

Summit Township Planning Commission

August 16, 2005

PRESENT: R. McQuillan, Chairman; Dennis Hackett, Secretary; Robert Simons, Patrick Dunigan, Natalie Stopyak, Gordon Heins, Township Board Liaison; John Worden, Summit Township Zoning Administrator

ABSENT: Margaret Reason, Stephen Artz, Richard Erhardt

Chairman R. McQuillan called the Meeting to order on Tuesday, August 16, 2005, at 7:00 pm in the Township Hall meeting room at 2121 Ferguson Road.

A motion was made by G. Heins and supported by D. Hackett to approve the minutes of the June 21, 2005 Planning Commission meeting as written. The motion carried unanimously.

CASE 05-06-0008 – Contract rezoning from Agricultural (AG-1) to Highway Commercial (C-3) - for Office and Self Storage Development only - 3700 block Spring Arbor Road - Art Bruemmer applicant. Tabled from the June 21, 2005 meeting

A public hearing was held on August 16, 2005, at the request of the applicant Art Bruemmer of 2023 Parkwood Way Jackson, to review his application for contract rezoning on property located in the 3700 block of Spring Arbor Road. This was tabled from the June 21, 2005 meeting where the applicant requested a site specific rezoning under the new Michigan statute known as PA 577 of 2004. If approved, the property would be developed with two (2) office buildings at the front of the property and five (5) self storage buildings in the rear of the property.

J. Worden informed the board that the applicant had met with the Township Attorney, himself and three (3) members from the Planning Commission, to create the specifics for his proposal and a possible contract if the rezoning is approved. It was noted that there was a correction regarding page 2 - A to read as building instead of units. This change is being requested as it is possible to have multiple self-storage units within a self-storage building.

Chairman R. McQuillan noted he observed the same wording was also in Section G of Page 2. He also requested that the entire document be reviewed to ensure that all the necessary changes are included.

R. Simmons questioned the possibility of the applicant submitting a phased development to give him more time to complete the project.

J. Worden responded noting that the contract indicated that the applicant had five (5) years to meet the requirements set in the contract. If the conditions were not met then the Township could demolish the existing buildings on the property use of the monies required by the letter of credit section of the proposed contract, and then the property would return to its original zoning classification.

Applicant, A. Bruemmer, noted his concern over the five (5) year time frame that the contract locks him into completing the project. He also noted his concern over the Townships' possible action of demolishing future construction of the project if the project is not completed within the five (5) year time frame.

Chairman R. McQuillan noted that this is the first contract rezoning that Summit Township has ever entered into. The township does not have any existing contracts to compare to or use as an example. This is why these discussions are so important. Once a contract is signed and the rezoning is approved, neither the Township nor the applicant can go back and make any additional changes.

Applicant, A. Bruemmer, commented again on his concern that the two (2) year time frame to begin construction will not be enough time to submit a site plan, receive required approvals and begin construction. Another issue that he addressed was a financial concern of the required line of credit or a bond covered in the contract. After a recent meeting with his banker, he was informed that the monies used to create the credit line

or bond must be paid in full, up front, and in cash. The applicant then questioned if everyone building an office building in the Township has the same financial requirements.

Chairman R. McQuillan responded that the requested rezoning may not be approved without the conditions of the proposed contract. Since Public Act 577 of 2004 is being used in this case, it becomes necessary to ensure that provisions of the proposed contract be enforceable should the property be abandoned requiring the property to be returned to the original zoning district. The line of credit, or bond, will financially protect the township in the event that a demolition would be necessary. The line of credit, or bond, would be used to finance the demolition. The Chairman further stated that the Township was not trying to be unreasonable with their requests made in the contract and that the Township would be open to the applicants concerns and possibly, make changes to the contract. Some of the changes that are being requested by the applicant are not within the Planning Commissions' ability to make, but would require the Township Board input and approval. These discussions should transpire between the applicant and the Township Board.

Applicant, A. Bruemmer, continued to express his concern over demolishing. He also questioned what may transpire in future years if he would like to change the self-storage building(s) to something else.

Chairman R. McQuillan added that the proposed contract rezoning is not in accordance with the Master Plan. The proposed contract with the applicant is necessary so that the Township can have specifics on what and how the property will be used. Also, the contract can be changed, as long as there is a mutual consent between the Township and the applicant prior to approval and filing with the Register of Deeds. The chairman then asked if the applicant owned the property.

Applicant, A. Bruemmer, answered yes.

Chairman R. McQuillan reminded the applicant that if the requirements set forth in the contract are not met, then whatever the applicant put on the land would be removed and the zoning would return to its original Agricultural District. The Chairman further reinforced that the Planning Commissions' responsibility was not to go through the contract line by line as that was between the Township Board and the applicant. If the applicant was not satisfied with the contract, he could request that the current process be tabled.

Applicant, A. Bruemmer, asked if the Township Board had a chance to review the contract.

J. Worden, answered that four (4) of the seven (7) members had reviewed the contract. Further, the rezoning request must also go before the County Affairs Committee before the Township Board.

R. Simmons stated the wording of a possible motion should not lock the applicant into the specific time line of the proposed contract.

J. Worden commented that no one has answered his question to a specific number of years for completion of the project.

Chairman R. McQuillan, answered J. Worden by stating the decision is not for the Planning Commission to make. It is between the Township Board and the applicant. He also added that under a straight rezoning, a year is not specified.

G. Heins, questioned what is the length of time allowed before building construction must begin.

J. Worden answered stating that after site plan approval and a building permit being issued, construction must begin within one year.

Chairman R. McQuillan stated that if Paragraph 7, which states that construction must begin within two (2) years of the rezoning approval by the Township Board is an issue, we would recommend a two (2) year time frame from the effective date of the agreement for submission of a site plan, and that all phases of the project be completed within five (5) years of site plan approval. He additionally noted that under this current recommendation, the applicant will have a total of seven (7) years from Township Board approval to complete the construction, but in two years, if a site plan has not been approved, the land would return to its original zoning.

A motion was made by R. Simmons, supported by P. Dunigan, to recommend to the Township Board approval of the contract rezoning request similar to the contract presented at the rezoning hearing. Additionally, in reference to Paragraph 7, it is recommending two (2) years from approval of the proposed contract and rezoning be allowed for submission of a site plan, and all phases of the project to be completed within five (5) years or the property would return to its original zoning. Also being supported is replacing the wording self-storage units with self-storage buildings. The motion carried unanimously.

Case #05-08-0013 - Amended Site Plan - Terrace Hills, Robinson Road - Change from Single Family to seven (7) Duplex, two (2) four and one (1) single family condominiums – Applicant John Ganton Sr.

George Svinicki, representing the applicant, John Ganton Sr., stated the property was separated into two (2) phases. Section 1A, was developed into single family units while the other remained undeveloped. He commented that there is only one change to that sketch plan presented in June. This change will not take one of the units from Phase 1A and place it in Phase 1B. To illustrate this change, the applicant, Mr. Ganton, has created a new plan, a clean proposal that will place all the units in Phase 1B. This change will take the development to seven (7) duplexes, two (2) four unit and one (1) single family condominiums. Further, it will require the addition of three (3) water and sewer connections as required by the Township Department of Public Works.

J. Worden questioned if the information included on the Site Plan was the size of the buildings or the size of the lots.

G. Svinicki responded that the information listed was the building sizes.

A motion was made P. Dunigan, supported by G. Heins, to recommend to the Township Board approval of the Site Plan contingent upon the receipt and compliance with requirements of the Jackson County Drain Commissioner and the Jackson County Road Commission. The motion carried unanimously.

Case #05-08-0014 - Site Plan - Addition to Orthopaedic Rehab, 2140 Robinson Road - Applicant John Ganton Sr.

George Svinicki, representing the applicant, John Ganton Sr., explained the commitment from Orthopaedic Rehab to add 4,000 square feet to their existing building. Approximately one half will be utilized and the remaining will be for additional occupancies. There are twenty-one (21) apartments in the atrium and there are 104 parking spaces in the immediate area. The number of parking spaces are in compliance with parking requirements of the Zoning Ordinance. This, including the exiting structure(s), has created a nice looking campus.

G. Heins asked if the rehab facility will be opened to the public.

G. Svinicki answered the facility will be opened to the public.

A motion was made by R. Simmons, supported by G. Heins, to recommend to the Township Board approval of the Site Plan contingent upon the receipt and compliance with any requirements of the Jackson County Drain Commissioner and the Jackson County Road Commission The motion carried unanimously.

A motion was made by D. Hackett, supported by N. Stopyak, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Dennis Hackett, Secretary
Summit Township Planning Commission