 W. Frances Rd, Flushing, MI 48433, Parcel No. 08-02-100-024 to service and sell small equipment for homeowners, pursuant to Article 18 section 36-1800 Special Use Permits

OPEN FOR PUBLIC HEARING at 6:45 p.m.

Zoning Administrator (Mr. Czyzio)-Letters were mailed to property owners within 300 feet. Three responses were sent back against issuing a special use permit for this particular use.

Michael Oleyar (applicant)-Dan from Flushing Lawn and Garden is retiring and closing his business. And we have used him for years. I have the opportunity to buy his German chainsaw machine, lawn mowing blade sharpening machine. My son runs the landscaping business for me. I spoke to Chris and asked him what I should do. I have a hundred-acre farm. I have 50 acres of soybeans this year, don't think that it would cause much more traffic.

Chairperson Peivandi-Are you trying to devote some retail space? Because it says repair and sell.

Michael Oleyar (applicant)-Yes, I would sell weedwhackers, string, oil, lawnmower blades, chainsaws and hand tools.

Treasurer Peck-Lawnmowers?

Michael Oleyar (applicant)-No.

Chairperson Peivandi- I am just speaking for the 3 residents that spoke up about increasing traffic. In our previous minutes from May 13, 2024, there was further discussion on the condition of not expanding the business. You already have 15 employees, firing up trucks and such.

Commissioner Raup-I will ask Chris Czyzio. How close are the neighbors?

Chris Czyzio-I think that Mike's house is the furthest back and the other ones are up by the road.

Michael Oleyar (applicant)-Mainly family that lives closest.

Treasurer Peck-The parcel east of you is for sale.

Michael Oleyar (applicant)-It would be on the other side of the road across from my cousin's house.

Treasurer Peck- No, but the property east of you is for sale. 30-35 acres?

Michael Oleyar (applicant)-Seriously, he is selling? I did not know that.

Chairperson Peivandi-Well I know you have a lot of property, but when you drive down the road you can obviously see that there is business being run on an RSA zoned parcel. It looks

very nice, but you can see it is a business being run on a zoned RSA parcel. I am hesitant to ok the special use because we would have to ok it for others in the Township. So, anyone with a barn could open up businesses. So personally, I am hesitant.

Michael Oleyar (applicant)-I appreciate your honesty.

Commissioner Bolin-How are you planning on advertising? Would you be able to buy the building from Dan and conduct the business out of there

Michael Oleyar (applicant)-Dan has a very good customer base and he said he would let them know I would be able to take care of them. This whole thing, if it works it works, if it doesn't it's not that big of a deal to me. No, it's not an option to buy the building.

Chris Czyzio- Just throwing this out there, what if you added a condition possibly limiting it to just hand tools?

Chairperson Peivandi- Who would police that?

Treasurer Peck- I used to have a landscaping business and ran it out of my house. I had a lot of sharpening things. It will hardly cause any traffic. When you drive by his house now, you have to look to see what is there, because it's so far back from the road you hardly can notice it. But as you say it is that you are starting a commercial business.

Commissioner Raup- The landscape business is definitely a service business and sharpening things like that. But selling things would be commercial business.

Michael Oleyar (applicant)-I understand that.

Jim Coon-I am going to speak as a resident of Montrose Township. I hear what you are talking about in relationship to opening a store front. I see the same thing in my community and I like to see new businesses start out. And a loss to maybe to maybe start out at some point. But I feel that maybe we need to put a store front in a masterplan where you are going to put that type of business. Not necessarily on some place like Frances Rd. not necessarily a private road you are going to drive down too.

CLOSED PUBLIC HEARING at 7:03 p.m.

4. Discussion and possible motion on Special Use Permit for Micheal Oleyar at 8333 W. Frances Rd, Flushing, MI 48433, Parcel No. 08-02-100-024 to service and sell small equipment for homeowners, pursuant to Article 18 section 36-1800 Special Use Permits

COMMISSIONER RAUP MOVED, supported by Vice Chairperson Strnad to deny Special Use Permit for Micheal Oleyar at 8333 W. Frances Rd, Flushing, MI 48433, Parcel No. 08-02-100-024 to service and sell small equipment for homeowners, pursuant to Article 18 section 36-1800 Special Use Permits

ACTION ON THE MOTION
ROLL CALL VOTE
AYES: Peivandi, Moon, Raup, Peck, Strnad, Bolin and Nichols
NAYS: None
ABSENT: None
THE MOTION CARRIED.

VII. PUBLIC COMMENTS

OPEN FOR COMMENTS: 7:04 P.M.

None.

CLOSED FOR COMMENTS: 7:05 P.M.

VIII. ZONING ADMINISTRATOR COMMENTS

Chris Czyzio:

- A couple of Trustee Meetings ago they did not approve the accessory structures. They wanted something added in there possibly accepting storage containers. Possibly by an acreage requirement. This is completely up to the Planning Commission to go back to and see if there is something else you can do. (Most of the Planning Commissioners are concerned about all the money the Township is spending on these ordinances just for the Trustees to send it back to them to reconsider other avenues.)
- Battery storage is out there to work on when Planning Commission is ready.
- Data Center ordinance from the MTA would be great to look at.
- There is also training out there from MTA that covers conflicts of interest. I think it would be great for everyone to take even me.
- Bill from Rowe is our new consultant, I have not had much interaction with him yet. But if this gas station moves forward, we will be getting him involved with doing the site plan reviews and such.
- And there was an application for an accessory structure in a front yard setback next to the Township.

IX. COMMISSION COMMENTS

Treasurer Peck-I am sorry, I do not think we should not go back to the ordinances that the Board of Trustees shut down. We should not let that detour us.

Chairperson Peivandi- There are so many ordinances and other things we have to look at and they are just put behind. We need to move on to some of those that need to be addressed now.

Commissioner Bolin- Is there ulterior motives to keep denying them.

Chairperson Peivandi- We just need to let it cool down and get back to it later. It is just a shame that the Farm Stands are being held back.

Commissioner Raup- I also feel the same about Farm Stands being held back because of storage containers.

X. NEXT REGULAR SCHEDULED MEETING

MONDAY, November 9th, 2026 AT 6:00 P.M.

XI. ADJOURNMENT

With no further business, the meeting adjourned at 7:19 P.M.

_____
VICKI PEIVANDI, Chairperson

_____
AMY BOLIN, Secretary

_____
Date of Approval

_____
Jeanette Sizemore, Recording Secretary