

MINUTES- REGULAR MEETING
BEDFORD TOWNSHIP PLANNING COMMISSION
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
APRIL 13, 2016

PRESENT:

KORLEEN BIALECKI
JAKE LAKE
TOM ZDYBEK
ROBYNE BUSH
MARYANNE BOURQUE
MATT ANGERER

EXCUSED:

PAUL PIRRONE

ALSO PRESENT:

KAREN M. KINCAID, PLANNING AND ZONING ADMINISTRATOR
JODIE L. RECTOR, PLANNING AND ZONING, ASSISTANT, RECORDING SECRETARY

Bourque called the Bedford Township Planning Commission meeting to order at 7:04 p.m. The Pledge of Allegiance was said. Lake called the roll. Quorum present.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

Motion by Bush, supported by Angerer, to approve the minutes of February 24, 2016.

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

PUBLIC COMMENT (LIMIT 3 MINUTES)-

Paul Porter- 169 Smith Road, Temperance-Mr. Porter stated in regards to the storage/parking of trailers to be discussed tonight, the current ordinance does not allow RV trailers to be parked in the front of the property for more than 12 hours. Mr. Porter believes the idea now is to get rid of all trailers. Mr. Porter stated he is currently dealing with the township on this matter. Mr. Porter feels he may be being targeted personally. Mr. Porter said he has discussed ordinances with the Ordinance Department regarding the requirement of the ordinance referring to RV's.

NEW BUSINESS

- A) REQUEST FOR A RECOMMENDATION TO THE BOARD OF ZONING APPEALS ON A SITE LAYOUT AND A TEMPORARY FARMERS' MARKET USE FOR THE***

LAMBERTVILLE UNITED METHODIST CHURCH, LOCATED ON PARCEL NUMBER 5802-029-008-10, 8165 DOUGLAS ROAD.

Kincaid reviewed the request stating the applicant is Lambertville United Methodist Church for a temporary farmer's market use. The past two years the Farmers' Market was set up on the YMCA property without incident. Kincaid stated the market representative; Linda Johnson stated the Farmers' Market was seeking a more visible location for their set up while continuing to provide ample parking and a traffic flow that maintains a safe environment for the vendors and patrons. Kincaid said the proposed location will offer an area with less traffic congestion as already planned events do not overlap with the market use. The church and Farmers' Market representatives have discussed those occasions where an unplanned event may be in conflict with the market setup location, and both have agreed there may be a required adjustment should such an occasion occur. Kincaid noted a letter authorizing the use on the grounds and for a representative of the Farmers' Market to speak on behalf of this application has been submitted by Reverend Thomas Zimmerman. Kincaid went on to state Ms. Johnson has indicated the hours of operation will remain the same as previous years, which are Saturdays from 8:00 a.m. until 1:00 p.m., May through October. Kincaid referenced the plot plan submitted identifies the booth setup area, proposed parking area and a controlled traffic flow for safety purposes. Kincaid clarified that the plan identifies 13 10x10 booths and there has been a plan submitted identifying additional setup area should there be a need for additional spaces. The additional spaces will not interfere or encroach on any parking or traffic flow area and is immediately adjacent to the proposed for set up. Kincaid advised the Planning Commission will not be making a decision on this request, as the request for a temporary use permit is required to go before the Board of Zoning Appeals where a public hearing will be held and all property owners within 300' of the perimeter of the Lambertville United Methodist Church property will be notified of the proposed use. Kincaid stated the Bedford Township Zoning Ordinance, Section 400.2204, does, however, state that the BZA shall seek the review and recommendation of the Planning Commission prior to the taking of any action, therefore action on this request will be in the form of a recommendation to the BZA and it has been scheduled for consideration at the May 2, 2016 BZA Meeting. Kincaid stated she also spoke to Pastor Tom and he informed her the church will be open and available for the Farmers' Market to utilize the restroom facilities.

Planning Commission members discussed the positive visibility of the new location of the Farmers' Market and it being an addition to the community.

Linda Johnson-7031 Lewis-Market Manager for the Bedford Farmers' Market-Ms. Johnson advised last year the market started to grow and felt while they appreciated the use of the YMCA, the location was less visible. Ms. Johnson stated Pastor Zimmerman has been very gracious in accommodating the Farmers' Market. Ms. Johnson said moving the Farmers' Market to the new location at the Lambertville United Methodist Church will provide more visibility to the market and will fit in well with the mission of the church.

Lake inquired on parking lot layout and Ms. Johnson referred to the submitted layout and advised the Market will provide cones to close off from the pedestrian traffic going to and from the parking lot area to the vendor area and where the parking and drive meet to close off down to one lane of traffic for safety on the west side of the parking area.

Motion by Bush, supported by Zdybek, recommendation to the Bedford Township Zoning Board of Appeals to approve the site layout and a temporary Farmers' Market use for the Lambertville United Methodist Church, located on parcel number 5802-029-008-10, 8165 Douglas Road with the conditions setting of times, dates and in accordance with the submitted plot plan.

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

B) DISUCSSION REGARDING A POSSIBLE ORDINANCE AMENDMENT TO PERMIT PONDS WITHIN A RESIDENTIAL ZONING DISTRICT

Kincaid advised she had emailed Township Board Members on input to this request and received responses on providing additional information. Kincaid said the Planning Department has had two requests within the past month on the allowance of ponds within residential zoning districts. At this time ponds are only permitted within AG districts with special approval, having a minimum of 5 acres and can meet the requirements of the Pond Ordinance. Kincaid added that some thought has been given to allowing ponds within residential zoning districts where a parcel must have 10 acres and meet the requirement of the Pond Ordinance as there may be a larger residential parcel but may be located in a more densely populated area or adjacent to a subdivision. Kincaid added it was positive discussion with the Attorneys and Township Board Members. Any consideration for a pond would require a special approval use and site plan approval as is required within AG zoning districts. Bush asked for clarification of a "POND". Kincaid advised a landscaping pond would be less than 24" in depth and those do not require a special approval. Kincaid went on to state ponds are generally an agricultural use and ponds are allowed in golf courses. Retention basins within a development are not considered ponds as those are regulated by Monroe County Drain Commission and under their jurisdiction. Kincaid included that once a pond is developed all the requirements must be maintained, further saying one pond cannot serve on two properties. Kincaid went on to say in residential districts the requirement of 80' of frontage and meeting all the setbacks requirements within the ordinance may restrict the construction of a pond to larger parcels with greater frontage than the minimum required by ordinance. Bush stated she does not understand why the restriction of the amount of acreage as the ordinance already governs the restrictions in detail, as the process would decide if the parcel would meet the requirements. Kincaid reiterated currently ponds are not permitted in any residential zoning district, and the Planning Department is asking if the Planning Commission would support the Planning Department conducting further research to allow ponds in a residential zoning district. Kincaid advised the feedback received suggested having larger acreage requirements in a residential zoning district than what is permitted in agricultural because of the recreational use. The Planning Commission Members initiated discussion on the size of parcels and amount of acreage for requirements. Bialecki added on the need of fencing requirements. Kincaid added the Planning Commission can require a fence per ordinance. Zdybek asked for clarification on a prior legal non-conforming pond and Kincaid advised it cannot be increased in size or changed without a special approval. Bialecki added on safety requirements and the township restricting within the ordinance requirements, Lake added keeping the property safe. Bush stated being a government entity the need to be careful in

implementing requirements on a resident's property. Kincaid added that right now you must have a floatation device that overlaps every area of the pond, however even in the retention basin the post are installed for the floatation devise and they have been stolen a number of times, saying these would be on private property but there will be a requirement at the Planning Commission discretion on buffer such as landscaping. Lake added he understands Bush's input on the restriction of a 10 acre parcel and being somewhat prohibitive, however, as a government entity to take into consideration protecting the property owner from unwanted visitors even if tucked away within a wooded area, especially in a residential area being closer to other homes. Kincaid noted there is the variance option, if able to show a hardship or a practical difficulty to vary from the required acres. Zdybek added residential property mainly refers to subdivisions or neighborhoods and not so sure if ponds should be allowed in those areas. Kincaid reiterated there have been more than two inquires on ponds within a residential zoning district and the Planning Department is requesting input on moving forward with amending the ordinance. Bush said the township should not govern a resident's property referencing the suggested minimum 10 acre requirement. Bialecki stated 10 acres in a residential district is a good and safe starting point within a residential area, and Bourque concurred. Angerer also said he agrees with allowing ponds in residential but be required to be contained within one parcel.

Motion by Lake, supported by Bush, recommend to the Bedford Township Planning Department to proceed with amending the ordinance language to allow ponds in a Residential Zoning District.

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

C) DISCUSSION REGARDING A POSSIBLE ORDINANCE AMENDMENT REGARDING THE STORAGE/PARKING OF TRAILERS WITHIN A RESIDENTIAL ZONING DISTRICT

Kincaid advised the Ordinance Enforcement Department has informed it has been experiencing calls/complaints regarding the storage or parking of trailers within residential zoning districts. Currently the ordinance only addresses the parking of "recreational vehicles", therefore the Ordinance Department has asked that the Planning Commission consider an amendment to the ordinance to include all trailers to be parked behind the front building line of the home. Kincaid advised commercial trailers are prohibited in a residential zoning district within the ordinance. Kincaid stated the ordinance does permit the parking of a recreational vehicle for 24 hours to have opportunity to prepare for the season, but is considering amending language to 48 hours and more than once per year. Kincaid added the Planning Department and the Ordinance Department have already been working together on language for the ordinance.

Bush said she is against adding more restriction as the ordinance already restricts what type of trailers are permitted. Bush continued by stating not every parcel has the ability to allow parking behind the front building line of the home. Zdybek said this issue has been previously discussed very extensively. Kincaid said at that time there was no objection to moving forward, saying the issue was getting the language amended as the person working on the amendment had retired. Zdybek stated it seems like the more ordinances the township creates, the more ZBA variance

requests are submitted. Kincaid explained a commercial trailer would be anything with commercial verbiage such as name of business or anything with equipment that may identify the use is for commercial business. Bialecki inquired on commercial vehicles and Kincaid stated the ordinance regulates commercial vehicles within a residential zoning district permitting them on the property as long as it is not larger than a 1 ½ ton vehicle. Bialecki asked if the ordinance is for the storage of or for parking. Kincaid stated both. Lake added a possibility of including a size restriction permitted to be parked in the front yard and referenced the safety issue regarding a line of clear site. Lake spoke of living within a subdivision and a large trailer being parked in the front yard and visibility to the road being blocked. Bush spoke on the difference with residents within a subdivision and having a HOA to govern the development and the residential properties within the township and the township governing on where and what a resident can have on one's property. Lake expressed his concern with safety and visibility. Angerer added the possibility of including a setback requirement to the ordinance. Bush and Lake agreed with adding a setback requirement. Bialecki proposed reviewing the complaints being directed to the township and then what needs to be addressed within the language. Lake proposed a size restriction as a possibility. Angerer asked if the ordinance only permits one recreational vehicle, Kincaid added that is also a portion of the language that is being considered to amend. Kincaid stated the Planning Department did research similar areas. Bush suggested the possibility to differentiate from a residential property within a subdivision and just a residential property.

Motion by Bialecki, supported by Lake, recommend to the Bedford Township Planning Department and Bedford Township Ordinance Department to proceed with amending the ordinance language for the storage/parking of trailers in Residential Zoning Districts.

Voting Aye: Bialecki, Lake, Angerer, and Bourque. Voting Nay: Bush Excused: Pirrone. Motion carried.

D) DISCUSSION REGARDING A POSSIBLE ORDINANCE AMENDMENT TO ALLOW POOLS WITHIN AN AGRICULTURAL ZONING DISTRICT.

Kincaid stated the Building Official has asked that the Planning Commission to consider amending the ordinance to allow pools within an AG zoning district as currently the language exists only within residential zoning districts. Kincaid stated the Michigan Building Code 2015 was adopted in February and pool barrier requirements were removed. Kincaid advised the language within the residential zoning district list barrier requirements that supported the Michigan Building Code. Currently in the agricultural zoning district there is nothing that provides for a pool or description of a barrier. Bush voiced opinion on telling agricultural property as there are no regulations, therefore the township is going to regulate. Kincaid advised since it has been eliminated from the building code, the Building Official cannot issue a permit for a pool in an agricultural district. Bush questioned if needing a permit for a pool in AG, Kincaid said absolutely and referenced some requirements. Kincaid continued stating an agricultural zoning district is not limited to a farming use, as it also allows for single family residential; however the lack of language to allow pools within the AG district has created some issues, particularly since the Building Code no longer addresses barrier requirements.

Motion by Bialecki, supported by Zdybek, recommend to the Bedford Township Planning Department and the Building Department to proceed to amend the ordinance to allow pools within an AG, Agricultural Zoning District.

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

PUBLIC COMMENT –

Paul Porter- 169 Smith Road-(Per Mr. Porter's Request verbatim) Mr. Porter reiterated on the storage/parking of trailers in a residential zoning district referencing the rules, as he knows very well. Mr. Porter stated the ordinance already excludes commercial vehicles and states RV's cannot be park in front of the home. Mr. Porter does not know why more would need to be added to the ordinance or why this is being discussed again as there had been lengthy discussions previous as Mr. Zdybek stated. Mr. Porter inquired on the comment of "multiple complaints"; Kincaid advised Mr. Porter he would need to FOIA the Ordinance Enforcement Department. Mr. Porter stated he has had problems with other Ordinance Enforcement Officers as he has had to spend time educating them, and it is extremely frustrating. Mr. Porter stated he knows the ordinances better than the Enforcement Officers. Mr. Porter advised he had brought letters he had received with him, and he is knowledgeable on the ordinances in educating the Enforcement Officers he is in compliance as his trailer is a 16' flat bed, car hauler trailer and it does not block any vision, he can guarantee. Mr. Porter said he feels the Ordinance Department is targeting him as now it is being brought up again after he sat down with the ordinance officer as he clarified the ordinance refers to RV's and not trailers. Mr. Porter stated he originally moved the trailer as requested by the Ordinance Department, and two days later he tried to move the trailer and the truck then was buried down to the axle. Mr. Porter reference Bush's comment of doing things backwards, stating if there is not a rule for it why would you not allow; example: Ordinance Officer sending him a letter to move his trailer; but there is no rule for it. Kincaid added the ordinances are written to what is allowed. If it is not listed within the ordinance, it would not be considered a permitted use. Mr. Porter asked "Does the ordinance state the color of my house?" Kincaid responded no, it does not state the color of your house. Mr. Porter responded by questioning if it does not state the color of the house has to be, what determines that? Bialecki interposed and stated the discussion is for the storage/parking of recreational vehicles and the ordinance is written on what is permitted referencing section 400.1920. Mr. Porter reiterated that section references a recreational vehicle, which his vehicle is not. Bialecki advised Mr. Porter she understood he felt he was being personally targeted and that will be reflected in the minutes. Bialecki advised Mr. Porter that right now the Planning Commission is recommending that the language does need to be reviewed, right, wrong or indifferent, it does need to be addressed, however when the proposed amendment is presented to the Township Board then public input can be expressed. Kincaid added that there will be a public hearing at the Planning Commission level.

Kerri Porter- 169 Smith Road- Ms. Porter requested further information on who and when they could address the issues, Kincaid advised it will be discussed again and once the language is proposed, take the comments again from the Planning Commission, prior to a public hearing, published in the Monroe Evening New, anyone can speak, the Planning Commission makes a

recommendation to the Township Board, the amendment is presented to the Monroe County Planning and they also will make a recommendation to the Township Board, then the request goes to the Township Board for a decision. Ms. Porter commented on a HOA and people deciding to move into a subdivision knowing of those guidelines, and not being governed is one reason people choose not to live in a subdivision. Ms. Porter said the trailer is not enclosed it does not block any view and she feels a law of governing should not state if it can or cannot be located on her property. Ms. Porter went on referencing back to the pond amendment, it should not be a restriction on the amount property if able to meet the requirements a pond should be permitted. Ms. Porter lastly added that it is not a property owner's responsibility to govern ones child it is the parent.

INFORMATION –

Kincaid advised there will be a meeting on April 27, 2016.

COMMISSION / STAFF COMMENT –

Bush informed she will be unable to attend the April 27, 2016 meeting.

ADJOURNMENT –

The meeting was duly adjourned at 8:27 p.m.

*Respectfully submitted,
Jodie L. Rector
Recording Secretary*