

MINUTES
BEDFORD TOWNSHIP PLANNING COMMISSION
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
FEBRUARY 27, 2019

PRESENT:

MATTHEW ANGERER, CHAIR
DENNIS JENKINS, VICE-CHAIR
NANCY TIENVIERI, TOWNSHIP BOARD LIAISON
TOM ZDYBEK
RON FRITZ
JOE GARVERICK

EXCUSED:

DAN STEFFEN, SECRETARY

ABSENT:

NONE

ALSO PRESENT:

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

Angerer called the Bedford Township Planning Commission meeting to order at 7:00 p.m. The Pledge of Allegiance was said. Kincaid called the roll. Quorum present.

APPROVAL OF THE AGENDA

Motion by Tienvieri, supported by Jenkins, to approve the agenda. Motion carried.

APPROVAL OF THE MINUTES OF JANUARY 23, 2019

Motion by Jenkins, supported by Tienvieri, to approve the minutes of January 23, 2019. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

Motion by Zdybek, supported by Tienvieri, to open the public hearing at 7:06 p.m. Motion carried.

- A) OPEN THE PUBLIC HEARING REGARDING THE REQUEST OF WHITE DIAMOND DEVELOPMENT FOR FINAL PUD APPROVAL AND A REZONING FROM R-2B, SINGLE FAMILY RESIDENTIAL TO PUD FOR APPLE CREEK ESTATES, A 20-UNIT SITE CONDOMINIUM PLANNED UNIT DEVELOPMENT PROJECT ON PARCEL NUMBER 5802-033-049-05, LOCATED OFF JACKMAN ROAD NORTH OF SMITH ROAD

Kincaid reviewed the request is from White Diamond Development, LLC, for Final PUD approval for a 20-unit condominium project located off Jackman Road north of Smith Road, and for a rezoning of parcel number 5802-033-049-05 from R-2B to PUD. The +/- 23.78-acre parcel has a total of approximately 638.28 feet of frontage on Jackman Road, which provides one means of ingress/egress. The proposed development has a boulevard type ingress/egress with two crossovers. On January 16, 2018 the Township Board granted approval on the depth of the proposed cul-de-sac, and on July 3, 2018 the Township Board granted Preliminary Approval for Apple Creek PUD.

Kincaid stated a letter of approval was received from the MCRC on 1/24/2019 with conditions, MCDC on 2/5/2019 with conditions, MSG on 1/29/2019 with conditions and the Bedford Township Fire Department on 12/10/2018.

Kincaid advised a Final Site Plan Approval for Apple Creek Estates should be conditioned on addressing all issues and concerns prior to any development as stated in the MCDC, MSG, MCRC and the Bedford Township Fire Department review letters. The developer has advised the Planning Department solar street lights are being proposed for this development. The PUD Agreement and Master Deed shall be submitted to the Township Attorney for review and approval.

Brad Greeley-3002 Lennox Court-Developer—Mr. Greeley stated this proposed plan has gone through the process and is back for a Final approval. Mr. Greeley was available to answer any further questions the Commission or public may have.

Ernest Frye-1911 Woodland Drive-Mr. Frye voiced concern on building within the wetland area. Angerer advised when a home is being built that any concerns with wetland area will be handled through MDEQ.

Motion by Tienvieri, supported by Zdybek, to close the public hearing at 7:09 p.m. Motion carried.

Kincaid spoke on the wetland delineation that was supplied to the Township from MDEQ regarding the subject site. Mr. Greeley advised the entire property was reviewed when MDEQ professionals visited the site, and their determination has been incorporated with the proposed design. Mr. Greeley advised no home site or infrastructure is within the wetland area. Garverick spoke on the previous submittal. Mr. Greeley advised the submittal for this site was for 69 units and due to the wetland area, they redesigned the development to 20 units. Tienvieri spoke on the 2014 date of the application. Kincaid advised that application was from the original submittal, and the delay is due to the amount of time it has taken in working with the MDEQ and the required redesign the development. Mr. Greeley agreed Bedford Township has not delayed this project.

Mr. Kamprath spoke on the items for review and that there were two issues: 1) recommendation for the final plan review being conditioned on the rezoning decision to PUD, and 2) decision on final site plan approval.

Angerer informed the applicant the Planning Commission was one member short, offering the option to defer to a later date when all members could be present. Mr. Greeley opted to move forward as scheduled.

Tienvieri inquired if this development would be going on at the same time as the proposed roundabout. Kincaid noted the Planning Department is unsure of the time frame of the roundabout; however, the site plan for the development is ready to move forward.

MOTION BY JENKINS, SUPPORTED BY TIENVIERI, TO RECOMMEND APPROVAL FOR THE REQUEST OF WHITE DIAMOND DEVELOPMENT FOR FINAL PUD APPROVAL AND A REZONING FROM R-2B, SINGLE FAMILY RESIDENTIAL TO PUD FOR APPLE CREEK ESTATES, A 20-UNIT SITE CONDOMINIUM PLANNED UNIT DEVELOPMENT PROJECT ON PARCEL NUMBER 5802-033-049-05, LOCATED OFF JACKMAN ROAD NORTH OF SMITH ROAD CONTINGENT UPON 1) ADDRESSING ALL ISSUES AND COMMENTS IN THE MSG, MCRC, MCDC, AND BTFD REVIEW LETTERS, 2) CONTINUE WORKING WITH MDEQ ON THE WETLAND AREA, 3) GRANTING A VARIANCE OF THE REQUIRED DEPTH TO WIDTH RATIO FOR LOTS NUMBER 11-18, 4) GRANTING A WAIVER OF THE 100' PERIMETER SETBACK AS THE DEVELOPER HAS PROVIDED A 65' SETBACK, AND 5) THE APPLICANT MUST SUBMIT FOR REVIEW AND APPROVAL BY THE TOWNSHIP ATTORNEY THE PUD AGREEMENT AND MASTER DEED.

Roll call as follows: Voting Aye: Jenkins, Tienvieri, Zdybek, Garverick, Fritz and Angerer

Excused: Steffen

Absent: None

Motion carried.

- B) OPEN THE PUBLIC HEARING REGARDING THE EDWARD RENDLE REQUEST FOR A REZONING OF A +/-7 ACRE PORTION OF PARCEL NUMBER 5802-032-055-60, FROM R-2A, SINGLE FAMILY RESIDENTIAL, TO RME, ELDERLY HOUSING RESIDENTIAL, LOCATED EAST OF SECOR ROAD, OTHERWISE KNOWN AS 3199 STERNS ROAD, LAMBERTVILLE, MI 48144

Motion by Jenkins, supported by Tienvieri, to open the public hearing at 7:24 p.m. Motion carried.

Kincaid stated the existing parcel consists of approximately 23.08 +/- acres with 1171.63 feet of frontage on Sterns Road and 66 +/- feet of frontage on Secor Road. The subject site is currently split-zoned with approximately 6.732 +/- acres of the 23.08 +/- acre parcel being C-3, General Business zoned. The site is served by municipal water and sanitary sewer, and the surrounding zonings are to the North, C-2 Shopping Center Business and R-2A One-Family Residential, to the West, C-3 General Business, to the South, C-1 Local Business, PUD Planned Unit Development (Creekside Crossing Condominiums), R-2A One-Family Residential (Hidden Valley subdivision - does not abut proposed rezoning area) and to the East, R-2A One-Family Residential (Hidden Valley subdivision - does not abut proposed rezoning area).

Kincaid noted the Master Plan adopted on October 28, 2015 designates this area as Mixed-Use and further describes the intent to promote mixed uses and flexible redevelopment in areas outside of the Village Centers, having a mix of residential, office and lower intensity commercial uses. The Zoning Ordinance, including the Zoning Map, adopted on May 5, 1977 identified the subject parcel as split-zoned, and on January 8, 2019 the Township Board rezoned approximately 3.73 acres from R-2A One-Family Residential to C-3 General Business, resulting in the approximate 6.732 acres of C-3 zoned property to the west of the subject area. This request is to rezone approximately 7.00 +/- acres from R-2A One-Family Residential, to RME Elderly Housing Residential, located immediately east of the C-3, General Business district. The RME zoning district would have approximately 480.74 feet of frontage on Sterns Road with a depth of approximately 610.00 feet, which leaves approximately 176.75 feet of R-2A One-Family Residential zoned property between the proposed rezoned area and the properties to south, which includes Hidden Valley subdivision and Creekside Crossing PUD.

Kincaid advised the balance of the parcel, approximately 9.242 acres, will remain R-2A One-Family Residential zoned and is not being considered for any zoning amendment with this request. The site contains an existing home and accessory structure(s), which would have to be demoed, as the existing structures collectively would not be totally contained, nor meet required setbacks, within one parcel as is required by ordinance. As well, the structures would not be a permitted use within the proposed zoning district.

Kincaid said the Planning Department requested a review of the rezoning request be conducted by Lucie Fortin of The Mannik & Smith Group and Planner for Bedford Township. Ms. Fortin prepared an overall review of the subject area and concluded the proposed zoning and use is consistent with the goals, policies and future land use map of the Township's Master Plan. The analysis stated the potential uses permitted in an RME district are limited and are compatible with all surrounding uses in the immediate vicinity and further provides a suitable transitional use between the commercial land uses to the west and the adjacent single-family residential use to the south and east. In conclusion, it was suggested the Planning Commission make a recommendation to the Township Board to approve the rezoning request as presented.

Sam Martin-Build Senior Living Housing-Flushing, MI-Applicant-Mr. Martin explained the request to

rezoned is to build a senior living facility and the proposed use is a great transitional buffer from the commercial to the west and the residential to the east. Mr. Martin explained the proposed development, should the rezoning be approved, will be a single-story unit with beautiful landscaping and water features, further saying they believe their development will enhance the proposed area.

James Sumner-7360 Hidden Valley-Mr. Sumner spoke on the being unsure of the proposed area requested for rezoning. Mr. Sumner asked for clarification of a one-story development. Mr. Sumner inquired if it would be legal for Mr. Greeley to change his proposed development request tonight before the Commission. Mr. Sumner voiced opposition to the request.

Shirley Sumner-7360 Hidden Valley-Ms. Sumner also spoke on the unclarity of the proposed area requested for rezoning. Ms. Sumner inquired on the discussed use of Elderly Housing. Ms. Sumner voiced opposition to the request.

Sally Dunn-7365 Hidden Valley- Ms. Dunn voiced opposition to the request, however not for the specific use proposed, but due to the fact of the number of proposed layouts that had been previously shown, she was unsure of the type of development that would be behind her home as she is located three homes in within the Hidden Valley Subdivision off Sterns Road. Angerer said the proposed development for the RME rezoning request is not before the Commission at this time, saying the consideration to rezone is the only item before the Planning Commission this evening.

Karen Kronberg-7373 Hidden Valley-Ms. Kronberg stated she has attended every meeting regarding the site and no one seems to listen to the residents. Ms. Kronberg voiced concern on the remaining area and there being another rezoning request. Ms. Kronberg reiterated she does not support the Township with approving the rezoning requests and stated no one seems to care about the public.

Motion by Tienvieri, supported by Jenkins, to close the public hearing at 7:32 p.m. Motion carried.

Angerer informed the applicant the Planning Commission was one member short, offering the option to defer to a later date when all members could be present. Mr. Martin opted to move forward as scheduled.

Kincaid explained the rezoning process, saying the public hearing notice only identifies the subject area requested to be rezoned. Kincaid noted at this time no plan or layout is considered as with the proposed rezoning, the determination is made by reviewing all uses permitted in the requested zoning district. Tienvieri spoke on Commission Members understanding the process but maybe a little unclear to residents. Tienvieri spoke on the rezoning process and stated residents are open to voice their opinion, however property owners have property rights to seek a determination on their property if it complies by ordinance. Kincaid spoke on a transitional zoning, buffer to the neighboring residential district and the Master Plan designation for the subject site being mixed-use. Jenkins asked the applicant what type of assisted living. Mr. Martin explained the type of development as being a natural transitional assisted living, with trained staffing. Jenkins stated a permitted use could still allow a development of an apartment.

Mr. Kamprath spoke on the comment made regarding Mr. Greeley requesting a change his request at tonight's meeting saying it would be determined by the type of application. Mr. Kamprath explained a request for a PUD does allow for some flexibility and relaxation of the requirements or should the change be of a lesser impact. Mr. Kamprath said he assumed the public comment was in reference to the previous request for this same site and continued to advised that the applicant at that time reduced the amount of frontage and area requested to be rezoned to C-3, and as that would not negatively impact or be injurious to the neighboring properties that change could be made without republication. Mr. Kamprath however did state should the change in a request be as such of an increase or a change in the submitted zoning request as published it would require a republication and 300' notices sent to inform of the proposed change in request.

MOTION BY JENKINS, SUPPORTED BY TIENVIERI, TO RECOMMEND APPROVAL REGARDING THE EDWARD RENDLE REQUEST FOR A REZONING OF A +/-7 ACRE PORTION OF PARCEL NUMBER 5802-032-055-60, FROM R-2A SINGLE FAMILY RESIDENTIAL, TO RME ELDERLY HOUSING RESIDENTIAL, LOCATED EAST OF SECOR ROAD, OTHERWISE KNOWN AS 3199 STERNS ROAD, LAMBERTVILLE, MI 48144 AS IT IS CONSISTENT WITH THE TOWNSHIP'S MASTER PLAN, IT FOLLOWS THE MASTER PLAN FUTURE LAND USE DESIGNATION FOR MIXED USES, IT PROVIDES FOR SUITABLE TRANSITIONAL USES BETWEEN THE COMMERCIAL LAND USES IN THE CORE BUSINESS DISTRICT OF THE TOWNSHIP AND THE ADJACENT SINGLE FAMILY RESIDENTIAL USES, IT IS SUPPORTED BY ADEQUATE UTILITY AND ROAD INFRASTRUCTURE AND ADEQUATE ROOM IS BEING PRESERVED BOTH SOUTH AND EAST OF THE SUBJECT PORTION FOR BUFFERING AND/OR SCREENING TO ALLEVIATE SOME OF THE POSSIBLE NEGATIVE IMPACTS TO THE POTENTIAL HIGHER DENSITY RESIDENTIAL USES.

**Roll call as follows: Voting Aye: Jenkins, Tienvieri, Zdybek, Garverick, Fritz and Angerer
Excused: Steffen
Absent: None
Motion carried.**

PUBLIC COMMENT – None.

INFORMATION –Kincaid advised the rezoning request is a separate request from what was already rezoned to C-3. Kincaid advised anyone in the audience that has any questions for either staff or the applicant to please stay after the meeting and we all would be happy to answer any further concerns or questions they may have. Kincaid advised the Commission Members that on the next meeting the Planning Department may provide some language regarding ordinance amendments that have been being worked on for the review and input.

COMMISSION / STAFF COMMENT – None.

ADJOURNMENT – The meeting was duly adjourned at 7:53 p.m.

Respectfully submitted,

Jodie L. Rector, Recording Secretary