

CHARTER TOWNSHIP OF FLUSHING  
6524 N. SEYMOUR ROAD  
FLUSHING, MICHIGAN 48433  
810-659-0800 FAX: 810-659-4212  
***PUBLIC HEARING - PLANNING COMMISSION***  
DATE: JUNE 13, 2005 TIME: 7:00 P.M.  
WEB ADDRESS <http://www.gfn.org/flushing/index.html>

**MEMBERS OF PLANNING COMMISSION**

Aaron Bowron, Chair	Richard Buell
Jerome Doyle, Vice Chair	Ronald Flowers
Eric Swanson, Secretary	David Gibbs
Barry Pratt, Board of Trustee Representative	

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:** Ken Baker, Brian Wicker, Beth Eichenberg, Daniel Wascha, Ken Marsh, Curtis Lanxton, Rev. Dale Lewis of the proposed North Flushing Baptist Church, Steve Gardner, Clark and Jan Williams and two (2) other interested individuals.

**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: BUELL MOVED**, seconded by Gibbs to adopt the Agenda as presented. MOTION CARRIED.

**III. APPROVAL OF MINUTES OF MAY 23, 2005: PRATT MOVED**, seconded by Flowers to approve the Minutes of May 23, 2005 as corrected. MOTION CARRIED.

**IV. PUBLIC HEARING** – Consideration of Several Amendments to an Ordinance to Amend Sections 20-304 and 20-305

Provide notice and the opportunity to comment on proposed amendments to the Zoning Ordinance is as essential to procedural due process as it is to sound self government.

Pursuant to Article XX Section 20-2001 a Public Hearing has been scheduled to review proposed amendments to Article III, Section 20-304 and 20-305 – *Common Drive and Private Road Ordinances*.

**PURPOSE:**

There are a number of common drives and private roads throughout the township; at the time they were created or formed they were not in violation of the township zoning ordinance. Changes to the zoning ordinances have rendered the drives non-conforming.

**Article III Section 20-309(a) states:**

- a. Any use of land or structure, which use was lawful on April 8, 1983, may be continued; provided, however, such use shall have continued in operation, does not constitute a nuisance, and shall not be enlarged, altered, or changed in area, activity, or content during its continuance, except as provided otherwise by proper authority.

Currently, any individual whose property is adjacent to or accessed by a non-conforming common drive or private road and who wishes to either subdivide or build upon the property, cannot do so until such time the common drive or private road is brought into conformity with the current zoning ordinance. A lot of the property has been consigned in perpetuity to a static position and that is whatever it was defined as of the date it became non-conforming.

If approved, the amendments to the *Common Drives and Private Roads* would exempt any legal non-conforming common drive and private road from the requirements of Section 20-304 and 20-305, respectively.

**BOWRON read Section 20-304 with proposed amendment subsection (c) that stated:**

(c) Any common driveway in legal use as of the effective date of Section 20-304 shall not be subject to the requirements of the Section 20-304. Any increase in the existing use of such a common driveway shall require a special use permit to be considered by the planning commission in accordance with Sections 20-1800, 1801, and 1802 of the Charter Township of Flushing Zoning Ordinance. The planning commission shall have the sole discretion to allow modification of the existing use of the common drive and may impose any conditions that are reasonably necessary to achieve the objectives set forth in Sections 20-1800, 1801, and 1802. Except as expressly amended by this subsection (c) all provisions of Section 20-304 shall remain in full force and effect.

**Section 20-205 would be amended by adding subsection (f) as follows:**

(f) Any private road in legal use as of the effective date of Section 20-305 shall not be subject to the requirements of Section 20-305. Any increase in the existing use of such private road shall require a special use permit to be considered by the planning commission in

accordance with Sections 20-1800, 1801, and 1802 of the Charter Township of Flushing Zoning Ordinance. The planning commission shall have the sole discretion to allow modification of the existing use of the private road and may impose any conditions that are reasonably necessary to achieve the objectives set forth in Sections 20-1800, 1801, and 1802. Except as expressly amended by this subsection (f) all provisions of Section 20-305 shall remain in full force and effect.

**RESULTS OF PROPOSED ADOPTION OF THE AMENDMENTS:**

If the amendments are adopted by the Flushing Township Board of Trustees, the affect would grant the Planning Commission broader discretion to deviate from the strict requirements of the *Common Drives and Private Road Ordinances* as it relates to non-conforming common drives and private roads. These uses, or any change, alteration or increase in them would be reviewed under the chapters dealing with the Special Land Uses. There would be greater flexibility to ratify any proposed changes to the use to the *Common Drives and Private Roads*.

**7:16 P.M. – OPENED TO THE AUDIENCE FOR COMMENTS:**

None

**7:17 P.M. – CLOSED TO THE AUDIENCE FOR COMMENTS.**

**DOYLE MOVED**, seconded by Flowers to pass the proposed updated amendment to the ordinance on to the Board of Trustees for their final decision. (Sections 20-304 and Sections 20-305 – *Common Drives and Private Roads*. **MOTION CARRIED.**

**V. UNFINISHED BUSINESS:**

None

**VI. NEW BUSINESS:**

**1. Pamela Bacon , 8015 Carpenter Road, Flushing  
Special Use Permit for a Townhouse**

**PAMELA BACON (BACON)**, 8015 Carpenter Road, Flushing, Michigan has petitioned the Charter Township of Flushing Planning Commission for the purpose of obtaining a Special Use Permit for a Townhouse to be located at 8005 Carpenter Road, Flushing, Parcel No. 08-23-577-026.

**BOWRON** requested a clarification of whether the structure would be a townhouse or a duplex. The duplex has been defined in the zoning ordinance but the townhouse has not been defined. As the matter relates to a special land use, the section does distinguish between the two (2) structures. **DOYLE** wanted to know if the duplex would be owned by one (1) person and then

rented out to two (2) other individuals or would the duplex be owned by two (2) separate individuals.

**BACON** stated there would be two (2) separate units with two (2) garages with the duplex being owned by one (1) individual; one (1) side of the duplex would be for her (Bacon's) mother.

**BOWRON** stated the request would be reviewed under the section dealing with duplexes.

**7:21 P.M. – OPENED TO THE AUDIENCE FOR PARTICIPATION:**

**SPECIFICATIONS:**

- House:
  - a. total of 2,000 square feet for the entire duplex (1,000 square feet for each unit).
  - b. **BACON** owns three (3) lots:
    - 1) 8015 W. Carpenter Road (original)
    - 2) 5020-5024 Meadowbrook Lane (duplex – 2 garages with one (1) Tax ID Number.
    - 3) 8005 W. Carpenter Road (proposed)
  - c. stone would be placed on the exterior front of the proposed duplex
  - d. the garage dimensions would be 11.4' x 20.4'.
  - e. There will only be a crawl space – not a basement.
  
- Property
  - a. the land has been surveyed and there have been no problems with the wetlands.
  - b. the front property setback would be 26.4' from the property line.
  - c. there would be 11.25 feet from the West property line to the house.
  - d. there would be 13.125 feet to the approximate flood plain.
  
- Flood Plain/Drain
  - a. set backs would be appropriate and would avoid the flood plain.
  - b. the water table is high in the area.
  - c. the flood plain line (on the site plan presented 06/13/05) would be to the West of where the actual drain has been located.
  - d. the distance from the center of the drain to the flood plain line would be considered according to the plot plan. (This would be approximate).
  - e. a steep bank leads to the drain.
  - f. fill dirt would be needed to build up part of the flood plain area.

- Sewer/Water:
  - a. sewer has already been hooked up to the property (a pipe is protruding out of the ground where the sewer line has been extended to the property).
  - b. the water line currently is located at the corner of Carpenter Road and Meadowbrook Lane.
  - c. the intention would be to extend the water line East two (2) houses on Carpenter Road

**PRATT** was concerned about the seventeen (17) feet which was shown on the Delta Land Surveying drawing so an explanation was given for the footage.

**PAST HISTORY:**

**FLOWERS** stated the original property, 8015 W. Carpenter Road had been split making the property into two (2) parcels: 8015 W. Carpenter Road and 5020/5024 Meadowbrook Lane. Since there was insufficient square footage to construct a duplex on 5020/5024 Meadowbrook Lane, **BACON** purchased the property at 8005 W. Carpenter Road (East of 8015 W. Carpenter Road) with the idea that the third (3<sup>rd</sup>) lot (8005 - Lot C on the Delta Land Surveying drawing) would be used for the flood plain and with **BACON** purchasing the property it would prevent anyone from purchasing the property to place a modular home on the location.

**MISCELLANEOUS INFORMATION:**

- **BACON'S** original intention was to construct a duplex on Meadowbrook Lane for her mother. The mother couldn't climb the steps to the Meadowbrook Lane duplex so decided to construct the duplex at 8005 Carpenter Road

**COMMENTS FROM THE BUILDING INSPECTOR:**

- Would like to see a flood plain mark delineated on the property itself.
- Make sure that both lots have water and sewer
- The sewer line already crosses the proposed property.
- Water has been installed at the new Flushing Middle School
  - a. **BACON** was told there would be no problems getting the water to her home from the new Flushing Middle School
  - b. water currently is located at the East corner of Meadowbrook and Carpenter (**BACON'S** 8015 Carpenter Road property).

**7:27 P.M. CLOSED TO THE AUDIENCE**

**PLANNING COMMISSION COMMENTS:**

- **DOYLE:** when the three (3) lots were put together each lot had to be at least minimum size.

- **FLOWERS:** concerned about the height of the flood plain – higher than what was stated on the site plan – the flood plain should be staked on the property so builder would know where to build the proposed duplex.
- **DOYLE:** there would be enough room to build what **BACON** would like as far as footage.
- **BOWRON:** would feel more confident knowing where the limits of the flood plain were located.
- **DOYLE:** if **BACON** filled the area, there should not be any problem with the flood plain. One of the conditions, to make the matter acceptable, would be to not construct lower than the flood plain (the Planning Commission would need all the particulars on the flood plain).
- **FLOWERS:** not sure if a flood plain could be filled in?
- **PRATT:** Planning Commission could always approve with the condition there would have to be a minimum footage from the edge of the building to the edge of the flood plain.
- **GIBBS:** would like to have the flood plain actually staked off.
- **BACON** stated that originally all three (3) properties were surveyed when she divided the property. Recently had Delta Land Surveying come out and resurvey the flood plain on the particular lot (8005 W. Carpenter Road) to make sure it was accurate on the plan. She would not build in an area where there were issues not approved by the Planning Commission.
- **PRATT:** can't get financing for a home that would be located in a flood plain area.

**BACON** stated she did remember the prior conversation with **FLOWERS** at a Planning Commission Meeting and, at the time, she did not have any intention of building on the 8005 W. Carpenter Road property but was purchasing the property because there had originally been two (2) purchase agreements; both agreements were for modular homes. **BACON** thought the modular homes would bring down the value of her property as well as the other homes in the area. **BACON** never thought she would have family problems in the future. The property was originally divided into 8005 and 8015 W. Carpenter Road in order to make the property two (2) buildable lots; **BACON** has done nothing different with the flood plain. **FLOWERS** stated with the development of the third (3<sup>rd</sup>) lot, 5020/5024 Meadowbrook Lane, the lot lines where changed.

- **DOYLE:** wanted to know if the lot, that **BACON** would be building the duplex on, was cut smaller. **BACON** stated the current lot - 8005, would be a 200 foot deep lot by 106 foot wide lot. The duplex on 5020/5024 Meadowbrook Lane would be in back of the current lot (8005). The lot (8005) would be a sufficient size according to the ordinance. The corner lot (8015) had originally been the same size as 8005, but was cut in half due to the split of 5020/5024 Meadowbrook. The corner lot (8015), is 95 feet deep by 123feet. The duplex at 5020/5024 Meadowbrook is 105 feet deep by 123 feet wide. The two (2) lots, 8015 W. Carpenter Road and 5020/5024 Meadowbrook, back up to the

proposed lot located at 8005 W. Carpenter Road. Nothing has been taken from the proposed lot - 8005.

- **DOYLE:** the main concern would be to have enough room to not disturb the flood plain; if the area has to be built up, it has to be built up. There would be approximately thirteen (13) feet that would have to be built up.
- **SWANSON:** would there be an easement, along side the drain, on the proposed property. **BACON** has been told that as long as the Genesee County Drain Commission could get equipment along side the drain, there would be no problems.
- **BUELL:** does not feel comfortable voting in favor of the special use permit without another visit to the proposed property. Different aspects need to be reviewed. Would like to table the issue until another meeting.
- **BOWRON:** would like to table the issue also. How does FEMA: 1) update the delineation of the flood plains and 2) could the matter be relied upon from the Flood Plain Determination dated February 4, 1981 presented by Delta Land Surveying and Engineering Inc. in a drawing dated April 18, 2005.

**JERRY FITCH (FITCH)**, Building Inspector, stated a formal request had to be made to request an update of the flood plain. The process had been done in the area due to the construction of the new Flushing Middle School. The cost would be expensive. **FITCH** felt there would be no issues with the drain. There were improvements made in the late 1980's that would have affected the Bowman Drain, which would be to the East of the proposed property. **FITCH** felt the drawing of the Flood Plain Determination, presented by Delta Land Surveying and Engineering Inc. dated April 18, 2005, would be more accurate than the flood plain information available. **PRATT** wanted to know if there were more current maps for a 100 year flood plain than the Flood Plain Determination from Federal Emergency Management Agency (FEMA) dated February 4, 1981. **FITCH** stated the map projects showed that one (1) time in 100 years there would be a flood to the particular level of 721 feet.

- **FLOWERS:** on the drawing by Delta Land Surveying & Engineering, Inc., the category entitled "Field" is marked "N/A" which means no one came out to the property. **PRATT** stated no one had to come out because the 100-year flood plain had not changed.
- **FITCH** would like to have the flood plain delineated on the property itself.
- **PRATT:** the 100-year high water mark would not change until the next flood in the next 100 years which would supersede the flood.

**BACON** wanted to know if there could be some type of contingent on the approval of the special use permit concerning the flood plain drawing (due to the cost of the drawing), if the building was located outside the flood plain **OR** if all the Planning Commission members felt that no matter what happened with the flood plain drawing, the approval would be denied. **BOWRON** felt the Planning Commission wanted to be sure there would not be any problems.

**FITCH** stated that **BACON** had attended a Flushing Township Board of Trustees Meeting on May 9, 2002 or May 10, 2002 to request a division of subdivision lot property. **BACON** also has attended Planning Commission Meetings on February 15, 2002 and June 10, 2002.

\* \* \* \* \*

**MAY 9, 2002 - BOARD OF TRUSTEES MOTION:**

**“REED MOVED**, seconded by Liepmann to approve Pam Bacon to split Lots 18 and 19 into A, B, and C so that she could build a duplex and whatever on Lot 19 if she were so approved to build upon.

ROLL CALL VOTE:

AYES: Gardner, Liepmann, Morford, Reed and Trogot

NAYS: Fotenakes and Flowers            MOTION CARRIED.

**MAY 13, 2002 – PLANNING COMMISSION MOTION:**

**“GENSHEIMER MOVED**, seconded by Swanson to vote on the proposal tonight. If the vote is yes, the conditions would come at a future date to follow subdivision restrictions within thirty (30) days.

ROLL CALL VOTE:

AYES: Doyle, Swanson, Gibbs, Scheidemantel

NAYS: Gensheimer, Flowers, Minarik            MOTION CARRIED.

**JUNE 10, 2002 – PLANNING COMMISSION MOTION:**

**“SWANSON MOVED**, seconded by Gibbs for Pam Bacon to accept the Meadowbrook Park Subdivision as amended by the Commission. MOTION CARRIED.

\* \* \* \* \*

There had been no letters of correspondence received from anyone concerning the Special Land Use.

**DISCUSSION:**

- **DOYLE** stated that if there were questions regarding the location of the flood plain line, the Planning Commission could place a condition that the precise location of the flood plain was in line before a final decision was given.
- **BUELL** would like to review the property again and to see the staking of the flood plain.
- **PRATT** felt a motion could be made to set a certain distance from the flood plain or subject to the construction of the home not being in the flood plain.

**DOYLE** felt that as a condition to any accepted motion, there would have to be thirteen (13) feet that would have to be built up. The request could be approved with the condition that if the



the ponds on the back side of the Church; and deceleration lanes on Mt. Morris Road, per the updated checklist.” MOTION CARRIED.

- Motion from Planning Commission Minutes of November 8, 2004:  
“**GENSHEIMER MOVED**, seconded by Buell to approve the Church’s request to switch Lot 2 with Lot 1, to put the egress driveway on the South side of the property per the new site plan; with the condition that any raw dirt that had been placed be graded and seeded with rye to stop the erosion (more permanent seeding would take place in the Spring of 2005); a double silt fence would be placed on the North property line and along the Southeast side of the dumping area and also as shown on the topography map, from A-1 to A-6.” MOTION CARRIED.

#### **8:25 P.M. – OPENED TO AUDIENCE**

- 1. Rev. Dale Lewis (Rev. Lewis), Pastor of the proposed North Flushing Baptist Church** – “had originally proposed to have one type of building but decided to change the style; the access driveway has been moved from the West side of the property to the East side of the building.”
- 2. Brian Wicker, 8058 Morrish Road, Flushing** – “interested in seeing the plans for the church.”
- 3. David Wilson, General Contractor for the proposed North Flushing Baptist Church** – “decided to place the driveway to the church, on the East side of the church so there would not be automobile lights shining into the neighbors homes; lights would be on a timer system and would be on only in the winter time, the lights would be altered so they would be on and off at a reasonable time; the lights on the West side of the parking lot (Morrish Road) would shine to the East and the lights on the West side of the parking lot would shine toward the ground; church wants a friendly atmosphere with the neighbors.”
- 4. Beth Eichenberg, 8158 Morrish Road, Flushing** – “at the November 2004 Planning Commission meeting, Mr. Barker was supposed to install two (2) rows of silt fencing, seed and level the ground.”

#### **8:45 P.M. CLOSED TO THE AUDIENCE**

**BOWRON** reviewed the Site Plan Review Checklist from August 11, 2003  
Additional Information not on Site Plan Review Checklist.

1. **Minimum Floor Area – Church:** approximately 36,000 square feet for the whole church; **House:** 30' x 50' or 1,500 square feet; there would be seating for approximately 300 people with 12 classrooms.
2. **Side Yard Setback – Church:** pine trees/evergreens/junipers on the West side of the church.
3. **Rear Yard Setback** – 568' rear yard setback of church from North property line.
4. **Building Height** – Sanctuary – 42' high; Gym – 35' high; Youth Room above the kitchen.
5. **Space Between Structures** – all steel structure; split face block exterior; **roof** – wood trusses with shingled roof; interior walls are 2 ax's; frame structure inside the building; double 5/8's; fire stops at 20'; each section has own box with fire rated doors; the wing between auditorium and gymnasium has its own fire box; the gymnasium has its own fire box; and the other wing has its own fire box.
6. **Off-Street Parking (Locations)** – 317 parking spaces provided on the North, South, and West side of the building; 126 parking spaces to the North for future parking including handicapped area.
  - a. need additional parking for overflow area
  - b. could gravel be used for the overflow area
  - c. idea would be to have open area where more parking could be made available (area would have to show on the site plan drawing).
7. **Unloading Area Location:** drive to the front of church for unloading of children.
8. **Number of Signs:** 1 – 8' x 4' sign in the front of parking lot approximately 30' off property line from road; need separate permit for sign.
9. **Landscaping (General):** No islands would be in the parking lot.
10. **Landscaping Buffer:** trees would be staggered behind all fifteen (15) lots so as to stop the headlight glare; trees should be five (5) feet tall at the time of planting.
11. **Recreation Area:** 2 pavilions; 300' pie shaped ball fields plus open area per plat plan.
12. **Vehicular Circulation Pattern:** 2 entrances – one on the North and one on the South; 100' tapered down to 80' deceleration lane; circulation throughout the parking lot.
13. **Interior Streets:** 2 – 12' lanes (24' wide) with traffic going both directions; 4" asphalt in parking lot; 6" of asphalt near Mt. Morris Road
14. **Number of Lights:** 5 lights around the perimeter; 1 shoebox light; 2 lights on each pole; wall packs would be on the building that would shine to the South; lights would not be shining toward Morrish Road; everything on the West side would shine to the East; everything on the East side would shine down to the ground so there wouldn't be any glares; there would be lights on inside of the building at all times; there would be a burglar system, motion lights and sensors throughout the building. When the timer goes off, there would only be two (2) lights on inside the building. The lights under the canopies on the building, would be set on timers like the light poles. On

the West side of the building, there would be two (2) "Exit" motion lights; all the "Exit" signs would have motion lights.

15. **Intensity of Lights:** 5.4 foot candle lights; on the electrical system and meet all codes.
16. **Orientation of Lights:** All the lights on the outside would have two (2) heads on each pole; the North light would be facing East.
17. **Public Water Supply:** 5' easement between Lot 1 and Lot 2 for water; water would be varied has to take whatever can get.
18. **Detention Pond:** would be a 1 on 5.

**MISCELLANEOUS INFORMATION:**

- **PRATT** inquired about the "Vegetative Buffer".
- **BOWRON** wanted to know the membership of the Church:
  - a. Current Membership: 400 people
  - b. Regular Attendance: 250 people
  - c. Expected Growth: 20 to 30 percent

**9:10 P.M. OPENED TO AUDIENCE IN CASE SOME INFORMATION WAS DELETED**

1. **Paul Phillips** - "was the property 39 acres; and would it be tax exempt."

**9:15 P.M. CLOSED TO THE AUDIENCE**

**ADDITIONAL PLANNING COMMISSION COMMENTS:**

1. **DOYLE:** what is the square footage area of the parking lot and what is the number of spaces for the extended parking area?

**ANSWER:** Rev. Lewis, Pastor of the proposed North Flushing Baptist Church, felt that showing the future parking south of the existing parking toward Mt. Morris Road would be more suitable, in case there were future additions built to the North side of the proposed church.

**FLOWERS** stated that an area 160' x 160' would give 80 to 85 automobiles on the open grass area for overflow traffic. There should be a sign showing the future overflow area.

2. **BOWRON:** would the driveways still be gated at night?

**ANSWER:** Rev Lewis stated the drive off Morrish Road would be gated the majority of the time except when there were services at the church; the drive off Mt. Morris Road would be unlocked during the day for regular office hours until 4:00 or 5:00 p.m. in the afternoon.

3. **BOWRON:** when are the regular meeting dates?

**ANSWER:** Rev. Lewis stated the regular church services are: 10:00 a.m. on Sunday Morning; 11:00 a.m. Sunday Morning Worship Service; 6:00 p.m. for Sunday Evening Services; 7:00 p.m. for Wednesday Night Services. The total congregation would be out of the church by 12:30 p.m.

on Sunday Morning. The Sunday Evening Services would end at approximately 7:00 to 7:30 p.m. The Wednesday Night services would end at approximately 8:30 p.m.

**4. DOYLE:** what would be the pitch of the roof for the proposed church?

**ANSWER:** Rev. Lewis stated the pitch would be 6/12 roof pitch for the proposed North Flushing Baptist Church.

**DOYLE MOVED**, seconded by Swanson to approve the Amended Site Plan with the updated review check list conditions; everything seems to be in order with the original as the changes noted on the check list to include a minimum of five (5) foot high staggered trees maintained on the fourteen (14) lots.

**MOTION CARRIED.**

**3. Daniel Wascha, 8202 S. County Line Road, Gaines  
Special Use Permit for a Lawn and Tractor Sales and Service**

**DANIEL WASCHA (WASCHA)** has petitioned the Charter Township of Flushing Planning Commission for the purpose of obtaining a Special use Permit for Lawn and Tractor Sales and Services located at 9112 W. Mt. Morris Road, Flushing (Parcel No. 08-03-400-029).

**9:20 P.M. OPENED TO THE AUDIENCE**

**SPECIFICATIONS:**

- Building was the former Curtis Water for Pools.
- The parking lot and a drive would be located on the adjacent property to the East.
- The parking lot would have a minimum of ten (10) parking spaces.
- A wooden fence is currently located on the back side and half way from the back property line on the West side of the property. There are no fences on the East side of the property.

**PURPOSE OF BUSINESS:**

- Selling Merchandise:
  - a. Simplicity Tractors
  - b. Steel Line Chain Saws
  - c. Weedwackers
  - d. Leaf blowers
  - e. Rototillers
  - f. Snowblowers in the winter time
  - g. Walk behind mowers
- Service would be available on any equipment that is brought to the store
- Rental service would not be available at the start of the business.
- Normal hours of operation would be 9:00 a.m. until 6:00 – 7:00 p.m. during the summer

- Winter hours of operation: 9:00 a.m. until 5:00 -6:00 p.m.
- The business would be open five (5) days a week and on Saturday 9:00 a.m. until 2:00 p.m. – 3:00 p.m.
- There would be no Sunday operations.

**BUILDING:**

- There would be very little construction done to the inside of the existing building.
- The existing building would be a pole barn type structure.
- The East end of the existing building would be for service due to having 2- 12' x 14' doors (one door on each end of the building).
- The front center and to the left (west) of the existing building would be the show room.
- There would be an office upstairs in the existing building.
- All the repairs would be done inside the building – nothing outside.

**9:35 P.M. – OPENED TO THE AUDIENCE**

None

**BUILDING INSPECTOR'S COMMENTS:**

- The number of parking spaces was based on the ordinance for appliance, hardware stores, lumber and building materials.
- Ordinance states one space for three hundred (300) foot of sales area but no less than ten (10) spaces.
- There would be no problem to have the drive come straight off Mt. Morris Road – there would have to be a permit obtained for the curb cut.

**9:36 P.M. – CLOSED TO THE AUDIENCE**

**BOWRON** reviewed the Site Plan Review Checklist and observed that the lot was non conforming:

Additional Comments:

**1. PRATT read:**

**General Provisions Article III, Section 20-309, Non Conforming Use Generally**

- a) Any use of land or structure which use was lawful on April 8, 1983, may be continued; provided, however, such use shall have continued in operation, does not constitute a nuisance, and shall not be enlarged, altered, or changed in area, activity, or content during its continuance, except as provided otherwise by property authority.
2. The parking lot would be gravel.
  3. Plenty of room for more parking area.
  4. **FLOWERS:** would like to see **WASCHA** maintain the fence as part of the property.

5. Montrose Bank owns the property to the East of the proposed property.
6. **Number of Lights:** there are three (3) lights located at the end of the East end of the existing building and two (2) lights would be on the front of the building. A large vapor light is located in front of the existing building which would light up a large area. There are two (2) lamp post lights to the West side of the parking light.
7. Sale of the business to **WASCHA** would be pending approval of the special use permit.
8. **Intensity of Lights:** 175 watt lights
9. **Soil Conditions:** sand

There were no written communications received.

**DOYLE MOVED**, seconded by Buell to approve the request with the update of the conditions and the site plan review checklist. **MOTION CARRIED.**

#### **VII. PUBLIC COMMENTS:**

**9:54 P.M. OPEN TO THE PUBLIC**

**9:54 P.M. CLOSED TO THE PUBLIC**

#### **VIII. BOARD COMMENTS:**

1. For future review, **BOWRON** would like to go over the wetland study, which had been done earlier this year by Michigan State University (MSU).
2. **DOYLE** stated the issue of *Open Space* had been brought up earlier for discussion but was delayed due to the Planning Commission's decision to review the wetland issue.
3. **FLOWERS** stated several of the Planning Commission Members attended a Seminar at the Sarvis Conference Center, Flint, Michigan on Thursday, June 9, 2005. There were great speakers and great information was obtained concerning the GIS and other land use projects. **SWANSON** stated that Saginaw County has a program where all the townships within the county would have access to information such as the location of water lines, sewer lines and other infrastructure are located in the county. **FLOWERS** stated Genesee County Metro Planning Commission already had the GIS in place.
4. The Special Planning Commission Meeting would not be held for Monday, June 27, 2005.
5. **SWANSON** would not be available for any meeting during the month of July.
6. **BUELL** would not be available for the Planning Commission meetings at the end of July.
7. **FLOWERS** informed the Commission of upcoming Michigan Townships Association (MTA) Planning and Zoning Seminars:
  - a) July 20, 2005 – Frankenmuth, Michigan – *Beyond Traditional Zoning: Tools for Flexibility* **AND**

- b) August 17, 2005 – Frankenmuth, Michigan – *The Top Zoning Errors That Land Townships in Hot Water*

The early-bird price is \$130 per person for both sessions if paid by July 11, 2005. Please let the Clerk know as soon as possible if you plan to attend.

8. **FITCH** wanted to know if **BOWRON** had read the information on Contractual/ Conditional or Spot Zoning. **BOWRON** stated Contractual and Conditional Zoning is legal by the State. Conditional or Spot Zoning is where a developer may come to a Planning Commission and want to rezone a certain property. The Commission might want to approve the request for the particular purpose but later the individual may split the property and end up with some other use; if the Planning Commission had known the situation, they might not have rezoned the property. *Conditional or Spot Zoning* states there will be conditional rezoning of the property if it is used for a particular use only. If it isn't, it is reverted back to the original zoning. **SWANSON** stated that at one (1) seminar he attended, the speaker mentioned there were too many headaches and to stay away from conditional or spot zoning. The individual has to offer the property first.

#### VIII. MEETING SCHEDULE:

**REGULAR SCHEDULED MEETING – MONDAY, JULY 11, 2005 – 7:00 P.M.**  
**PROPOSED SPECIAL MEETING – MONDAY, JULY 25, 2005 – 7:00 P.M.**  
**REGULAR SCHEDULED MEETING – MONDAY, AUGUST 8, 2005 – 7:00 P.M.**  
**PROPOSED SPECIAL MEETING – MONDAY, AUGUST 22, 2005 – 7:00 P.M.**  
**REGULAR SCHEDULED MEETING – MONDAY, SEPTEMBER 12, 2005 – 7:00 P.M.**  
**PROPOSED SPECIAL MEETING – MONDAY, SEPTEMBER 26, 2005 – 7:00 P.M.**

**IX. ADJOURNMENT:** There being no further business, **BOWRON** adjourned the Planning Commission Meeting at 9:10 p.m.

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AARON BOWRON, Chair

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JULIA A. MORFORD, Recording Secretary

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ERIC SWANSON, Secretary

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Date of Approval