

SUMMIT TOWNSHIP PLANNING COMMISSION
September 16, 2014

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

MEMBERS ABSENT: Todd Emmons, Township Board Liaison; Allan Hooper

The meeting was called to order by R. Simmons, Vice-Chairman, on Tuesday, September 16, 2014 at 7:00 p.m. in the Township Hall meeting room at 2121 Ferguson Road.

A motion was made by G. Gancsos Jr, supported by R. Erhardt, to approve the Tuesday, July 15, 2014 minutes. The motion carried unanimously.

Case #14-09-0012 – Amendments to Zoning Ordinance- Chapter 150 Subchapter 150.006 Definitions Vending, Temporary Facilities, Farmers Market, Farm Market, Roadside Market

S. Artz asked for further explanation on Act 92

J. Worden responded he is not sure, but Act 92 may be the Right to Farm Act. Note: it is not, Act 92 is the Michigan Food Act.

S. Artz questioned if the farmer had to run the stand.

J. Worden responded the Farmers Market definition referenced that information. He added, that the definition amendments referenced items that came in front of the board last year that were not defined in the Zoning Ordinance.

A motion was made by, R. Erhardt, supported by R. Simmons, to recommend to the Township Board adding Chapter 150 Subchapter 150.006 Definitions for Vending, Temporary Facilities, Farmers Market, Farm Market and Roadside Market amendments to the Summit Township Zoning Ordinance.

S. Artz was uncomfortable with not knowing what Act 92 was and opposed the motion.

R. Simmons, J. Shelby, R. Erhardt, G. Gancsos Jr. and N. Stopyak supported the motion.
The motion carried.

Raymond McQuillan, Chairman, apologized for arriving late due to road construction in the area.

Case #14-09-0011 – Rezoning From Suburban Residential (RS-2) to Local Commercial (C-1) – 2401 Cobb Rd – Stacey Fairbanks/Applicant – Mark Huntoon/Owner – Purposed Beauty Shop

A public hearing was held on the request of applicant Stacey Fairbanks of 6962 Paddock Lane. Property owner is Mark Huntoon of 2401 Cobb Road. The applicant is requesting rezoning the East 527 feet, approximately 2.80 acres, on the property located at 2401 Cobb Rd (Parcel ID# 000-13-16-101-009-00) from Suburban Residential (RS-2) to Local Commercial (C-1) to relocate her beauty shop, Rumors Salon, currently at 2610 Kibby Road in Kibby Cobb Plaza. The applicant has owned and operated the six chair Rumors Salon for the past fourteen years and offers hair and nail services. The applicant is not looking to expand her business and will retain her 6 stylists. The applicant will not be removing any trees and will keep with natural ascetics of the property. The applicant did not provide a site plan, instead a rough sketch was provided for the proposed site along with photos of the property and of the existing salon. The applicant plans to change the location of the front door to face Kibby Road and the parking will change to face Cobb Road.

R. Erhardt questioned what the other two other buildings on the property were.

The applicant responded a garage and a shed.

Raymond McQuillan, Chairman, questioned where on the property she is requesting rezoning.

The applicant responded explaining when she had purchased the property it included two parcels. Her request is not to rezone the entire two parcels, only the property that includes the house, garage and the shed. The property behind the shed will remain residential.

G. Gancsos questioned if the property driveway would be in line with Midday Street.

The applicant responded the driveway will be off from Cobb Road in line with Dawn Street.

N. Stopyak commented, for safety concerns, it would be better if the driveway was further into the neighborhood.

J. Worden commented the driveway location will be determined by JDOT.

Public Comment –

Dan O'Shea, 1824 Wandering Creek, Jackson, Michigan 49201, of O'Shea Construction, 8504 N. Shore, Clark Lake, Michigan 49234, is the contractor for applicant. Was present in support of the applicant to assist with any questions the board may have.

Raymond McQuillan, Chairman, questioned if the house had water and sewer

Contractor, Dan O'Shea, responded yes and added that the overall size is similar to the existing beauty salon.

Leighanne Rappaport, of 1523 Kensington Drive, has lived in the neighborhood of the Rumors Saloon for over twenty years and is in support of the new business and supports building the community with local businesses.

Martha Ballard, of 2398 Cobb Road, is opposed to the application and expressed grave concern over rezoning the entire 2.8 acres. She further expressed her strong desire to keep the area residential.

John Burt, of 2396 Cobb Road, is opposed to the application due to increased traffic issues, water issues (currently water backups) and does not want to look at a business outside his front window.

Martha Ballard, asked if the 2.8 acres were rezoned, if a Cosco or that type of commercial business be installed at the property.

Raymond McQuillan, Chairman responded explaining that Local Commercial (C-1) zoning includes commercial uses that are permitted on the property, and that a Cosco type facility or a gas station would not be allowed under this zoning.

Brenda Bournay lives across from 2394 Cobb Road and is opposed to the application because of increased traffic, safety concerns for her two small children, devaluing her property and water issues. She added that she has been in the salon business for twenty five years and owned her own salon business for seventeen years.

Jonell Shadley, of 2699 Kibby Road, came to the meeting for information purposes and does not oppose or support the application. She has owned her property for twenty years and expressed her wish to keeping the residential area residential, and is concerned with increasing traffic issues and future commercial development.

Public Letters received in support of the rezoning application:

Steve Kutzna of 1522 Devonshire Road; Kevin and Lynn Cavanaugh of 2412 Kibby Road; Travis and Michelle Moore of 1733 Maunta Lane, Owners Not So Shabby, Oh! So Chic at 2624 Kibby Road; John and Marlene Whelan of 1521 Kensington Drive; Erin Kennedy of 1513 Devonshire Road; Julie and Todd Moran of 2321 Kibby Road

Public Letters received in opposition of the rezoning application:

Walt and Jean Shuberg of 2404 Cobb Road

Phone call received in opposition of the rezoning application:

Virginia Hoard, of 2693 Kibby Road, opposed the application due to traffic increase and troubles getting to her mailbox.

Additional comments and concerns continued to be raised by the crowd in an unorderly fashion.

Raymond McQuillan, Chairman, responded asking the audience to keep in mind that this is an advisory commission and that the Township Board will make the final determination on the application. Curb cuts will be used to determine the new driveway location and traffic concerns and issues will be reviewed before making a final decision.

Brenda Aubry supports the rezoning application and supports the very welcoming, comfortable and access of the Rumors Salon.

The applicant responded to the audience question on how many people she sees on any given day stating she sees on average eight to ten people a day. She restated that she has no plans to add additional chairs or staff, and that the salon staff will retain herself, two full time stylists and three part time stylist. The applicant firmly believes that this location is a perfect fit for her business and wants to improve the property and make it look better. Additionally, she added that she does not intend on selling the property for other commercial uses, but wishes to keep her thriving business growing strong at the new location.

Martha Ballard restated concerns over rezoning the entire 2.8 acres and questioned why the entire acreage was being rezoned.

Raymond McQuillan, Chairman, and the board reviewed and discussed the aerial photo, the tree line of the property, meeting the required set back requirements and the possibility of relocating the garage and/or shed.

R. Simmons noted that, including the proposed changes, the property size to rezone would decrease to 2.0 acres.

Raymond McQuillan, Chairman, stated the size of the property to rezone is solely up to the applicant.

The applicant stated her business would not require her customer to back out onto Cobb Road, instead they would use the parking lot to back up and then turn either direction onto Cobb Road.

John Burt voiced additional concerns on traffic and feels the applicant has not considered the neighborhood.

G. Gancsos addressed Mr. Burt's concern stating a site plan would handle the issues being raised.

J. Worden corrected stating an Administrative Site Plan would be required but would not come before the Planning Commission unless circumstances warranted a full review. Additionally, a JDOT recommendation would be required with their approval on the traffic/driveway/parking for the property.

Raymond McQuillan, Chairman, stated his appreciation for the audience attending the meeting and voicing their concerns. Further he stated that the Township enjoys new business ideas and growth, additions to the community and takes into account the best long term use uses for Township properties. Additionally, this site is isolated enough and affects very few neighbors, but if the request

was shrunk to a smaller acreage to include the garage, shed and required setbacks there would be additional community support.

N. Stopyak, in response to a comment on future use, questioned if contract zoning was considered for this application.

Raymond McQuillan, Chairman, explained contract zoning, and stated that the Township has had mixed success with it. The Chairman, feeling that it could resolve some of the issues raised tonight, asked the applicant if she would like to consider contract (conditional) zoning, and offered to postpone any action until the October meeting.

The applicant and Contractor, Dan O'Shea, left the Township meeting room to discuss the option.

The applicant returned to the meeting stating she would work to reduce the acreage as much as possible while including the garage, shed and required setbacks, but she will be proceeding with the application as planned for tonight's meeting.

J. Shelby questioned where the driveway is located.

Contractor, Dan O'Shea, responded stating it is proposed to be across from Dawn Street, and the general parking would be across from the street, but that is as far back as they can go on the property.

R. Erhardt suggested keeping the existing driveway then building another one for business customers.

A motion was made by, R. Erhardt, and supported by S. Artz, to recommend to the Township Board the approval of the rezoning from Suburban Residential (RS-2) to Local Commercial (C-1) of less than 2.8 acres, with a smaller parcel including the garage and shed with at least the minimum required setback of twenty (20) feet in a commercial district.

The motion carried unanimously.

A motion was made by S. Artz, supported by J Shelby, to adjourn the meeting.
The motion carried unanimously.

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Jack Shelby, Secretary
Summit Township Planning Commission