

SUMMIT TOWNSHIP PLANNING COMMISSION

January 17, 2012

MEMBERS PRESENT: Raymond McQuillan, Chairman; Robert Simmons, Vice Chairman; Gordon Heins, Township Board Liaison; Natalie Stopyak, Recreation Planning Commission Liaison; George Gancsos, Zoning Board of Appeals Liaison; Stephen Artz; Jack Shelby, Richard Erhardt and John Worden, Summit Township Zoning Administrator.

MEMBERS ABSENT: Allan Hooper

The meeting was called to order by R. McQuillan, Chairman, on Tuesday, January 17, 2012 at 7:00 p.m. in the Township Hall meeting room at 2121 Ferguson Road.

A motion was made by G. Heins, supported by S. Artz, to approve the December 20, 2011 minutes as written. The motion carried unanimously.

Case #12-01-0001 – Rezoning from Suburban Residential (RS-2) to Local Commercial (C-1) - Approximately 1.2 acres on property located west of Lumen Christi High School, east of Robinson Road on the south side of Spring Arbor Road (3400 block) for a Coffee Kiosk – George Pierson, Applicant and Owner

A public hearing was held on the request of George Pierson, of 3413 Caroline Drive. George Pierson, applicant, is seeking the rezoning of the property located in the 3400 block of Spring Arbor Road from Suburban Residential (RS-2) to Local Commercial (C-1) for a coffee kiosk. As a realtor, the applicant feels the property is a prime location for this type of business.

R. McQuillan, Chairman, spoke on the Township's Master Plan, and noted that commercial zoning on Spring Arbor Road is limited.

R. Erhardt expressed concerns that the property is wet, has a drain running through it and is on a heavily traveled road with higher speed limits which raises traffic concerns.

G. Pierson, applicant, responded to the traffic concerns stating the reconfigured intersection at Spring Arbor and Robinson and the newly installed stoplight is a hundred (100) yards west of the property and a speed limit of 45 MPH and has helped make Spring Arbor Road safer.

R. Erhardt respectfully agreed to disagree with the applicant on the traffic concerns.

Public Comment:

Ron Acton of 800 Hinckley Blvd. stated that he had been involved in a motorcycle accident near the property several years ago prior to the traffic light, he also stated that he supports new business in Summit Township.

Tom Legarie, of 2505 Robinson Road, owns the property close to the applicant, and is in support of the application. He inquired if the property is sold with the proposed zoning could a McDonalds type restaurant be built.

R. McQuillan, Chairman, explained that zoning is unique to the land, and that the zoning ordinance reflects permitted uses and/or conditional uses.

Kevin Bowman of 3416 Northlands, member of the Lumen Christi Policy Committee, asked if eating establishments would be allowed.

R. McQuillan, Chairman, stated drive-ins are not permitted, but they are a conditional use in a district with (C-2) zoning.

J. Shelby asked if customers of the coffee kiosk will have to park and get out of their car to purchase coffee.

G. Pierson, applicant, asked for the definition of a coffee kiosk

J. Shelby read the definition of a coffee kiosk from the zoning ordinance (150.006) Coffee Kiosk:

A retail food business in a free-standing building that sells coffee, or other beverages, and readymade bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.

R. Erhardt asked how the applicant was proposing customers purchase products from the coffee kiosk.

G. Pierson, applicant, stated customers would be able to use inside seating and a drive through to purchase items from the coffee kiosk, but felt this was an issue for the site planning. When the property is zoned Local Commercial (C-1) it will allow him to sell coffee and doughnuts once the issues of the grade, set back, health department and water well maintenance are addressed, but the first step is to get the Local Commercial (C-1) zoning.

N. Stopyak, identified flood plain issue with the property.

J. Shelby stated that he could not see someone purchasing the property to build a house or an office with all the issues affecting the property. He suggested a possible contract zoning would be more appropriate to this unique piece of property.

J.C. Smith, 159 Cherokee Crest, supports the application because he feels it will bring a needed business to our community.

K. Bowen, representative from Lumen Christi, considers contract rezoning a colorful name for spot zoning, and pointed out the obligation to the master plan. He also brought attention to the mandatory uniform at a local business and showed a photo of a young lady in a bikini.

G. Pierson, applicant, was offended and stated that 'uniform' concerns were far from the topic of the rezoning.

David Mikelonis, 1899 Glen Drive, also representing Lumen Christi, was not in support of applicant, stating traffic concerns over young drivers who have recently received their learner's permit that would be coming in when the customers are coming in to the coffee kiosk.

G. Pierson, applicant, believes that the property has a traffic count of 8,000-10,000 cars plus there is enough buildable land to qualify for the required setbacks and that the grade can be engineered. He also feels his property has similar traffic as the coffee kiosk on Horton Road.

S. Artz stated the Jackson County Road Commission has traffic counts for Spring Arbor Road of 7,702 vehicles per day and Robinson Road of 5,117 vehicles per day.

A February 2008 MDOT study states "The intersection of Spring Arbor Road & Robinson Road in Summit Township is included on MDOT 5% Report that list the intersections with the most sever safety needs."

It is listed on this report, as #2 of Highway Intersections exhibiting the most severe safety needs.

Michael Ransom Department Analyst Michigan State Police Traffic Crash Reporting Section Reports as follows:

Year	Fatalities	Injuries	Deer Involved	Totals
2002	0	6	8	29
2003	0	4	20	36
2004	2	13	8	29
2005	0	10	6	30
2006	0	7	9	24
2007	0	6	7	22
2008	0	7	10	35
2009	0	2	8	29
2010	1	3	9	24
2011	0	5	9	23

Total: 281 accidents that resulted in 63 injuries and 3 fatalities.

New signals were placed in operation by late August of 2010, and the total accidents were reduced by one (1).

A letter from Dan Stybel, 3497 Spring Arbor Road, opposed the rezoning because of traffic safety due to difficulties when getting into the driveway, backup out of the driveway, and because he would like to see the location stay zoned residential.

A motion was made by S. Artz, supported by R. Erhardt, to deny the rezoning from Suburban Residential (RS-2) to Local Commercial (C-1) to the Township Board because commercial zoning for a coffee kiosk on Spring Arbor Road is not part of the Township's Master Plan.

G. Heins called for discussion noting that (C-1) zoning (150.145) allows a drive through for a coffee kiosk only.

R. McQuillan, Chairman, stated he did not feel a coffee kiosk is a good use for the property.

G. Pierson, applicant, questioned what a good use for the property is, stating MDOT and Jackson County were not maintaining the property, and questioned if he should have his own choice on how to use his property.

R. McQuillan, Chairman, stated that when the master plan was done the area was intended to be residential.

J. Shelby, asked if the application is denied what other option does the applicant have?

J. Worden stated if an applicant can demonstrate a significant change in the request then they would not have to wait the three hundred sixty-five (365) days to re-apply (150.384).

J. Shelby questioned if the application can be tabled

R. McQuillan, Chairman, stated an application could be tabled if the applicant requests it.

R. Simmons stated the Planning Commission can not recommend Conditional Zoning.

J. Worden stated the applicant, under 150.382, has to initiate the request and it would have to be allowed by the Planning Commission to seek contract zoning.

R. McQuillan, Chairman, noted the Township has had only one contract zoning and it was for a storage unit on Spring Arbor Road that was never developed.

G. Pierson, applicant, inquired if he requested contract zoning could the application come back in thirty (30) days?

R. McQuillan, Chairman, was unsure, but stated it could be three hundred sixty-four (364) days.

R. Simmons stated voting against this application was a vote that states the Planning Commission does not support commercial zoning on Spring Arbor Road

G. Gancsos reviewed a map of the area then noted there are two (2) commercial properties that are zoned (C-2)

J. Worden explained that those properties with C-2 zoning were zoned in the 1950's, and it was unaffected by the mass rezoning in 1973.

G. Heins asked Lumen Christi Representatives if the school would be interested in purchasing the parcel.

Lumen Christi representatives stated the school considered purchasing the property and had spoken with Jackson County and MDOT in the past. The school would have used the parcel as a park or additional parking, but the property is used as part of the school evacuation plan. As with all schools, it came down to a question of funds.

G. Heins stated that this application deserves a chance and would like to see the property used and maintained

J. Worden stated the McCain Drain runs through that property. Part of the property is a flood plain.

The vote was called and a voice vote was indicated a tie vote the Chairman then called for a roll call vote with voting yeah was a denial of the rezoning.

Voting:

Yeah- N. Stopyak, R. Erhardt, R. McQuillan, Chairman, S. Artz,

Nay- G. Heins, R. Simmons, G. Gancsos, J. Shelby

Because the vote ended in a tie, the application and voting results will be sent to the County Affairs Committee and the Township Board. The Planning Commission is only a recommending Board as is County Affairs. The final decision is by the Township Board. Township Board will meet on February 14, 2012

Adoption of 2012 and 2013 Meeting Calendar and last date for Filing an Application. It was agreed at last meeting to change Site Plan Applications filing date to thirty (30) days prior to the meeting.

A motion was made by G. Heins, supported by G. Gancsos, to adopt the 2012/2013 Meeting Calendar. The motion carried unanimously.

2012 Election of Officers: Chairman, Vice Chairman, and Secretary.

R. Erhardt nominated J. Shelby as secretary, support by G. Heins. The motion carried unanimously.

A motion was made by G. Heins, supported by R. Erhardt, to retain Ray McQuillan as Chairman and Robert Simmons as Vice Chairman and to elect Jack Shelby as Secretary. The motion carried unanimously.

A motion was made by G. Heins, supported by R. Simmons, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

R Erhardt, Acting Secretary
Summit Township Planning Commission