

SUMMIT TOWNSHIP PLANNING COMMISSION

November 19, 2013

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

MEMBERS ABSENT: None

The meeting was called to order by Raymond McQuillan, Chairman, on Tuesday, November 19, 2013 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 N. Stopyak, to approve the Tuesday, August 20, 2013 minutes. The motion carried unanimously.

Case#13-11-0020- Conditional Use Permit- Used Car Sales and Detailing – 2401 Francis Street – Zoned Local Commercial (C-1) – Justin Mitchell and Robert Sutherby Applicants – Justin Mitchell Owner

A public hearing was held on the request of applicant Robert Sutherby and property owner Justin Mitchell, of 3787 Ann Arbor Road. The applicant is requesting a conditional use permit proposing to use property at 2401 Francis Street (Parcel ID# 000-13-11-309-039-00) for an insurance agency, real estate office, used car sales and car detailing. Although the property is narrow in length, the applicant is interested in purchasing the property to the north, 2401 Francis Street (Parcel ID#000-13-11-309-037-10). It is the applicants hope that bringing these proposed conditional uses to the property will clean up and improve the property. He will follow Township, County and State regulations, and will be focused on security and safety.

The Townships' zoning ordinance does contain a car lot as a permitted or conditional use for properties zoned Local Commercial (C-1). Due to the location of the property, and with no properties zoned General Commercial District (C-2) or Highway Commercial (C-3) in the surrounding area, it is unadvisable to rezone the property to a commercial district that would allow a used car lot as a permitted or conditional use.

Applicant, Robert Sutherby addressed the commission, by reading Article IV, Zoning District Regulations Section 4.4 Commercial Districts of the Township zoning ordinance. He explained the proposed conditional uses for the narrow property would meet the regular and recurring needs of the neighborhood resident population. He expressed that an empty building is not a good investment for the Township, and that the owner is proposing to clean up the property and upgrade the current structure. He then read Article IV, Zoning District Regulations Section 4.4 Commercial District, 4.4.1 Local Commercial District (C-1). He felt the conditional use requirements were met because every Township resident has a car in their driveway that needs to be insured, and a common way to clean cars is by using a detailing service. He further explained that the proposed conditional uses would bring economic life to the township. Additionally, Mr. St. John was in the audience to give a historical account of the property and cemetery headstone business, as he was the previous owner for forty-four (44) years.

G. Gancsos Jr., asked how the applicant was going to display the used cars and expressed concerns over the property's thirty-three (33) feet width.

Applicant, Robert Sutherby, answered explaining that the overall acreage for the property is 0.28 acres, and although the property has a small frontage of thirty-three (33) feet the property has a depth of three

hundred (300) feet. Additionally, if Mr. St Johns was interested in selling the neighboring lot to the south of 2401 Francis Street (Parcel ID#000-13-11-309-037-10), this would provide additional area and increase the overall size of the property.

N. Stopyak asked if the applicant was aware of Consumers Energy pole clearance requirements.

Applicant, Robert Sutherby, answered that he is aware of the requirements. He explained further that Consumers Energy has a right of way under the poles and between the property and the flower shop. This right of way is used by Consumers Energy to access their substation, but according to Mr. St John they have been using an alternate route to access the substation for many years.

Raymond McQuillan, Chairman, commented on the narrow lot size and expressed concerns over four types of businesses operating in the narrow environment.

Applicant, Robert Sutherby, answered that no body work would be done on the property, only detailing would be performed in the back of the property where the garage is located. He anticipates having one or two cars per day to be detailed.

Raymond McQuillan, Chairman, asked if the sale of 2401 Francis Street (Parcel ID#000-13-11-309-039-00) was contingent upon the Township granting the conditional use for the property.

Applicant, Robert Sutherby, answered asking if the purchase of the property to the north (Parcel ID#000-13-11-309-037-10), could be a condition of the conditional use.

Raymond McQuillan, Chairman, expressed concern that the property to the north has not been purchased, and that the applicant was requesting the Commission to consider it as part of the property for consideration for the conditional use. Chairman McQuillan would feel more comfortable if this case was tabled until after the property to the north, 2401 Francis Street (Parcel ID#000-13-11-309-037-10), has been purchased and the applicant could present a detailed account of people, offices, number of cars etc.

Applicant, Robert Sutherby, asked if the conditional use could be subject to the purchase of the property as a requirement.

Raymond McQuillan, Chairman, responded that the Commission could give the applicant an indication, but would not be able to provide a conditional use on a property that the applicant does not own.

R. Simmons, pointed out that 2401 Francis Street (Parcel ID#000-13-11-309-037-10) is not contiguous with the property owned by the applicant. Further, 2401 Francis Street (Parcel ID#000-13-11-309-040-00) is contiguous with the property and if purchased would double the frontage for the proposed conditional uses.

Applicant, Robert Sutherby, informed that he has spoken to the Assessing office, and that there is a discrepancy over Parcel IDs #000-13-11-309-039-00 and #000-13-11-309-040-00. Mr. Elwood St John and his family had owned the property for over the previous 44 years, and he believes that Parcel ID Parcel ID#000-13-11-309-039-00 and Parcel ID#000-13-11-309-040-00 are not two separate parcels, but instead one parcel that was purchased by the applicant. The applicant believes the recorded deed is incorrect.

Elwood St John, 9303 Roundtree Road, Horton Michigan, addressed the Commission explaining the history of the property. When his father passed away the property was put into a trust that split the property between his sister Nancy and another brother. When his brother died, his 1/3 went to his children. When the children wouldn't help with the taxes, Elwood and his sister in-law Nancy stopped paying taxes on the property so it eventually went into foreclosure. Justin Mitchell purchased the foreclosed property from the Tax Sale Auction.

Raymond McQuillan, Chairman, informed that the parcel purchased by Justin Mitchell, Parcel ID #000-13-11-309-037-10 is located inside of Parcel ID#000-13-11-309-037-00. According to the Deed, Parcel ID#000-13-11-309-037-00 is owned by Thomas Darrow.

Further discussion took place over Parcel IDs #000-13-11-309-037-00, #000-13-11-309-037-10 and #000-13-11-309-040-00.

N. Stopyak suggested the titles for all three of the parcels be verified.

R. Erhardt, questioned if the applicant was the site owner and if he was going to be responsible for all the businesses at the location.

Applicant, Robert Sutherby, informed that he will be the business manager for the site, and that Justin Mitchell was the property owner and responsible for all the businesses at the location.

Raymond McQuillan, Chairman, noted that if the applicant could obtain two adjacent properties, the total frontage is forty-four (44) feet, and he remains concerned that four (4) businesses could not operate out of the location and meet the necessary minimum zoning requirements.

Justin Mitchell, property owner, explained he would be using the property with a satellite used car dealership license. This type of license does not require ten (10) cars to be displayed on site.

J. Worden explained the township does not have a provision in the zoning ordinance for a satellite used car sales, therefore the Commission would go by the Township zoning requirements for a used car lot.

Justin Mitchell, property owner, explained that he bought this property to fix it up and sell cars there as a satellite car lot dealership. He is the owner of another car dealership on Ann Arbor Road, which is the primary dealership and has a repair shop on site. The building at 2401 Francis Street has a width of twenty 20 feet and a length of sixty (60) feet, contains a bathroom facility and two offices.

T. Emmons, questioned if the applicant would consider a single business, excluding the car detailing, at the property instead of four businesses.

Justin Mitchell, property Owner, responded that would be acceptable if it is what the Township needs in order to get a conditional use. He also expresses his willingness to do whatever the Commission requests in order to move forward with just the auto portion.

T. Emmons, expressed the applicant could come back at a following meeting with a site plan containing detailed measurements and the required setbacks.

Raymond McQuillan, Chairman, commented that if the owner purchased the parcel to the south, it would provide a total frontage of sixty-six (66) feet.

Justin Mitchell, property Owner, responded that he wants to purchase both pieces of property, but is hesitant to move forward with the purchase if he is not going to be able to use the property.

J. Worden commented that J. Mitchell, property owner, needs to acquire the property to the south and that property to the north is not contiguous to 2401 Francis Street.

J. Worden also commented that rezoning is not an option because even with the purchase of the adjacent lot to the south the property width would be sixty-six feet and the Ordinance requires a minimum of 75 feet for General Commercial (C-2) and 100 feet for Highway Commercial (C-3).

T. Emmons asked why the property owner has not purchased the property to the south (Parcel ID# 000-13-11-309-040-00).

Justin Mitchell, property Owner, responded that Mr. Elwood St John insists that he already owns it.

Raymond McQuillan, Chairman, clarified that according to the tax bill J. Mitchell only owns Parcel ID# 000-13-11-309-039-00. He also expressed that he is uncomfortable with four (4) businesses on a thirty-three (33) feet wide property that contains a twenty (20) feet wide building.

A. Hooper remarked that he cannot see how the applicant could set up a used car lot with the available limited frontage.

J. Shelby suggested the case be tabled until these issues can be resolved.

Justin Mitchell, property owner, responded that he will sort out the issues with the property to the south of (Parcel ID#000-13-11-309-040-00), and asked what are the issues with the property to the north (Parcel ID#000-13-11-309-037-00).

J. Worden commented the property owner should find out if there is a sewer easement on the property.

T. Emmons suggested to the property owner that when making a parcel purchase he can have the purchase agreement contingent upon Township approval of the conditional use.

Public Comment:

None

A motion was made by A. Hooper, supported by R. Erhardt, to table this application until the January, 2014 meeting. At that time the Commission would be inclined to look favorably upon the application if applicant acquires the following: A second lot to increase the total front yardage of the property, a site plan including the building, the flow of traffic and setbacks, and an explanation of the sewer easement(s).

The motion carried unanimously.

A motion was made by R. Simmons, supported by A. Hooper, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Jack Shelby, Secretary
Summit Township Planning Commission