

SUMMIT TOWNSHIP PLANNING COMMISSION

May 15, 2012

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

MEMBERS ABSENT: None

The meeting was called to order by R. McQuillan, Chairman, on Tuesday, May 15, 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 N. Stopyak, to approve the February 21, 2012 minutes as written. The motion carried unanimously.

Case #12-01-0001 – Rehearing – 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) – George Pierson, Applicant and Owner

A public rehearing 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 point of reference, the applicant indicated the kiosk would be similar to the Coffee Café on Horton Road. The property contains three (3) driveways. Fifty (50) parking spaces and a farmers market are proposed and will be located on the Spring Arbor Road side of the property. The applicant is requesting a Local Commercial (C-1) zoning, because he desires a totally transferable business.

R. Erhardt questioned the validity of a rumor that the applicant was planning to purchase the neighboring two (2) parcels.

Applicant G. Pierson, indicated that he was not interested in purchasing the properties, but was acting as the selling agent for the Clark property across Spring Arbor Road.

Christina Fisk, Counsel for the Applicant, of 740 West Michigan 49201, discussed the Township criteria for considering rezoning requests and highlighted how the application by her client fulfills all the Township's requirements stating:

- 1) the application matches the Township Master Plan
- 2) the developed area makes the application compatibly zoned
- 3) the coffee kiosk is intended to service people who are existing travelers on Spring Arbor Road
- 4) the proposed use will be better than what it is currently zoned

R. Erhardt, raised question with Ms. Fisk on the property's flood plain issue.

Christina Fisk, Counsel for the Applicant, expressed that the kiosk will be on the border of the 300 and 500 year flood plain, and thus finds the flood plain a non-existent issue.

J. Worden informed a flood plain, defined by FEMA, goes through the middle of the property. Property owners cannot build in a flood way area, but adjacent flood plain areas can be built upon pending the requirements from the Drain Commission and Township Building Official.

R. Erhardt questioned if the applicant was planning on building on the current foundation.

Applicant G. Pierson, explained that the foundation was a thirty-six (36) inch concrete foundation with 10 by 10s.

J. Shelby raised discussion on coffee kiosks in reference to the Township Master Plan

Christina Fisk, Counsel for the Applicant, reminded the Commission that a Master Plan is a working document, then highlighted the first paragraph of the Summit Township Master Plan.

R. McQuillan, Chairman, provided a background on the creation process of the Summit Township Master Plan. He cited the work that went into creating the Master Plan by the Region 2 Planning Commission. Additionally, the Township performed a corridor study, and it was concluded that an office zoned area would offer a better buffer for the surrounding residential areas where a commercial zoned area would not. Further, he expressed that he did not find a coffee kiosk consistent with the master plan nor any of the uses that would fall under the Local Commercial (C-1) zoning.

Christina Fisk, Counsel for the Applicant, asked the Commission to consider the land and the limited development size hoping it would take away the concerns that the Commission had raised. She also expressed that this parcel is suited for any other use than a coffee kiosk opportunity.

Brenda Aubrey, of 1336 Kathmar Drive, spoke to refute a letter from Lumen Christi stating the following:

- 1) The coffee kiosk has no intention for the coffee servers to be topless.
- 2) The coffee kiosk will not provide contraband to the neighboring high school students.
- 3) The property contains a circle drive that the coffee kiosk customers use, and the east side of the property will be used as a location for the selling of seasonal produce.
- 4) Young inexperienced drivers cause driving accidents and issues, not a business.
- 5) The coffee kiosk will not affect the traffic on Spring Arbor Road.
- 6) They are asking for the opportunity to use the property to make their dreams come true.

A. Hooper requested clarification on where the fruit stand would be

Applicant G. Pierson, responded a hundred (100) feet by three hundred (300) feet area in the eastern corner of the property will be used for the farmers market. Additionally, the property has four hundred and sixty-three (463) feet of frontage on Spring Arbor Road and the applicant has not observed any flooding (water) in the area over the bridge.

A. Hooper expressed concerns that the three ingress and egress driveways that currently exist on the Spring Arbor will cause traffic problems.

Applicant G. Pierson responded a fifth lane added in 2010 is a hundred (100) feet to the west, and it can be used as a left turn lane from Robinson Road.

Public Comment:

Tom Legarie, of 2505 Robinson Road, has owned the property close to the applicant for the past twenty (20) years, and is opposed to the application for reasons of increased traffic, concern over who could purchase the property in the future and because in the winter he would have to see a coffee kiosk out his window. He further stated he was misrepresented in the meeting minutes of the January 17, 2012 Planning Commission Meeting, and so he sent a letter to the Township expressing why he was opposed to the application.

Pat Kalahar, Lumen Christi High School Principal, of 2446 Smalley Street, clarified the letter that was addressed earlier in the meeting to Brenda Aubrey. Principal Kalahar expressed offering previous personal invitations to the Applicant G. Pierson and Mrs. Brenda Aubrey to discuss their concerns, but no meeting took place. Principal Kalahar stated the letter was not addressed at Applicant G. Pierson, but instead was a reflection of traffic concerns and possibilities that can occur when a new business is introduced into an area. Principal Kalahar stressed the letter was not about a coffee kiosk, but about what could happen to the surrounding area when a zoned Local Commercial (C-1) property was purchased by another party.

G. Gancsos inquired if Lumen Christi was ever interested in purchasing the property

Pat Kalahar, Lumen Christi High School Principal, answered yes, but the price for the property was \$32,000. When the property was not purchased, it was reposted for sealed bids.

Donna Shiley, of 2650 Robinson Road, has owned property close to the applicant for the past thirty (30) years, and is opposed to the application for reasons of keeping a residential area residential, increased traffic and the likelihood of more car accidents. Mrs. Shiley supports change and progress, but feels the proposed zoning is not a good change for the township.

A. Hooper brought up the subject of contract zoning that was mentioned in the January 17, 2012 Planning Commission Meeting. He also expressed that the farmers market is troubling to him because of the east side of the drain and the guard rail to the west would inhibit the view for traffic.

R. Erhardt asked if the applicant was interested in having contract zoning for the property.

J. Worden clarified that if the applicant requested contract zoning, and the property was not developed as presented the Planning Commission must revert the zoning back to Suburban Residential (RS-2), thus mirroring state law.

R. McQuillan, Chairman, clarified if the applicant application for rezoning to Local Commercial (C-1) is denied, he would have to wait a year to submit an application to rezone or request contract zoning of the property.

Applicant G. Pierson stated he is requesting a Local Commercial (C-1) zoning, because he desires a totally transferability of the business, this cannot occur with contract zoning. Therefore, at this time the applicant is not interested in contract zoning for the property.

J. Worden stated that contract can be transferred to a new owner because the zoning runs with the property and not the owner and any conditions would be binding on any new owner.

S. Artz asked if the traffic patterns noted in the January 17, 2012 Planning Commission Meeting need to be restated. No members requested the information.

R. McQuillan, Chairman, stated Region 2 reviewed this application and provided an analysis of the request, and recommended the disapproval of the zoning change.

R. Erhardt noted a letter received by the township office from neighbor Daniel Stybel, of 3497 Spring Arbor Road. Mr. Stybel expressed opposition to the application for safety reasons, increased traffic and the negative effect it would have on property values in the surrounding area.

A motion was made by S. Artz, supported by R. Erhardt to disapprove the rezoning from Suburban Residential (RS-2) to Local Commercial (C-1).

A vote was taken

Support:

N. Stopyak, A. Hooper, R. Erhardt, Raymond McQuillan, Chairman, S. Artz

Deny:

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

The motion carries.

This request will not go back to County Affairs, as they made no recommendation at the last meeting. It will go in front of the township board the 2nd Tuesday in June (June 12, 2012) at 7:00 pm

A motion was made by G. Heins, supported by G. Gancsos, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Jack Shelby, Secretary
Summit Township Planning Commission