

## Flushing Township ZBA Members

For your review, a brief history regarding the recent ZBA Hearing Request for 8464 W Mt Morris Rd to be held 30Jan24

As you are aware from a recent special hearing request, the applicant Mr. Hansen has been working with the Township to build a Valero Gas Station at the mentioned address. Chronological events are listed below.

18Jul23 Planning Commission meeting Site plan approval and Special Use Permit to remodel existing building and add gas pumps. Resulted in site plan approval conditioned that all unmet items in Rowe review letter be met. Special Use approved with no conditions. (see letter dated 11Sep23)

05Sep23 ZBA Meeting for sign variance with respect to location of new sign to be placed in same location as existing sign. Variance granted.

11Dec23 Planning Commission Meeting, new revised site plan to be reviewed. Existing building to be demolished, new building to be built with gas pumps in front. Existing mini storage facility to remain. Resulted in conditional approval with the following requirements: Specify canopy height, combination of 2 parcel numbers to one single parcel, provide sales floor area to determine final number of parking spaces required per ordinance. The Zoning requirement of 4 foot concrete wall adjacent to RSA property waived (see 36-1804 (H) 3 below), type and amount of 6 foot privacy fencing around mini storage facility to be approved by Zoning Administrator, all other State, County agency permits approved as required. (see letter dated 11Dec23)

### 36-1804 Requirements for Special Use Permits

(H) Automobile Gasoline filling, and service station, subject to the following:

3. A four foot, six inch masonry obscuring wall shall be provided and maintained on those property lines adjacent to or abutting a residential district. Waived by Planning Commission

5. Any vehicles stored at the site over 24 hours shall be in an area enclosed by a six foot high obscuring fence

The Township Zoning Administrator reviewed the complete Township Ordinance to verify such requirements for fencing to be placed around the mini storage facility:

### 36-1804 (X)

3. All outdoor storage areas shall be appropriately screened from surrounding property, as determined by the Planning Commission.

### 36-1804 (H)

5. Any vehicles stored at the site over 24 hours shall be in an area enclosed by a six foot high obscuring fence.

### 19-65 (2)

...(automobiles), as described in the permit, may be stored within an area enclosed by a six-foot high privacy fence....

Currently the property has 4 foot chain link fence with one gate that surrounds the mini storage facility. Please see landscape/site plan as attached. Based on the above, the Zoning Administrator specified that the following type of fencing would be required and has informed the applicant as such: This fencing would include 6' privacy fencing on the West, North and East sides with the South side being a combination of the currently shown landscaping (Arborvitaes) and small section of 6' privacy fence between the gate and East property line.

21Dec23 The applicant does not agree with the planning commission decision with regard to fencing. He has requested a ZBA variance/appeal to be heard at a 30Jan24 Special ZBA Hearing

Please advise if any other information is required for your review

Best regards

Chris Czyzio

6524 N. Seymour Road  
Flushing, Michigan 48433



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CHARTER TOWNSHIP  
*of Flushing*

**Notice of Action**  
Flushing Township Planning Commission

September 11, 2023

Rick Hansen  
767 E Main St. STE 1171  
Flushing, MI. 48433

RE: 8464 W Mt Morris Rd Parcel 08-02-300-021 and 08-02-300-022 Site Plan Review and Special Use Permit for proposed gas station and convenience store.

The Following Motions were made and voted on at the Flushing Township Planning Commission Meeting held at the Flushing Township Hall, 7:00pm on July 18<sup>th</sup> 2023.

**Site Plan Review:**

Commissioner Lloyd Moved, supported by Commissioner Moon to approve the site plan review for placement of a gas station convenience store located at 8464 Mt Morris Road, Flushing MI 48433, Parcel No. 08-02-300-021 and 08-02-300-022, pursuant to Article XVIII Special Use Permits with the unmet conditions being met that were pointed out with red text by Rowe Professional Services in the Site Plan Review Letter (Letter is attached to the minutes).

All Commissioners present voted by a roll call vote with Peck, Moon, Mills, Bachakes and Lloyd in support and Bolin against, the Motion carried

**Special Use Permit:**

Treasurer Peck Moved, supported by Commissioner Mills to approve the Special Use Permit for placement of a gas station convenience store located at 8464 Mt Morris Road, Flushing MI 48433, Parcel No. 08-02-300-021 and 08-02-300-022, pursuant to Article XVIII Special Use Permits.

All Commissioners present voted in the affirmative by a roll call vote and the Motion carried

Once the above conditions/permits are met and approved, construction drawings are reviewed and approved by the Flushing Township Building Inspector and the Flushing Township Zoning Administrator has received all the above, a building permit can be issued for this project.

Chris Czyzio  
Zoning Administrator





July 13, 2023

Mr. Chris Czyzio  
Zoning Administrator  
6524 N. Seymour Road  
Flushing, MI 48433

RE: Site Plan Review and Special Land Use – 8464 W Mt Morris Road

Dear Mr. Czyzio,

ROWE Professional Services Company is in receipt of a revised site plan and special land use application for a Valero Gas Station located at 8464 W Mt. Morris Road, along with a letter addressing the issues in the original review letter dated June 21, 2023. The proposed site is located on two parcels which the developer plans to combine, both of which are zoned C-2 Commercial General District.

ROWE has completed a review of the site plan against the issues identified in the previous letter. Items that have been addressed are indicated with ~~strikethrough~~ text and items that are outstanding are identified in **red text**.

#### Planning Comments:

##### Information Requirements

The following items from the list of informational requirements for a site plan in Section 36-1902 of the Township Zoning Ordinance were not included. The section reference at the beginning of each item references where the information requirement is located. Please note that the Planning Commission may waive any of the following requirements on an individual basis or by general rule where the information is not necessary to determine compliance with zoning ordinance requirements.

- **Sec. 36-1902(c) Vehicular traffic and pedestrian circulation features within and without the site.** - Parking spot locations are shown but traffic and pedestrian circulation arrows were not provided. Please indicate the anticipated flow of vehicular traffic on the site. **Not addressed. The new traffic plan (Sheet 6) indicates maneuverability of a semi-truck through the site; however, the plan does not indicate any vehicular traffic or pedestrian circulation arrows.**
- **Sec. 36-1902(g) The height and dimensions of all structures.** - The height of the proposed canopy is not dimensioned. **Partially addressed. Sheet 1 notes a building height of 24.5 feet, but it is unclear if this applies to the building or the canopy.**
- **Sec. 36-1902(h) Front, rear and side elevations of any typical structure proposed for development.** — ~~No elevations were provided.~~ Addressed, see layout documents.

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- **Sec. 36-1902(j)** The locations, dimensions, and lighting of all signs. - New signage information is needed to determine compliance. **Not addressed. Signage information is still not provided; however, the sign has also been proposed to "be moved to new location near the west property line" on Sheet 3. New location is shown on Sheet 4 but not dimensioned anywhere and no other information is provided. A sign permit will need to be applied for separately.**
- **Sec. 36-1902(k)** The location, intensity, and orientation of all lighting. - There was no indication of lighting on the site plans, applicant is to confirm any permanent or temporary lighting on the site. **Not addressed.**
- ~~**Sec. 36-1902(l)** A location map indicating the relationship of the site to the surrounding land use for an area of not less than 1 square mile. The map on the cover sheet only shows the to the north and east of the site, not land to the south and west. Addressed.~~
- **Sec. 36-1902(m)** A physiographic map showing the natural topography, the soil types, and suitability for intended use, natural features such as wood lots, lakes, drains, streams, and ditches, and surface coverage data (such as paved areas and structures) related to storm water runoff characteristics. - A topographic survey is provided (Sheet 2), however no other physiographic information is shown. **Partially addressed. Topographic survey on Sheet 2 now includes some physiographic information such as ditches and culverts, and Sheet 8 includes a soils map. However, suitability for intended use and surface coverage data are not provided still. This may be required by for approval by Genesee County.**
- ~~**Sec. 36-1902(n)** The site plan shall be sealed by a professional engineer, architect, landscape architect or community planner. The site plan is not sealed. Addressed.~~ Sealed paper copies of the plan were provided to the township, per the zoning administrator.
- ~~**Sec. 36-1902(o)** Location and size of interior and exterior areas and structures to be used for storage use, loading/unloading, recycling, or disposal of hazardous substances. The location of the loading area and storage tank for gasoline are not shown on the site plan. Addressed.~~
- **Sec. 36-1902(p)** Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses. - Fuel storage tanks and storm water collection are not indicated on the site plan. **Partially addressed. Location of underground storage tanks for fuel storage indicated. Contaminated storm water collection has not been indicated; will this be necessary?**
- **Sec. 36-1902(q)** Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store to transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan. - There is no drainage system marked in the site plan. **Partially addressed. Existing grass area has been marked as remaining for first flush drainage, however no other drainage measures have been indicated.**
- **Sec. 36-1902(s)** Submission of the "Hazardous Substances Reporting Form for Site Plan Review." - A Hazardous Substances Reporting Form was not submitted with the application. **Not addressed. A Hazardous Substances Reporting Form was not submitted for review or indicated as submitted.**



- **Sec. 36-1902(t) Submission of the "State/County Environmental Permits Checklist."** - A State/County Environmental Permit was not submitted with the application. **Not addressed. A State/County Environmental Permit was not submitted for review or indicated as submitted.**
- **Sec. 36-1902(w) Proposed and existing utilities including water, sewer, storm sewer and lighting.** - Sheet 2 includes the location of existing water and sewer utilities, but no storm sewer or lighting utilities information is provided, existing or proposed. **Partially addressed. A Public Utility Statement is provided on Sheet 1, mentioning that "all storm sewers and detention areas shall become a public system upon satisfactory approval by the agency or municipality." Existing storm sewer information is shown, however no proposed stormwater management is indicated. No lighting information is provided, existing or proposed.**
- **Sec. 36-1902(y) Current zoning of parcel and if the proposed use is not permitted in the district the parcel is zoned, an indication as to the proposed zoning.** - ~~The parcels' zoning is not stated on the site plan.~~ **Partially addressed. The cover page indicates that the parcel is zoned Commercial General District, which is correct, however the zoning code is listed incorrectly as G-2. Correct zoning code is C-2.**
- ~~**Sec. 36-1902(z) Statement on the plan as to whether wetlands exist on the site.**~~ - ~~A statement as to whether wetlands exist on the site was not submitted with the application.~~ **Addressed in Additional Site Data statement on Sheet 1.**

#### Zoning Compliance

The following items were identified as potential zoning ordinance compliance issues.

- **Section 36-409 Incinerators and Outside Trash containers** - Dumpster location is not shown on site plan. **Partially addressed. Location is shown on site plan however does not demonstrate that it meets the requirements of the ordinance. Section 36-409 B1 states "Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle, which does not conflict with the use of off-street parking area or entrances to or exits from principal buildings nearby." It appears access may conflict with the use of off-street parking, but dimensions of the access aisle and parking area were not provided.**
- **Section 36-416(a-g) Performance Standards** - Please confirm with developer that plans meet these standards. **Not addressed. Please confirm that the site meets these standards in written form in the site plan.**
- ~~**Section 36-500 Off-Street Loading and Unloading**~~ - ~~No loading/unloading space is provided near the laundry area. 10' by 25' loading/unloading space must not be part of the off-street parking area. Additionally, no unloading space is provided for fueling trucks to access the gasoline storage (also not shown).~~ **Addressed, a loading space has been indicated. Information regarding proposed traffic flow would help clarify how loading may or may not impact use of the site.**
- **Section 36-501 Off-Street Parking Requirements** - 30 spots are included in the site plan. However, the two barrier free parking spots are 8 feet in width instead of the required 10 feet. **Not addressed. New amount of parking spaces is 27 please clarify the usable square footage in the site to calculate required parking spaces.**



Mr. Chris Czyzio, Flushing Township Zoning Administrator  
July 13, 2023  
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In addition to these comments, there are several sections of the ordinance that the site plan is no longer in compliance with due to revisions. This is not a complete list but includes the most obvious of the non-compliances.

- **Sec. 36-15 Setback (definition)** “the distance from the centerline or right-of-way lines of streets to the building line for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained.” – **The proposed gas station canopy and pump’s structure extends 10 feet beyond the front setback.**
- **Sec. 36-1725(c)** In no case shall the height of a sign exceed the setback so as to prevent its falling onto an adjacent piece of property. – **The new proposed location of the sign appears to be within 1 foot of an adjacent piece of property. The sign’s height is not indicated, however is presumably higher than 1 foot. Again, the sign should be permitted separately, and this should be noted on the site plan.**
- **Sec. 36-1804(h)** The lot shall be so shaped, and the station so arranged as to provide ample space for vehicles which are required to wait. – **The station appears to not be arranged to provide space for vehicles waiting, as waiting in areas around the pumps would directly interfere with the flow of traffic to the parking area. There are limited options on the site, but a description of proposed traffic flow on the site would be helpful to understand the intent for layout of the site.**

Regulatory and other governmental agencies with jurisdiction may have additional comments or requirements. The developer and designer remain responsible for the design, construction, and any resulting impacts of the project. If you have any questions or require additional information, please contact me at [jball@rowepsc.com](mailto:jball@rowepsc.com) or (810) 341-7500.

Sincerely,  
ROWE Professional Services Company

**Jason Ball**  
Digitally signed by Jason Ball  
Date: 2023.07.13 14:06:00 -04'00'

Jason Ball, AICP  
Senior Planner

Attachment

CC: Flushing Township Planning Commission

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June 23, 2023

Ms. Wendy Meinberg, Flushing Township Clerk  
6524 N. Seymour Road  
Flushing, MI 48433

RE: Site Plan Review – 8464 W. Mt. Morris Road – Valero Mt. Morris Road

Dear Ms. Meinberg:

Per your request, ROWE Professional Services Company has performed an engineering review of the proposed plans for the above-referenced project. The site is located at 8464 W. Mt. Morris Road just east of N. McKinley Road and the subject property is zoned C-2 Commercial. The township received the site plan set on June 12, 2023. The proposed work includes the addition of gas pumps and asphalt lot replacement.

Based on our review, we offer the following comments:

Engineering Comments

1. Sheet 5, the "Concept Plan" per the cover sheet, appears to have been omitted from the submission and may be needed for a complete review.
2. No information has been provided regarding underground storage tanks or other utilities that would be related to the addition of gas pumps to the facility. Tank specifications and details; along with plan and profile views should be included within the plans.
3. A proposed interior plan has been provided, but no existing interior plan has been included for comparison or assessment of the need for sewer and or water improvements.
4. Impervious area appears set to increase based on the proposed lot additions. Runoff calculations should be provided to assess the impact on site drainage and the capability to mitigate any increased site flow.
5. The existing fence along the north edge of the parking lot will likely need at least partial [temporary] removal for paving as proposed. This is not indicated on the demolition plan.
6. A utility plan should be provided that shows existing site utilities within the site and any proposed utility improvements.
7. If any sanitary sewer or water main improvements are proposed, then Genesee County Drain Commission – Division of Water and Waste Services (GCDC-WWS) standard detail sheets for sanitary sewer and water main as well as standard notes should be included in the plans as applicable.
8. If any easements are to be proposed, then they shall be shown on the plans and developer shall verify that easements are granted to the public agency that will be maintaining these utilities.

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Ms. Wendy Meinberg, Flushing Township Clerk  
June 23, 2023  
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9. The developer shall obtain all permits through Michigan Department of Environment, Great Lakes, and Energy (EGLE), Genesee County Road Commission (GCRC), and GCDC-WWS as necessary to complete the proposed work shown.
10. Plans shall be reviewed by the GCDC-WWS for approval on any proposed water main and proposed sanitary sewer.
11. Plans shall be reviewed by the Genesee County Drain Commission – Surface Water Management (GCDC-SWM) for surface water management and onsite detention, if any.

Regulatory and other governmental agencies with jurisdiction may have additional comments or requirements. The developer and designer remain responsible for the design, construction, and any resulting impacts of the project. If you have any questions or require additional information, please contact me at [dsanders@rowepsc.com](mailto:dsanders@rowepsc.com) or (810) 341-7500.

Sincerely,  
ROWE Professional Services Company

Deveron Q. Sanders, PE  Digitally signed by Deveron Q. Sanders, PE  
DN: cn=D. Sanders, o=ROWE Professional Services  
Company, c=MI, email=Deveron.Q.Sanders, PE  
Date: 2023.06.23 12:57:19-0400

Deveron Q. Sanders, PE  
Project Engineer

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Engineering Review Letter.docx

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CHARTER TOWNSHIP  
*of Flushing*

Notice of Action  
Flushing Township Planning Commission

December 11, 2023

Rick Hansen  
767 E Main St. STE 1171  
Flushing, MI. 48433

RE: 8464 W Mt Morris Rd Parcel 08-02-300-021 and 08-02-300-022 Site Plan Review for proposed gas station and convenience store.

The Following Motions were made and voted on at the Flushing Township Planning Commission Meeting held at the Flushing Township Hall, 7:00pm on December 11<sup>th</sup> 2023.

**Site Plan Review:**

COMMISSIONER PECK MOVED, supported by Commissioner Mills to approve the Site Plan Review for placement of a gas station convenience store located at 8464 Mt. Morris Road, Flushing, MI 48433, Parcel No. 08-02-300-021 and 08-02-300-022, pursuant to Article XVIII Site Plan Review. Pending denotation of the canopy height, combination of 2 parcel numbers to one, providing sales floor area for calculation of parking spaces, the type and amount of 6 ft privacy fencing around storage area to be approved by the Zoning Administrator, permit approvals from GCDC-WWS, GCRC, EGLE and LARA. All necessary permits required from County and State need to be satisfied.

All Commissioners present voted by a roll call vote with unanimous support. Commissioner Davis not present, the Motion carried. The minutes for this meeting are currently in Draft status.

Once the above conditions/permits are met and approved, construction drawings are reviewed and approved by the Flushing Township Building Inspector and the Flushing Township Zoning Administrator has received all the above, a building permit can be issued for this project.

Chris Czyzio  
Zoning Administrator