

MINUTES-REGULAR MEETING
BEDFORD TOWNSHIP PLANNING COMMISSION
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
February 24, 2016

PRESENT:

ROBYNE BUSH
PAUL PIRRONE
TOM ZDYBEK
MATTHEW ANGERER
KORLEEN BIALECKI

EXCUSED: MARYANNE BOURQUE, JAKE LAKE

ALSO PRESENT:

THOMAS GRAHAM, LENNARD, GRAHAM & GOLDSMITH, LEGAL COUNSEL
KAREN M. KINCAID, PLANNING AND ZONING ADMINISTRATOR
JODIE L. RECTOR, PLANNING AND ZONING, ASSISTANT, RECORDING SECRETARY

Bialecki, called the Bedford Township Planning Commission meeting to order at 7:02 p.m. The Pledge of Allegiance was said. Kincaid called the roll. Quorum present.

APPROVAL OF THE AGENDA

Motion by Pirrone, supported by Bush to approve the agenda. Motion carried.

APPROVAL OF THE MINUTES OF FEBRUARY 10, 2016.

Motion by Bush, supported by Zdybek to approve the minutes of February 10, 2016. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)-None

OLD BUSINESS

A) REQUEST FOR SPECIAL APPROVAL AND FINAL SITE PLAN APPROVAL FOR NFA FINANCE, LLC ON PARCEL NUMBER 5802-032-030-10, 7101 SUMMERFIELD ROAD, LAMBERTVILLE, MI 48144

Kincaid summarized the analysis stating the public hearing for the special approval was held on September 9, 2015 and action on the request was postponed to a later date to give the applicant time to gather and provide the information required by the Planning Commission. Kincaid stated included in the packet was information for the Planning Commission Members referring to the BZA Meeting Minutes (2/12/15) and Planning Commission Meeting minutes (9/9/15). Kincaid read aloud the letter submitted from the applicant with regards to the fencing, privacy and sound barriers, parking for display, employees, service and customers and lighting. Kincaid reiterated the applicant is seeking a Special Approval for C-3, General Commercial use for a used car sales on the subject parcel.

Nick Francis NFA, LLC- 7101 Summerfield Road- Mr. Francis advised the trees that Ms. Kincaid referenced are on the south side of the property.

Pirrone stated he and Angerer visited the subject parcel, adding the building is very nice. Pirrone and Angerer measured the parking spaces to verify location and maneuverability. In regards to the fencing, Pirrone referred to the previous business having no barrier wall and with the photos provided the current tree line barrier supplies enough of a buffer, even though it is a residential zoning district, it is a school, and is different than a residential home abutting a commercial business. Pirrone concluded the fence and trees existing provides enough buffer and the applicant has indicated if needed he would plant additional arborvitae trees.

Zdybek appreciated the letter of support from the adjacent property (Cribs to Crayons Daycare Center). Bialecki followed up stating in addition to the letter of support, there was also a letter of objection to the proposal from neighbors across the street. Bialecki inquired when the Planning Department had received the update response information from NFA Finance previously requested at the 9/9/15 Planning Commission meeting. Kincaid stated she could not give an exact date but early last week, around the middle of February. Bialecki recalled from the Planning Commission meeting minutes, the applicant was to have had the information available within 90 days of that meeting. Mr. Francis added he had been in contact with the Planning Department on the meeting schedule and Kincaid noted the Ordinance Enforcement Department had visited the site. Bialecki went on requesting clarification on the parking spaces directly in front of the building represented by blocks on the submitted plan layout and Mr. Francis stated those were where available parking would be, but the area is not going to be utilized. Bialecki addressed the applicant going to the BZA for the acreage variance, stating from the minutes the applicant advised he would limit the front parking area to 10 cars but Bialecki noted there are 13 parking spaces shown in front of the building. Mr. Francis advised the number of units were discussed with the BZA and to clarify what would be considered as a unit, with the example being: 2 bikes located in one parking space but considered as 2 units. Bialecki again referred back to the BZA minutes of February 12, 2015 on the applicant's indication that he intends to place a more substantial buffer between the subject parcel and Douglas Road Elementary school; now stating his plan is to keep the buffer the way it is now. Kincaid added she visited the site and the fence along the south side runs the depth of the school property and the fence along the west side property line is a requirement for a daycare use to have a fenced in outdoor area for activity. Bialecki suggested without having a survey of the subject property lines, ownership of the fence is based on the visual evidence that the fence is under the ownership of the school and daycare. Kincaid concurred.

Bialecki addressed Mr. Graham in regards to the ownership of the fence and the ordinance requirement that a buffer be located "on the subject parcel". Bialecki asked for a determination if the Planning Commission would be waiving the barrier requirement. Mr. Graham stated the ordinance requires a wall, where a wall is a fence but a fence is not a wall, with a wall being a shielding mechanism. A chain link fence may block debris but does not provide shielding. Mr. Graham went on to add the ordinance requires a "wall" but allows the Planning Commission to approve a substitute material, referencing using a substitute such as a privacy fence or arborvitae type plantings. Mr. Graham reiterated a chain link fence retains things in an area but is not a "wall", which would provide obscurity or shielding.

Commission members continued discussion on the ordinance requirements, location and safety from obstruction of site clearance pertaining to a wall and the proposed parking spaces along the Douglas Road entrance.

Bialecki advised the applicant it would require a majority vote for approval, offering the option to move forward or reschedule with full commission. The applicant waived the right to defer and requested to move forward.

Motion by Bush, supported by Angerer, to approve the Special Approval request for NFA Finance, LLC on parcel number 5802-032-030-10, 7101 Summerfield Road, Lambertville MI for a used vehicle/unit outdoor sales in a C-3, General Business zoning district subject to Final Site Plan Approval as it not injurious to the district and environs, is not contrary to the spirit and purpose of this Ordinance, is not incompatible with already existing uses in the area, will not interfere with the orderly development of the area, would not be detrimental to the safety or convenience of vehicular or pedestrian traffic, will be served adequately by essential public facilities and services, will be consistent in assuring that the general public health, safety and welfare will not be infringed upon, and will be in compliance with all Township, County, State and Federal laws and regulation; and which, once approved, shall be deemed to authorize only one specific use, and shall expire and become null and void without further notice or action by the Planning Commission in any case where the special approval use has not been established within six months after the Planning Commission's grant of approval thereof or where the special approval use is discontinued or ceases to exist for six consecutive months or for 18 months during any three year period; and which may be revoked by the Planning Commission after it finds that any of the requirement of this Ordinance or conditions of approval are not being maintained.

Roll call as follows: Voting Aye: Bush, Angerer, Pirrone, Zdybek, Bialecki. Voting Nay: None. Excused: Lake and Bourque. Motion carried.

Motion by Bush, supported by Pirrone, to approve the Final Site Plan for NFA Finance, LLC on parcel number 5802-032-030-10, 7101 Summerfield Road, Lambertville, MI with the conditions should the fencing on the south property line (Douglas Road Elementary) be removed for any reason, it must be replaced, the applicant must diligently maintain the tree line buffer and any and all cars/units must be displayed on a paved area.

Roll call as follows: Voting Aye: Bush, Pirrone, Zdybek, and Angerer. Voting Nay: Bialecki. Excused: Lake and Bourque. Motion carried.

NEW BUSINESS

A) OPEN THE PUBLIC HEARING AT 7:40 P.M. REGARDING THE SOUTHFORK REAL ESTATE, LLC, REQUEST TO REZONE A PORTION OF PARCEL NUMBER 5802-031-090-05 FRM PBO, PROFESSIONAL BUSINESS OFFICE TO R-2A, SINGLE FAMILY RESIDENTIAL AND A PORTION TO C-1, LOCAL BUSINESS, OTHERWISE KNOWN AS 6649 SECOR ROAD, LAMBERTVILLE, MI 48144

Kincaid said this site analysis will cover the three requests for the subject project that includes 8A, 8B, and 8C to include two rezoning requests and a request for Final PUD Approval. Kincaid

continued to explain the reason for the public hearing for the rezoning is the property is approximately 17 acres and is currently PBO, Professional Business Office, zoned and in order to calculate the underlying density for the proposed use, the parcel must be rezoned from PBO to Commercial on the southeast corner of the parcel and residential for the remainder of the parcel. Kincaid stated once the property is recommended to rezone to C-1 and R-2A, the plan that was submitted can then be based on the density of those zoning districts. Kincaid added prior to granting Final PUD Approval, the property would have to be rezoned to PUD, Planned Unit Development from C-1 and R-2A. Kincaid mentioned the developer is currently working on Phase II of this larger project with Final Site Plan Approval of Phase IV not being a part of the request for approval at this time, further saying all detailed approvals from the reviewing agencies will be required when the request for Final Site Plan Approval for each individual phase is submitted. Kincaid made note of the Planning Department mailing out 130 notices for the rezoning and no calls or letters of objection were received. Kincaid advised per conversation with Mr. Kamprath of Lennard, Graham and Goldsmith, adding Mr. Graham may have further input, the Township Attorneys have been reviewing the submitted PUD Agreement, and the applicant has indicated they are working on the required exhibits. Kincaid said the PUD Agreement must be approved by the Township Attorneys prior to submitting a request for Final PUD Approval to the Township Board. Kincaid added it also should be noted that on the revised site plan for the PUD, the developer has identified the continuation of the fence line plantings east to the commercial properties, north to the north end of the commercial properties, and then east to Secor Road to buffer the residential properties from the commercial sites, adding the sidewalks will be extended east to Secor Road and then to the north along Secor Road to the north property line as identified on the PUD plan. Kincaid advised any approval shall be contingent upon addressing all the issues listed in the review letters from the MCDC, MCRC, The Mannik & Smith Group and the Bedford Township Fire Department. Kincaid supplied information from the Fire Department's review letter dated February 18, 2016 regarding the agreement with the developer that should the proposed Phase IV ingress/egress not be installed or developed, the construction access within Phase III shall become a permanent access.

Brian Retar-FWB – Mr. Retar addressed the Planning Commission, saying there is nothing new on the plan since presented for Conceptual Approval other than adding the traffic study for the MCRC, which showed no increase in traffic flow with the additional proposed development.

Pirrone commented on 130 letters being sent with no response of objection. Pirrone also commented on how nice the development is and added he spoke with a resident in attendance at the meeting and there is no objection to the proposed commercial on the corner. Zdybek asked if the developer has any thoughts on what the proposed commercial use would be on the corner as further referencing other commercial intersections. Zdybek asked if consideration was given to keeping the PBO, Professional Business Office, zoning on the corner. Bush mentioned comments that were made at the previous meeting where the public hearing was held, that Mr. Bollin wants to protect the residents of the development and maintain control of what uses would be permitted in the commercial location.

Scott Bollin-Southfork Real Estate-6622 Summerlyn Blvd- Mr. Bollin advised the Bedford Township Master Plan shows the subject property as neighborhood business, and if someone else purchased the property they would have no control on what could be developed, saying as the developer they can protect not only new residents but existing residents as well. Mr. Bollin stated he has spoken with the current residents regarding their plans for new development and has their

support, as the commercial area would be developed with something that would aesthetically compliment the area. Mr. Bollin referenced there is no interest in PBO property within Bedford Township as this location is PBO zoned has been sitting vacant for a number of years, continuing to reference currently vacant PBO properties.

Further discussion continued with the Planning Commission members on rezoning to commercial. Kincaid added C-1 is the most restrictive commercial use and would have to meet the parking requirements for the use of the buildings. Kincaid said all development will require Site Plan Approval. Mr. Bollin also added the proposed lot size is fairly small. Pirrone added the proposed zoning it fits within the Master Plan's reference to zoning and walkability for the community.

The Planning Commission members agreed the subdivision is a great development and compliments the corner.

Fred Georgeson- 6732 Summer Breeze Drive-Mr. Georgeson stated Mr. Bollin has done a great job with the development and has no objection to the proposed commercial properties, further saying he feels it will be an asset to the community.

Public hearing closed 8:10 p.m.

Bialecki advised the applicant it would require a majority vote for approval if it is decided to move forward, or they can opt to reschedule with full commission. The applicant waived the right to defer and requested to move forward.

Motion by Bush, supported by Pirrone, to recommend the approval regarding Southfork Real Estate, LLC's request to rezone a portion of parcel number 5802-031-090-05 from PBO, Professional Business Office to R-2A, Single Family Residential and a portion to C-1, Local Business otherwise known as 6649 Secor Road, Lambertville, MI 48144, as it is supported by the Master Plan.

Roll call as follows: Voting Aye: Bush, Pirrone, Zdybek, Angerer and Bialecki. Voting Nay: None. Excused: Lake and Bourque. Motion carried.

B) OPEN THE PUBLIC HEARING AT 8:11 P.M. REGARDING THE SOUTHFORK REAL ESTATE, LLC REQUEST TO REZONE PARCEL NUMBER 5802-031-090-05 FROM R-2A, SINGLE FAMILY RESIDENTIAL AND C-1, LOCAL BUSINESS TO PUD, PLANNED UNIT DEVELOPMENT, OTHERWISE KNOWN AS 6649 SECOR ROAD, LAMBERTVILLE, MI 48144

Bialecki advised the applicant it would require a majority vote for approval if wanting to move forward or reschedule with full commission. The applicant waived the right to defer and requested to move forward.

Public hearing closed at 8:12 p.m.

Motion by Bush, supported by Pirrone, to recommend the approval regarding Southfork Real Estate, LLC's request to rezone a portion of parcel number 5802-031-090-05 from R-2A, Single Family Residential and a portion of C-1, Local Business to PUD, Planned Unit Development, otherwise known as 6649 Secor Road, Lambertville, MI 48144.

Roll call as follows: Voting Aye: Bush, Pirrone, Zdybek, Angerer and Bialecki. Voting Nay: None. Excused: Lake and Bourque Motion carried.

C)REQUEST FOR FINAL PUD APPROVAL FOR SUMMERLYN PLANNED UNIT DEVELOPMENT ON PARCEL NUMBERS 5802-031-090-12 AND 5802-031-090-05, LOCATED AT THE EAST OF THE EXISTING PUD, LOCATED ON THE NORTHWEST CORNER OF SECOR AND SMITH ROADS.

Bialecki advised the applicant it would require a majority vote for approval if wanting to move forward or reschedule with full commission. The applicant waived the right to defer and requested to move forward.

Motion by Bush, supported by Zdybek, to recommend Final PUD Approval for Summerlyn Planned Unit Development on parcel numbers 5802-031-090-12 and 5802-031-090-05, located at the east of the existing PUD, located on the Northwest corner of Secor and Smith Roads contingent on all conditions and items included in the review letters of approval from The Mannik & Smith Group, MCDC, MCRC and the Bedford Township Fire Department be addressed; the PUD Agreement be submitted and approved by the Township Attorney before going to the Township Board for approval; the Master Deed and Deed Restrictions be submitted to Township Attorney for review and approval before Final Site Plan Approval.

Roll call as follows: Voting Aye: Bush, Zdybek, Pirrone, Angerer and Bialecki. Voting Nay: None. Excused: Lake and Bourque. Motion carried.

PUBLIC COMMENT –None

INFORMATION – None

COMMISSION / STAFF COMMENT –

Pirrone stated any letters of concern or support are appreciated when received as it provides information from the residents as the Commission and Board works for you.

ADJOURNMENT –

The meeting was duly adjourned at 8:20 p.m.

Respectfully submitted,

Jodie L. Rector-Recording Secretary