

SUMMIT TOWNSHIP PLANNING COMMISSION

September 21, 2010

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

MEMBERS ABSENT: Dennis Hackett, Secretary

The meeting was called to order by R. McQuillan, Chairman, on Tuesday, September 21, 2010 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 appoint Jack Shelby the interim Planning Commission secretary until the return of D. Hackett. The motion carried unanimously.

A motion was made by S. Artz, supported by G. Gancsos, to approve the Tuesday, August 17, 2010 minutes as written. The motion carried unanimously.

Case #10-09-0013 – Rezoning from RS-2 to O-1/2900 Spring Arbor Road – Real Estate Office/Philip Lefere, Applicant

A public hearing was held on behalf of Philip Lefere, 3002 S Wooddale to rezone property at 2900 Spring Arbor Road from Suburban Residential (RS-2) to Office (O-1) to allow for the operation of a Real Estate office.

P. Lefere stated that he currently rents an office on West Michigan. The Real Estate office will have the business hours of 8:30 a.m. – 5:30 p.m. Monday through Friday and Saturday 8:30 a.m. – 12:00 p.m.

R. McQuillan, Chairman, stated the business is consistent with the master plan.

No correspondence was received in opposition or support.

A motion was made by R. Simmons, supported by G. Heins, to recommend to the Township Board the rezoning of 2900 Spring Arbor Road from Single Family Residential (RS-2) to Office District (O-1). The motion passed unanimously.

Case #10-09-0015 – Conditional Use Permit – Animal Hospital – 2310 Brooklyn Road – Current zoning AG-1 – Kim Dagenais, Applicant

A public hearing was held on behalf of Kim Dagenais, 345 Oakwood, Clark Lake, 49234 who was requesting a conditional use under the current zoning of AG-1, so it can be operated as an animal hospital. A variance was granted at the last Zoning Commission meeting. The new facility would be operated by the applicant's daughter who is currently at Country Garden and would like to build a new facility. Applicant stressed that he would be building a clinic not a 24 hour operation.

R. McQuillan, Chairman, asked the hours of operation for the Animal Hospital

Applicant, K. Dagenais responded Monday through Friday 9:00 a.m. - 5:00 p.m. with the exception that two days a week the closing time would shift to 7:00 p.m. The hours may be longer if there is an emergency.

S. Artz asked if the animal hospital would provide boarding.

Applicant, K. Dagenais, responded that boarding would be provided inside the facility, and that there would be no kennels outside. Dogs will be taken for a walk one or two at a time. He further added that the animal hospital would be a building that is similar to the others in the area.

R. Erhardt questioned the closeness of the residents behind the proposed Animal Hospital.

Applicant, K. Dagenais, replied that several of the Cavender family currently live on the adjacent properties. He also stated that he feels the building will be a nice addition to the area and will be connected to the sanitary sewer and already has a water connection.

No correspondence was received in opposition or support.

A motion was made by G. Heins, supported by R. Erhardt, to recommend to the Township Board approval of the applicants request for a Conditional Use Permit to operate an Animal Hospital at 2310 Brooklyn Road with no other conditions. The motion passed unanimously.

Case #10-09-0016 – Conditional Use Permit – Day Care up to 12 – 4026 Kingston Court – Melissa Leathead, Applicant

A public hearing was held on behalf of Melissa Leathead, 4026 Kingston Court to increase her licensing for day care from the current maximum of six (6) to twelve (12). She has been doing day care for eleven (11) years out of her home and wants to take on an additional child but to do that she must be licensed to twelve (12). With this additional child there could be an occasion when additional children could be added up to 12 children. The State requires approval from the Township for the increase from six (6) up to twelve (12) children.

R. Erhardt, questioned how the number of children impacts the State requirements.

Applicant, M. Leathead, responded she cannot be licensed for (7) seven to (12) twelve children, unless she is granted approval from the Township. Additionally, when she has more than six (6) children two (2) adults are required by the State.

G. Gancsos asked about the location of the egress window and why it is required.

Applicant, M. Leathead, responded that because her home did not have a walk out basement at the time of her original licensing an egress window was required for escape in case of an emergency. Since that time, a new addition was built for daycare and the children would all be on the first (1) floor.

R. McQuillan, Chairman, questioned the hours of operation for the day care.

Applicant, M. Leathead, stated the hours of operation are Monday through Friday 6:30 am until 5:00 pm

J. Worden questioned if there were any cases when a child would have to stay any later than 5:00 p.m.

Applicant, M. Leathead, responded rarely do the parents run late, but she does allow the parents a (30) minute leeway.

No correspondence was received in opposition or support.

A motion was made by S. Artz, supported by N. Stopyak, to recommend to the Township Board approval of the applicants request for a Conditional Use Permit to operate a day care up to (12) twelve children Monday through Friday from 6:30 a.m. to 5:30 p.m. The motion passed unanimously.

Case #10-09-0017 – Site Plan Review – Country Garden Veterinary Clinic – 2310 Brooklyn Road – Current zoning AG-1 – Kim Dagenais, Applicant

A public hearing was held on behalf of Kim Dagenais, 345 Oakwood, Clark Lake, 49234. Applicant introduced Jeff Dodd, from R. W. Mercer of 2322 Brooklyn Road, who works for the Mercer Company. Per the request of the Drain Commissioner Jeff involved Jack Ripstra in the creation of the site plan and to do the calculations for the Storm Water management plan. In addition curb cuts with 25 feet of opening will be added per the requirements of MDOT

and parking spaces for the use will exceed the requirements of the Zoning Ordinance. He also pointed out the site elevation drops off to the west of the site and storm water runoff was designed without pervious concrete or asphalt.

From the Conditional Use hearing R. McQuillan, Chairman requested that the Drain Commissioner Storm Water Management Plan certification be stated on the Site Plan.

J. Worden noted a KNOX Box is being required by Summit Fire Department and also explained some of the other requirements for the Site Plan.

No correspondence was received in opposition or support

A motion was made by R. Erhardt, supported by G. Gancsos, to recommend to the Township Board approval of the Site Plan contingent upon and compliance with the recommendations of the Michigan Department of Transportation (MDOT), Jackson Drain Commissioner, and Summit Township Fire Department KNOX Box requirement. The motion passed unanimously.

Discussion took place on the medical marijuana moratorium Resolution the Township Board adopted on September 14, 2010.

J. Worden, Zoning Administrator, handed out copies of the resolution, law, rules and several articles for other communities relating to the issue. He then presented an overview of the situation that prompted the Resolution and why many communities are imposing moratoriums. He stated that the current rules by the State are lacking in guidance as it relates to dispensaries and where caregivers may operate from. He then asked that the Planning Commission look at language that could be added to the Zoning Ordinance that would help control where caregivers and dispensaries could operate with a special use permit.

R. McQuillan, Chairman, suggests a subcommittee be created to study the Resolution and report back within 60 days. He also stated that the Michigan Court of Appeals recent decision on Medical Marihuana will most likely result in some changes in the law or rules.

A motion was made by R. Simmons, supported by S. Artz, to create a medical marijuana moratorium subcommittee of Jack Shelby, Richard Erhardt, and George Gancsos that will report back to the Planning Commission in (60) sixty days. The motion carried unanimously.

A motion was made by G. Heins, supported by G. Gancsos, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Jack Shelby, Interim Secretary
Summit Township Planning Commission