



1-A Petition Information:

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| Petition Number: | <u>(18-ZBA-187) F & J Rental Properties</u> |
| Applicant(s): | Fred Ulisse, dba F & J Rental Properties |
| Project Description: | Open-air business (<i>used car sales lot</i>) |
| Petition Description: | <i>Review of completeness for a special land use and setting of public hearing date</i> |
| Property Location: | 14495 North Territorial (D-04-19-200-001) |

1-B

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| Existing Zoning: | General Commercial (C-1) <i>The General Commercial District is intended to provide for retail, service, and office establishments which primarily serve the day-to-day convenience and service needs of Dexter Township Residents and visitors. The District is intended to provide opportunities for day-to-day convenience shopping and services compatible with the predominant rural character of the Township. Support for the preservation of the community's rural character should be embodied in architectural design and building scale, building materials, signage, landscaping, buffering, and lighting.</i> |
| Existing Land Use: | Vacant commercial building |
| Future Land Use Map: | Commercial <i>The Commercial area identifies areas in the Township that are planned for or are currently used for local commercial use. There is currently no identifiable community node or activity center within the Township where such uses are frequently guided. In fact, the limited commercial development presently in the Township is not centered in any particular area or along any particular road segment. Due to limited demand from Township residents, the lack of major thoroughfares in the community, and the more appropriate locations for intensive commercial uses in nearby urban communities such as Dexter, Chelsea, Pinckney, and Ann Arbor, future commercial development should be of a comparatively small scale and cater to the day-to-day consumer needs of area residents and travelers. Commercial uses that cater to the consumer needs of a more regional population should be discouraged.</i> <i>Access and road infrastructure play an important role in successful commercial development. For this reason, the intersection of North Territorial and Dexter-Pinckney Roads is the primary location for new commercial development at this time. This Plan generally supports the continuation of the small commercial uses located elsewhere in the Township and the replacement of such uses with other commercial uses that support the overall character of the community. However, the Plan strongly discourages the expansion of these commercial areas beyond that acreage currently zoned for such commercial use.</i> <i>All future commercial uses should minimize disruption to the rural character of the Township and the use and enjoyment of nearby properties. Special site design measures should be pursued to assure the visual corridors of abutting public roads retain their current rural and open space character through appropriate siting and screening of parking areas, lighting, signage, building scale, architecture and materials, and related development features. The Commercial Planned Unit Development (C-PUD) overlay district allows for zoning flexibility and mixed land uses if a proposed project exhibits superior site design. Larger commercial uses and buildings that conflict with the Township's dominant rural character and limited public services are discouraged. In light of the unique natural resources of the Township, including its ground water resources that are particularly vulnerable to contamination in certain locations, uses that are predominantly characterized by the use, storage and/or sale of toxic, hazardous, or otherwise injurious materials should not be permitted without assurances that the health, safety, and welfare of the Township and its residents are adequately protected.</i> |
| Lot Area: | 43,124.4 square feet, 0.99 acres (<i>excluding rights-of-way and easements</i>) |



| | North | East | South | West |
|------------------------------|-------------------------------|-----------------------------------|-----------------------------------|--|
| Surrounding Zoning | <i>Rural Residential (RR)</i> | <i>Rural Residential (RR)</i> | <i>Rural Residential (RR)</i> | <i>Neighborhood Commercial (unconfirmed)</i> |
| Surrounding Land Uses | <i>Single-family houses</i> | <i>Vacant, agricultural field</i> | <i>Vacant, agricultural field</i> | <i>Gas station/ convenience store</i> |
| Future Land-Use Map | <i>Rural Residential</i> | <i>Rural Residential</i> | <i>Rural Residential</i> | <i>Neighborhood Commercial (Lyndon Township)</i> |

1-C Project Narrative

Fred Ulisse, on behalf of F & J Rental Properties, has submitted a special land use application for an open-air business for a used car sales lot.

Open-air businesses, including car sales lots, are considered special land uses in General Commercial (C-1) Districts, which this property is located in. Special land uses are specific types of uses that may, due their nature, cause a greater impact on their surrounding properties. Because of this, they receive additional attention and public review by the Planning Commission. Site plan review and approval is also required for all special land uses.

Applications for special land uses are first reviewed for general completeness by planning staff to determine the degree of completeness and accuracy. Planning staff has determined that a majority of the necessary materials has been supplied and that approval of several variances appear to be necessary for the proposed open-air business.

Planning staff has not distributed the application to other agencies for review because no physical changes or improvements to the property are proposed as part of the application. The applicant has supplied a letter from Multi-Lakes Water and Sewer Authority, dated July 31, 2014, when the applicant was pursuing a building addition on the site.

The Planning Commission reviews the site plan and special land use application and, after adequate study and review, schedules the public hearing for the special land use. The associated site plan review has generally been conducted at that same meeting or a later meeting as the special land use public hearing.

The purpose of this review of completeness is for the Planning Commission to review the application and determine if it is complete or, if not, direct the applicant to provide the additional information necessary to make it complete, and to set a public hearing date.

The property is located on the southeast corner of North Territorial and Stofer. It has been the site of commercial uses for decades, most recently serving as the home for Ugly Dog Distillery and a martial arts studio.

The applicant would like to use the property for a used car sales lot. As noted in a letter describing the project from the applicant, the cars will be delivered to the site individually, in a ready-to-drive condition, and they will be displayed in the lined parking spaces, which are all paved. The applicant states that there will be no changes to the site, including lighting, signage, or utilities. Additionally, hours of operation, 9:00 am to 8:00 pm, and restrictions on advertising have been proposed.



The applicant has also supplied: a vehicle dealer license for Southern Auto Sales, a certificate of assumed name, a legal description of the property, a sheet from a site plan from 2006, and a sketch of proposed window signage.

The site plan does not show explicitly which parking spaces or how many of the parking spaces would be used for display of automobiles. (*Based on the gross floor area of the building, a total of 7 parking spaces would be required for the business.*) The Planning Commission should consider if this information should be added to the site plan.

General standards for all special land uses are outlined in §16.01 of the Zoning Ordinance. In general, the use should be harmonious with the general objectives of the Master Plan and the Zoning Ordinance, should be designed and operated to be harmonious with the existing or intended character of the surrounding area, should not be hazardous to any person or property, should be adequately served by essential services, should meet the site plan standards, and should conform with all applicable county, state, and federal requirements.

Specific standards for a car sales lot, open-air businesses, are outlined in §16.15 of the Zoning Ordinance. The developmental standards include building and loading setbacks of 50 feet from lot lines and ingress from a paved major or minor thoroughfare. The performance standards include the location and nature of vehicle repair and maintenance and the nature and location of vehicle display areas.

The building and loading location do not meet the required setbacks, but they are considered legal nonconformities that are allowed to continue.

The site is accessed by a single driveway from Stofer, with no changes proposed.

The applicant has stated that there will be no vehicle repair or maintenance on the site, that the vehicles will be driven to the site in a ready-to-sell condition.

The vehicle display areas will be located on pavement. However, they will be located closer than 50 feet from lot lines. This will require approval of variances by the Zoning Board of Appeals. The applicant has the opportunity to apply for the variances concurrently with or following special land use and site plan review.

The Planning Commission should determine if the application is complete enough to conduct a public hearing for the special land use. If it is not, the Planning Commission should outline what additional materials it finds necessary. If limited additional materials are necessary, it is likely that the applicant will be able to provide those in time for the August 28th Planning Commission meeting.

**1-D Property History**

On January 13, 1981, the Zoning Board (*Planning Commission*) denied a request to waive the 180-day vacancy period that expires a legally non-conforming use.

On May 15, 1990, the property was rezoned from Rural Residential (RR) to General Commercial (C-1).

On August 11, 1997, Zoning Permit (97-ZP-3197) was issued to establish an ice cream shop, deli take out, retail sales of hardware, and a real estate office.

On April 5, 2001, Notice of Violation (00-115) was issued for an unlicensed vehicle on blocks, old pontoons, and miscellaneous pontoon parts.

Property has been under current ownership since September 26, 2003.

On September 28, 2006, Zoning Permit (06-ZP-4497) was issued for repairs to and additions to the existing building.

On June 9, 2009, the Site Plan Review Committee approved minor changes to an approved site plan. The changes included addition of asphalt parking areas, handicapped ramp relocation, and cross hatching for pedestrian crossing.

On November 6, 2009, Zoning Permit (09-ZP-4866) was issued to establish a martial arts studio in the lower level of the building.

On February 18, 2010, Zoning Permit (10-ZP-4885) was issued to establish a distillery business, with no on-site consumption, and to install wall signs.

On September 2, 2014, (14-ZBA-796) F & J Rental Properties, variances for reduced front-yard setbacks from North Territorial and Stofer, was denied by the Zoning Board of Appeals.

1-E Applicable Land Use Standards:***Planning Commission Approval of Site Plans***

Site plan approval is required by the Planning Commission, prior to the issuance of a Zoning Permit, for the following land uses:

1. All special land uses, as specified in each zoning district.

§6.02, page 6-1.

Special Land Use Purpose

It is the purpose of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts by the issuance of a Zoning Permit for a Special Land Use. By such a procedure, the Planning Commission shall have the opportunity to impose conditions upon each use which are deemed necessary for the protection of the public welfare.



Such conditions shall be based on standards in this Ordinance. Approval standards for special land uses are included in Article 16, Standards for Special Land Uses.

§7.01, page 7-1.

Planning Commission Action

1. Application Review and Public Hearing:

- a. The Planning Commission shall review the site plan and special land use application. After adequate study and review, incorporating information provided by reviewing agencies listed above in Section 7.02(C), the Planning Commission shall schedule a public hearing. The Township Clerk shall give notice of the public hearing pursuant to Section 3.07, Public Notice.

2. Planning Commission Decision and Basis for Decision: Upon review of the special land use application, all supporting materials, and the hearing, the Planning Commission may deny, approve, or approve with conditions the application for special land use approval. Its decision shall be incorporated in a statement of findings and conclusions relative to the special land use under consideration, and shall specify the basis for the decision and any conditions imposed. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in Articles 16, Standards for Special Land Uses. A request for approval of a land use or activity which is not in compliance with those standards, other applicable ordinances, and state and federal statutes shall not be approved. The Planning Commission may require that a performance guarantee, in accordance with Section 3.05 of this Ordinance, be deposited with the Township to insure completion of improvements.

§7.02(D), page 7-1/2.

Special Land Uses Permitted by Special Land Use Approval

The following special land uses are permitted by special approval in the General Commercial District provided no structure, whether it be occupied by a single business or multiple businesses through shared-wall construction, contains more than twenty-five thousand (25,000) square feet of gross floor area.

13. Open air businesses, excluding junk yards, but including motor vehicle, trailer, recreation vehicle, farm equipment, and boat sales, and the service and repair of such items when done so as an accessory use to the principal use sales operation.

§7.02(D), page 7-1/2.

General Standards Applicable to All Special Land Uses

A. Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity which may be authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, considering all factors, including, but not limited to, traffic, noise, smoke, fumes, glare, odors or waste. The land use or activity shall be consistent with the public health, safety, and welfare of the Township and shall comply with all of the following standards:

1. Be harmonious with and in accordance with the general principles and objectives of the General Development Plan of the Township.
2. Be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
3. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the general area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:
 - a. The bulk, placement, and materials of construction of proposed structures.
 - b. Pedestrian and vehicular circulation.
 - c. The location of vehicular use or parking areas.



4. Not be hazardous to any person or property, or detrimental or disturbing to the public welfare or to existing or reasonably anticipated future uses in the same general vicinity.
5. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties.
6. Meet the site plan review requirements of Article 6.
7. Conform with all applicable county, state and federal requirements for that use.

§16.01, page 16-1.

Open-Air Businesses

- A. The following site and developmental requirements shall apply:
 1. All buildings and areas used for loading and unloading shall be set back a minimum of fifty (50) feet from any lot line.
 2. Ingress and egress to the facility shall be only from a paved minor or major thoroughfare.
 3. Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public streets.
- B. Special Performance standards:
 1. In the case of auto sales:
 - a. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
 - b. All areas subject to vehicular use shall be paved.
 - c. Areas used for the parking or storage of vehicles shall be set back a minimum of fifty (50) feet from all lot lines.
 2. Storage or display of goods and materials shall not occur in the required yards.
 3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage ways.

§16.15, page 16-5.

1-F Other Department Comments:

Planning staff has not promulgated the special land use application to other agencies because it will not result in any physical changes or improvements to the property.

Planning staff has reviewed the special land use application with the Township Attorney.

1-G Statement of Facts:

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| Special Land Application Submitted: | June 21, 2018 |
| Review of Completeness Scheduled for: | July 24, 2018 |
| Public Hearing Scheduled for: | -- |
| Site Visit(s) Conducted by Staff: | July 17, 2018 |
| Previous Public Meetings: | None for this application |
| Previous Staff Reports: | None for this application |



1-H Attached Materials:

| | | |
|------------------------------|------|------------|
| Aerial Image | page | 8 |
| Special Land Use Application | | attachment |
| Letter from Applicant | | attachment |
| Vehicle Dealer License | | attachment |
| Certificate of Assumed Name | | attachment |
| Legal Description | | attachment |
| Site Plan | | attachment |
| Letter from MLWSA | | attachment |
| Window Signage Sketch | | attachment |

1-I Legal Notification:

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| Legal Ad Submitted to The Sun Times News: | June 14, 2018 |
| Legal Ad Published in The Sun Times News: | June 20, 2018 |
| Letters to Interested Persons Sent: | July 9, 218 |
| Public Notice Posted on Township Website: | July 11, 2018 |

Legal notification is not required by the Zoning Enabling Act or the Zoning Ordinance for reviews of completeness.

Notes:

(18-PC-187) F & J Renta Properties (07.17.2018)



1-J Aerial Image:

