

MINUTES- REGULAR MEETING  
BEDFORD TOWNSHIP PLANNING COMMISSION  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
MAY 10, 2017

**PRESENT:**

JAKE LAKE  
JOE GARVERICK  
DAN STEFFEN  
MICHELLE BORK  
TOM ZDYBEK  
ROBYNE BUSH  
MATTHEW ANGERER

**EXCUSED:**

NONE

**ALSO PRESENT:**

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

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

***APPROVAL OF THE AGENDA***

**Motion by Bush, supported by Steffen, to approve the agenda. Motion carried.**

***APPROVAL OF THE MINUTES***

**Motion by Steffen, supported by Bush, to approve the minutes of April 12, 2017. Motion carried. Angerer abstained.**

***PUBLIC COMMENT (LIMIT 3 MINUTES)***

**Steven (last name inaudible) 6500 Secor Road-** Commended Mr. Kenny on maintaining a place for clean, honest fun for the youth of the community, further stating he supports the amended hours, as it would allow for more employment opportunities. Lastly, added the township should support Mr. Kenny rather than discourage his progress.

**Todd Bruning-2980 Consear Road-**Mr. Bruning supported Mr. Kenny and his request, saying restricting the hours will hinder Mr. Kenny's business. Mr. Bruning added in his opinion this just adds to the thinking of Bedford being not business friendly.

**Mike Malone- 7133 Rockingham Court-**Mr. Malone supports Mr. Kenny and voiced opinion of Forest View Lanes as a benefit to the community.

**Ryan Luksaik-8042 Douglas Road-**Mr. Luksaik agreed with the comments of a great establishment to the community, however would like the hours taken into consideration for the surrounding residential parcels as operating hours until 2:00 a.m. is the issue.

**Karen Rideout-8112 Douglas Road-**Ms. Rideout reminded the Commission of the many times in the past three years she has spoken on this issue and hopes that the Commission takes into consideration the respect of neighboring properties and their desire to use and enjoy their property. Ms. Rideout added everyone whom previously spoke does not have the activity at Forest View Lanes right in their backyard with the noise until 2:00 a.m. Ms. Rideout voiced her opinion on the last meeting's approval and felt it was a compromise for both the residential and commercial locations. Ms. Rideout strongly voiced her opposition on the requested hours to allow the outdoor recreational operation to be open until 2:00 a.m.

**Tony Brescol-7237 Hidden Lake Court-Attorney for the applicant and Resident of the Township-**Mr. Brescol voiced opinion on his client making several attempts for negotiations and referred to the previous meetings stating Mr. Kenny was in violation of the temporary use granted in 2015, however the June 1, 2015 approved meeting minutes from the BZA show the hours were granted until 2:00 a.m. and clarified Forest View Lane was complying with the approval and read the motion aloud. Mr. Brescol stated he presented a proposed motion for approval of the submitted request to several of Planning Commission Members.

**Michelle Reed-3609 Middlebury Court-**Ms. Reed commended Mr. Kenny on the support he gives to the community and the youth.

**Kathy (Ron) Comstock-7390 Creeksbend-**Ms. Comstock read aloud her letter sent to the Planning Department (which was provided to the Planning Commission). Ms. Comstock voiced her and her husband's support for Forest View Lanes and, after discussion with Mr. Kenny, in their opinion he is taking all precautions for the community.

**Toby Carl- 4639 Cranbrook Drive-**Ms. Carl spoke of her support for Mr. Kenny and Forest View Lanes and agreed with the comments from Ms. Comstock. Ms. Carl agreed with the previous comment of a safe, clean, enjoyable place for the youth to go for fun. Ms. Carl commended Mr. Kenny on his integrity and his support for Bedford Community.

**Steven (last name inaudible)- 6500 Secor Road-** Mr. spoke on the outdoor use of a dirt bike track in his backyard, saying in his opinion the noise is not a concern as it keeps the youth outdoors and out of trouble.

**Ryan Luksaik-8042 Douglas Road-**Mr. Luksaik said he could almost guarantee dirt bike tracks and baseball diamonds are not active until 2:00 a.m.

#### ***OLD BUSINESS***

**A) CONTINUATION OF THE REQUEST FOR AN AMENDMENT TO FOREST VIEW LANES EXISTING SPECIAL APPROVAL FOR AN OUTDOOR RECREATIONAL USE IN A C-2, SHOPPING CENTER BUSINESS DISTRICT, TO EXPAND RESTRICTED USES ALLOWED IN ZONES 2, 3, 5, 6 AND 7 AND TO EXPAND HOURS OF OPERATION IN ZONES 2, 3 AND 5 IN ACCORDANCE WITH THE SUBMITTED PLOT PLAN, ON PARCEL NUMBER 5802-028-023-00, OTHERWISE KNOWN AS 2345 W. DEAN ROAD, TEMPERANCE, MI 48182**

Bush stated she visited the site and surrounding other locations within the area at variety of times and did not hear any invasive noise. Bush referred to the Township now having an evening Ordinance Enforcement Officer on duty and feels now there is a mechanism to enforce any issues that may come forward. Angerer also visited the location on several occasions and agreed with Bush on no invasive noise. Bush voiced her opinion on Mr. Kenny doing his diligence to be a good neighbor. Garverick referred to the previous meeting discussion and again requested some kind of buffer to compromise on the noise. Zdybek stated he also visited the location and the courts to the south abutting the residential were not being used and was informed those rear courts are only used if the leagues warrant. Mr. Zdybek agreed with Bush and Angerer on the lack of noise level. Zdybek discussed the lighting and stated all lights point inward and only shine in and down, continuing to add residential is 300' away, and with a wooded area between the site and the residential homes, you will more than likely see light, but it will not be shining in that direction. Zdybek disagreed with Garverick in requesting additional buffer as it would be a waste of time and money for the applicant as there is no need for it. Zdybek added he felt Mr. Kenny has done a great job at being a good neighbor and it is a first class operation. Bork commended Mr. Kenny on being a great business owner. Bork added she also felt there are no issues to cause reason to restrict the operation. Steffen voiced opinion to look at more a global approach with the use request and support the flexibly to amend the hours of operation in Zone 5 to allow until 2:00 a.m. and to compromise with Zone 2 to modify until midnight. Lake voiced his opinion that there should be no outdoor activity in Bedford Township past midnight. Lake felt that noise amongst neighboring properties should be respected. Lake also commended Mr. Kenny on being a great business owner; however

this request is in regards to the Ordinance and a special approval which defaults to midnight for outdoor usages. Lake advised the Commission Members this could set a precedent for other site locations that may seek an outdoor use. Lake felt the commission made a mistake in allowing two of the zones to be granted use until 2:00 a.m. when this request was originally approved. Angerer stated it should be taken into consideration that any other location which may seek a special approval for outdoor use would be reviewed on a case by case basis. Angerer stated in reviewing the information supplied with this particular situation is seems there is a significant financial burden on the owner, maybe even putting him out of business. Lake stated revenue, be as it may, there are other ways to gain revenue, as there are investments that are made into a business, that may put one into a position where one may have do other things to gain revenue. Garverick agreed with Angerer on reviewing on a case by case basis for special approval. Mr. Kamprath advised he did not want the Planning Commission to make a defective motion, advising the authority granted by the ordinance adopted by the Bedford Township Board does not allow an unfettered or a broad open undescribed use of the property. Mr. Kamprath stated there are individual uses listed within the ordinance: volleyball, basketball, baseball and softball, soccer, bag toss/corn hole, shuffleboard, bocce, skateboard park, batting cages, ice skating, and miniature golf. Any other commercial outdoor recreation activity must be specifically approved by the Planning Commission, advising that the Commission must identify the use or the activity so the Commission can evaluate the impact that activity may have on the neighborhood. Bush inquired if the ordinance specifically singled out those games or those games of the like. Mr. Kamprath said the ordinance is specific in naming each of the games. Mr. Kamprath advised the applicant can submit other specific games and the Commission could review to approve. Bork asked if anytime a new game is created, it would have to be approved by the Commission. Mr. Kamprath stated that is the way the ordinance is written. Bork and Zdybek disagreed with the language of the ordinance.

**MOTION BY BUSH, SUPPORTED BY ZDYBEK, TO APPROVE THE REQUEST FOR AN AMENDMENT TO FOREST VIEW LANES EXISTING SPECIAL APPROVAL FOR AN OUTDOOR RECREATIONAL USE IN A C-2, SHOPPING CENTER BUISNESS DISTRICT, TO EXPAND RESTRICTED USES ALLOWED IN ZONES 2, 3, 5, 6 AND 7 AND TO EXPAND HOURS OF OPERATION IN ZONES 2, 3 AND 5 IN ACCORDANCE WITH THE SUBMITTED PLOT PLAN, ON PARCEL NUMBER 5802-028-023-00, OTHERWISE KNOWN AS 2345 W. DEAN ROAD, TEMPERANCE, MI 48182 AS THE USE IS 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 REGULATIONS; WILL BE APPROPRIATE IN CONSIDERING THE UNIQUE CIRCUMSTANCES THAT EXIST WHICH INCLUDE BUT ARE NOT LIMITED TO THE DISTANCE AWAY FROM ANY RESIDENTIAL DWELLING, THE TYPICAL PHYSICAL SURROUNDING OF THE PROPERTY, THE SHAPE OF THE PROPERTY, THE TOPOGRAPHICAL CONDITION OF THE PROPERTY AND IT'S SURROUNDINGS AND IN GENERAL THE PHYSICAL CHARACTERICS OF THE LAND 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 REQUIREMENTS OF THE ORDINANCE OR CONDITIONS OF APPROVAL ARE NOT BEING MAINTAINED CONDITIONS OF THE SUBMITTED ZONING SITE LAYOUT ARE AS FOLLOWS:**

**ZONE 2:**

- **TO PERMIT ANY OUTDOOR RECREATIONAL USE THAT REMAIN IN THE CONFINES OF THE NOISE ORDINANCE AND ALL OTHER TOWNSHIP ORDINANCES, AND DO NOT INCLUDE ANY SORT OF MOTORIZED VEHICLE, BIKE, CAR, ETC., THAT DO NOT INCLUDE A FIREARM RANGE, FIREARM DISCHARGE, TARGET PRACTICE WITH A FIREARM OR**

**OTHER WEAPON, ARCHERY RANGE, OR ANY OTHER DANGEROUS ACTIVITY AND TO ALLOW ANY PERMITTED USES TO TAKE PLACE IN THIS ZONE AT THE OWNER'S DISCRETION, WHICH WILL PERMIT THE OWNER TO RECONFIGURE ZONES AS NEED AND DEMAND CHANGES AND CONTINUE TO SHUT DOWN ALL OUTDOOR RECREATIONAL USE 50' FROM THE REAR PROPERTY LINE AT 10:00 P.M., BUT PERMIT THE REMAINING LOCATION OF ZONE #2 TO SHUT DOWN ALL OUTDOOR RECREATIONAL USE AT 2:00 A.M., TO MATCH THE EXISTING HOURS OF ZONES 6 & 7.**

**ZONES 3 & 5**

- **TO PERMIT ANY OUTDOOR RECREATIONAL USE THAT REMAIN IN THE CONFINES OF THE NOISE ORDINANCE AND ALL OTHER TOWNSHIP ORDINANCES, AND DO NOT INCLUDE ANY SORT OF MOTORIZED VEHICLE, BIKE, CAR, ETC., THAT DO NOT INCLUDE A FIREARM RANGE, FIREARM DISCHARGE, TARGET PRACTICE WITH A FIREARM OR OTHER WEAPON, ARCHERY RANGE, OR ANY OTHER DANGEROUS ACTIVITY AND TO ALLOW ANY PERMITTED USES TO TAKE PLACE IN THIS ZONE AT THE OWNER'S DISCRETION, WHICH WILL PERMIT THE OWNER TO RECONFIGURE ZONES AS NEED AND DEMAND CHANGES AND TO SHUT DOWN ALL OUTDOOR RECREATIONAL USE AT 2:00 A.M., TO MATCH THE EXISTING HOURS OF ZONES 6 & 7.**

**ZONE 6**

- **TO PERMIT ANY OUTDOOR RECREATIONAL USE THAT REMAIN IN THE CONFINES OF THE NOISE ORDINANCE AND ALL OTHER TOWNSHIP ORDINANCES, AND DO NOT INCLUDE ANY SORT OF MOTORIZED VEHICLE, BIKE, CAR, ETC., THAT DO NOT INCLUDE A FIREARM RANGE, FIREARM DISCHARGE, TARGET PRACTICE WITH A FIREARM OR OTHER WEAPON, ARCHERY RANGE, OR ANY OTHER DANGEROUS ACTIVITY AND TO ALLOW ANY PERMITTED USES TO TAKE PLACE IN THIS ZONE AT THE OWNER'S DISCRETION, WHICH WILL PERMIT THE OWNER TO RECONFIGURE ZONES AS NEED AND DEMAND CHANGES.**

**ZONE 7**

- **TO PERMIT ANY OUTDOOR RECREATIONAL USE THAT REMAIN IN THE CONFINES OF THE NOISE ORDINANCE AND ALL OTHER TOWNSHIP ORDINANCES, AND DO NOT INCLUDE ANY SORT OF MOTORIZED VEHICLE, BIKE, CAR, ETC., THAT DO NOT INCLUDE A FIREARM RANGE, FIREARM DISCHARGE, TARGET PRACTICE WITH A FIREARM OR OTHER WEAPON, ARCHERY RANGE, OR ANY OTHER DANGEROUS ACTIVITY AND TO ALLOW ANY PERMITTED USES TO TAKE PLACE IN THIS ZONE AT THE OWNER'S DISCRETION, WHICH WILL PERMIT THE OWNER TO RECONFIGURE ZONES AS NEED AND DEMAND CHANGES.**

***Roll call as follows: Voting Aye: Bush, Zdybek, Garverick, Steffen, Bork and Angerer.***

***Voting Nay: Lake.***

***Excused: None.***

***Motion carried.***

***NEW BUSINESS***

**A) REQUEST FOR A SIGN WAIVER FOR SHELTON PARK CHURCH OF GOD, LOCATED ON PARCEL NUMBER 5802-021-034-00, OTHERWISE KNOWN AS 8702 DOUGLAS ROAD**

Kincaid reviewed the analysis saying the applicant is seeking to install a monument sign located at 8702 Douglas Road, location of Shelton Park Church of God. The Ordinance permits one monument sign of up to 32 square feet in area and five feet in height (section 400.1922) to serve as identification in an R-1, Single Family Residential Zoning District for lots or parcels containing other than dwelling units. The applicant is seeking to install a 5'3" in height with a total 30.54 square foot area monument sign (height to include the arched area of the sign) to include an LED message board. Kincaid noted while the proposed signage and base meet the requirements of the ordinance a 3" height waiver is required. Per Section 400.1922 1) O, states no flashing, moving, oscillating or intermittent type of illuminated sign or display shall be permitted in any zoning district. Kincaid advised therefore, the Planning Commission shall determine how often the message can change so not

to create a safety issue by distracting passing traffic. The applicant has indicated the proposed sign will be installed where the existing sign is located. Kincaid noted should the request be considered, the following waivers are required:

- **a 3" height waiver**
- **approval to allow a LED Message Board**

Kincaid stated the following shall be considered for inclusion in any motion to approve:

- **all required permits shall be obtained from Bedford Township**
- **the applicant shall continue to maintain the entire perimeter landscaped area of the base, no less than two feet wide, growing, and in healthy condition**

**Scott Isham-8702 Douglas Road-Pastor of Shelton Park Church of God-** Pastor Isham advised the sign was in extreme need of being replaced and there were brass letters to be removed, as the sign has been torn apart. Pastor Isham advised the new sign will be located in the same location.

Angerer suggested for the Commission to remain consistent with the 5 second message change and all Commission Members agreed. Bush said this request has become a routine and sought further information on amending the ordinance. Kincaid advised the sign ordinance is being reviewed in detail. Lake spoke on the proximity of the neighboring home, and Pastor Isham advised it is his home. Zdybek asked on the illumination of the sign. Pastor Isham advised it can be programmed and adjusted from his phone. Pastor Isham spoke on the lighting and it has been soften. Pastor Isham advised of history as this is the only location to retain the history with the name Shelton Park.

**MOTION BY ANGERER, SUPPORTED BY STEFFEN, TO GRANT A SIGN WAIVER FOR SHELTON PARK CHURCH OF GOD, LOCATED ON PARCEL NUMBER 5802-021-034-00, OTHERWISE KNOWN AS 8702 DOUGLAS ROAD, TO ALLOW A 3" HEIGHT WAIVER TO INCLUDE AN LED MESSAGE BOARD WITH A FIVE SECOND MESSAGE CHANGE INTERVAL CONDITIONED UPON ALL REQUIRED PERMITS SHALL BE OBTAINED FROM BEDFORD TOWNSHIP, THE APPLICANT SHALL CONTINUE TO MAINTAIN THE ENTIRE PERIMETER LANDSCAPED AREA OF THE BASE, NO LESS THAN TWO FEET WIDE, GROWING AND IN HEALTHY CONDITION**

***Roll call as follows: Voting Aye: Angerer, Steffen, Bush, Zdybek, Garverick, Bork and Lake.***

***Voting Nay: None.***

***Excused: None***

***Motion carried.***

- B) OPEN THE PUBLIC HEARING REGARDING FIRECREEK REAL ESTATE, LLC, REQUEST FOR A REZONING OF PARCEL NUMBER 5802-034-001-10, FROM RT, TWO FAMILY RESIDENTIAL, TO C-1, LOCAL COMMERCIAL, LOCATED ON THE SOUTHWEST CORNER OF LEWIS AVENUE AND FIRECREEK COURT**

***Motion by Bush, supported by Zdybek, to open the public hearing at 8:05 p.m. Motion Carried.***

Kincaid stated the request is to rezone approximately .537 acre parcel from RT, Two Family Residential to C-1, Local Commercial, located on the southwest corner of Lewis Avenue and Firecreek Court. The parcel located to the South of the subject parcel is zoned C-1, Local Business, and is the location of Li'l Shack, to the west RT, Two Family Residential, north R-2B, Single Family Residential and to the east across Lewis Avenue is C-3, General Commercial. 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 C-1 Local Business Districts, as herein established, are designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas, and are generally used on small parcels of land. The C-1, Local Business District, requires that all buildings and structures, when considered collectively as a whole, shall not exceed an area greater than 25 percent of the net parcel area. As well, all site development requirements (parking, setbacks, lighting, landscaping/buffering, loading/unloading, drainage, etc.) must be met and will be addressed, should the parcel be rezoned, during the site plan approval process.

***Principal uses permitted: C-1, Local Business District 400.1101***

Sec. 1101. In a Local Business District, no building or land shall be used and no buildings shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance, subject to the review and approval of the site plan by the Planning Commission:

1. Generally recognized retail businesses which supply commodities on the premises, such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
2. Seasonal outdoor retail sales limited to temporary outdoor display and sales of flowers, vegetables, pumpkins, Christmas trees and other decorative or ornamental plants which shall conform to the following provisions:
  - a. Such storage and sales shall not take place in any required setback area or right of way.
  - b. No storage or sales may take place in any required sight distance triangle or in the public right-of-way.
  - c. No storage or sales shall occupy existing required parking, loading, or access areas.
  - d. For multitenant buildings, outdoor sales may only take place immediately in front of the unit conducting the sales.
  - e. All seasonal outdoor retail sales activity shall comply with the Ambient Noise Level Ordinance (Ordinance No. 41) and Exterior Lighting Standards requirements of Section 1908 [400.1908] of this Ordinance, as required as part of the site plan or amended site plan submittal and review. No sound amplifying device may be used at the seasonal outdoor retail sales area.
3. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors or barber shops, health salons, photographic studios, and self-service laundries and dry cleaners.
4. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
5. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales.
6. Medical office, including clinics.
7. Restaurants or other places serving food or beverages, except those having the character of a drive-in, including seasonal outdoor dining areas as an accessory to restaurants subject to the following conditions:
  - a. The owner/operator may submit a detailed plot plan in place of a site plan or amended site plan which illustrates the building, patio and/or area where seasonal outdoor dining is proposed to occur, complete with all dimensions and setback distances. The plot plan shall include identification of all existing exterior lighting fixtures, as well as future and/or proposed exterior lighting fixtures. The plot plan shall also show the existing usable interior dining room floor area, excluding kitchens, bathrooms, hallways and closets. The detailed plot plan is not required to be an engineered drawing; however, it must show accurate dimensions. The detailed plot plan shall be presented for approval by the Bedford Township Planning Coordinator and Building Official.

- b. The owner/operator shall obtain and pay for any applicable building permit for the outdoor dining area. The outdoor dining area shall pass inspection by the Bedford Township Building Inspector and must meet or exceed all applicable building code standards and/or requirements.
- c. If the outdoor dining area is situated such that it can be seen or viewed by persons from a residentially zoned or used parcel which is adjacent to the property upon which the outdoor dining is situated (i.e.: the outdoor dining area is to the side or behind the restaurant and not separated from adjoining residential uses by a main structure), the owner/operator shall erect a durable and solid barrier wall constructed of architecturally and/or aesthetically pleasing treated lumber or similar type material around the perimeter of the outdoor dining area to provide a six-foot vertical barrier from the walking surface of the outdoor dining area, and shall plant a six-foot tall natural sound and visual barrier along all sides of the barrier wall provided, which can be reasonably expected to form a continuous sound and visual barrier comprised of evergreen, arborvitae and/or spruce plantings. These barriers shall be shown on the plot plan and for approval of its design and construction by the Bedford Township Planning Coordinator and Building Official.
- d. The area utilized for seasonal outdoor dining must be immediately adjacent and connected to, directly accessible from, and accessory in nature to the fully enclosed interior dining area. The seasonal outdoor dining area must comply with all fire code provisions, all local and/or state smoking regulations, and must contain conspicuous signage to notify patrons that compliance with said regulations will be strictly enforced.
- e. No outdoor service of food or beverage shall occur after 10:00 p.m. Sunday through Thursday and after 11:00 p.m. Friday and Saturday. Notwithstanding anything herein to the contrary, all use of the seasonal outdoor seating area shall cease at 11:00 p.m. Sunday through Thursday and 12:00 midnight on Friday and Saturday.
- f. Outdoor seating area shall be counted in the current parking requirement for the establishment.
- g. The outdoor dining area shall comply with the Ambient Noise Level Ordinance (Ordinance No. 41) and Exterior Lighting Standards requirements of Section 1908 [400.1908] of this Ordinance. No sound amplifying device may be used at the seasonal outdoor dining area.
- h. The provisions and requirements of subsections c. of this Section 1101.7, need not apply to a restaurant or other places serving food or beverages which meet the following criteria:
  1. Do not stay open for business past 10:00 p.m.,
  2. Do not have a wait staff serve customers seated in the outdoor dining area,
  3. Do not serve alcohol.

The exception provided by this subsection h. shall be effective only if the owner/operator verifies in writing in a signed statement to the Bedford Township Planning Coordinator or Building Official that the business will meet the above criteria. Upon any violation of the above criteria the Bedford Township Ordinance Enforcement official(s) may notify the owner/operator of the violation and order the closure of the outdoor dining, until the requirements of subsection c. are satisfied.

8. Banks, credit unions, savings and loan associations, and similar uses; drive-in facilities as an accessory use only.
9. Post office and similar governmental office buildings, serving persons living in the adjacent residential area.
10. Publicly owned buildings, public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations.

11. Off-street parking lots.
12. Child care centers subject to the following conditions:
  - a. No portions of a child care center shall be located within 300 feet of any gasoline pumps, underground storage tanks, or any other explosive material.
  - b. One parking space shall be provided for each employee working during the largest shift plus one space for each eight children the facility is licensed to receive for care at any one time.
  - c. A child loading/unloading area shall be provided to the Planning Commission to assure safe access to the facility and the adequacy of parking areas and maneuvering lanes to circulate peak hour traffic.
  - d. On-site traffic circulation shall be restricted to a one-way traffic flow, where possible.
  - e. Any on-site outdoor play area shall be enclosed by a fence that conforms to the applicable requirements of Section 1912 [Section 400.1912].
  - f. Any facility boundary which abuts property which is residentially used or zoned shall be screened according to the provisions of Section 1911 [400.1911], subsections c. and h. and any other applicable regulations.
  - g. Signs shall conform to the applicable requirements of Section 1922 [Section 400.1922].
13. Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.
14. Places of worship, subject to the provisions of Section 1919 [Section 400.1919].
15. Accessory structure and uses customarily incident to the above permitted uses.

(Ord. No. 44A-141, 10-3-95; Ord. No. 44A-165, 12-16-97; Ord. No. 44A-281, § 1, 7-17-12; Ord. No. 44A-284, § 6, 5-14-13)

400.1102 - Principal uses permitted subject to special approval.

Sec. 1102. The following uses may be permitted upon making application and submitting any reasonable exhibits or information required by the Planning Commission, and after paying any fees established by the Township Board by resolution or ordinance, and after public hearing, review and approval of the site plan by the Planning Commission; and under such conditions as the Planning Commission imposes after finding that the use is 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 regulations; 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 requirements of this Ordinance or conditions of approval are not being maintained.

1. Banquet halls subject to the following conditions:
  - a. The use shall have direct access to a major or minor thoroughfare.
  - b. The use shall be conducted entirely within the building.

- c. The maximum square footage of the use shall be 10,000 square feet.
- d. The structure shall be designed and constructed of materials which are compatible with adjacent residential uses. Architectural features such as a pitched and/or varied roof line, articulated facade, and the use of brick and natural stone in the construction, among other factors shall be considered evidence of design compatibility.
- e. One parking space for each three persons allowed by the maximum occupancy limit shall be provided.
- f. A loading space having a minimum dimension of 10 feet by 50 feet shall be designated in the side or rear yard. Such loading space shall not interfere with the use of parking spaces or parking lot maneuvering lanes.
- g. The intensity of exterior lighting shall not exceed one-foot candle at the property line nor shall exterior light fixtures exceed a height of 20 feet.

(Ord. No. 44A-170, § 2, 5-19-98)

400.1103 - Required conditions.

Sec. 1103.

1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. All business, servicing, or processing except for those uses described in Section 400.1101 2 and Section 400.1101 7, and except for off-street parking or loading shall be conducted within a completely enclosed building.

(Ord. No. 44A-170, § 2, 5-19-98; Ord. No. 44A-281, § 2, 7-17-12)

400.1104 - Site development standards for C-1 Local Business Districts.

Sec. 1104. The following development standards shall apply to all buildings, structures and uses of land in C-1 Local Business Districts, and are in addition to any other applicable requirements of this Ordinance. The Bedford Township Site and Architectural Design Manual, as may be separately adopted and amended from time to time by the Planning Commission, shall be reviewed and referred to, in order to provide clarity, guidance, insight and suggestions with regard to the design of properties, which shall serve to assist both the Planning Commission and the developer/owner to understand and meet the requirements of this Zoning Ordinance, the Township's Development Design Standards Ordinance, and other applicable Township Ordinance, or other laws relating to site plan review and development:

- A. *Architectural elements.* All buildings and structures within a C-1 Local Business District shall utilize residential design features. Covered walkways, canopies, pavilions or awnings shall be utilized in all primary pedestrian areas which are directly adjacent to principal buildings and structures. These provisions shall be construed to be in addition to the building facade regulation requirements of Section 1925 [400.1925] which, along with that required as part of the site plan review, shall also be complied with. The facade shall also be designed to provide three-dimensionality to the building or structure. The Bedford Township Site and Architectural Design Manual will be used as the primary guideline.

Lighting shall also conform to the lighting regulation requirements of Section 1908 [400.1908] of this Ordinance and as required as part of the site plan review.

- B. *Exterior colors and materials.*

1. Facade colors and materials shall be consistent with the recommendations and suggestions in the Bedford Township Site and Architectural Design Manual.
- C. *Building and unit dimensions.*
  1. All buildings and structures, when considered collectively as a whole, shall not exceed an area greater than 25 percent of the net parcel area. Net parcel area is defined as the gross parcel area minus the road right-of-way.
- D. *Site amenities.* The proposed local business development project shall include sidewalk and/or pedestrian walking path connections to existing and future developments subject to unique topographic or site features.
- E. *Signage.* Any site signage, including entrance monuments and wall signage, shall meet the sign regulation requirements of Section 1922 [400.1922] of this Ordinance.

(Ord. No. 44A-214, 8-20-02; Ord. No. 44A-244, § 1, 9-20-05)

400.1105 - Area and bulk requirements.

Sec. 1105. See Article XVIII, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

Kincaid referred to the Master Plan Map and the intent is to encourage mixed uses within that Lewis Avenue corridor. Kincaid added Mr. Bankowski is the owner of the two RT parcels to the west.

**Bryce Bankowski- 1948 Woodland-Owner/Applicant-** Mr. Bankowski advised his request is to rezone from RT to C-1. Mr. Bankowski advised he owns the three parcels on Firecreek, two of the parcels will be developed as RT-Two Family Villas. Mr. Bankowski advised he felt a small office building would supply a good buffer to the RT parcels to the west off Lewis Avenue. Mr. Bankowski said his plan is to have his business office within the development should the request be granted. Steffen asked for clarification on the office building use. Mr. Bankowski said he plans to put his business office on site. Garverick inquired if Mr. Bankowski felt the site size was sufficient for what he plans to develop. Mr. Bankowski stated yes. Lake stated the request is in the direction of the Master Plan. Commission Members all agreed.

No public comment.

***Motion by Angerer, supported by Bush, to close the public hearing at 8:10 p.m. Motion Carried.***

**MOTION BY BUSH, SUPPORTED BY STEFFEN, TO RECOMMEND APPROVAL OF FIRECREEK REAL ESTATE, LLC, REQUEST FOR A REZONING OF PARCEL NUMBER 5802-034-001-10, FROM RT, TWO FAMILY RESIDENTIAL, TO C-1, LOCAL COMMERCIAL, LOCATED ON THE SOUTHWEST CORNER OF LEWIS AVENUE AND FIRECREEK COURT AS IT IS CONSISTANT WITH THE MASTER PLAN.**

***Roll call as follows: Voting Aye: Bush, Steffen, Bork, Zdybek, Garverick, Angerer and Lake.***

***Voting Nay: None.***

***Excused: None***

***Motion carried.***

- C) **OPEN THE PUBLIC HEARING REGARDING THE BEDFORD TOWNSHIP REQUEST TO REVOKE THE NORTHWOODS PLANNED UNIT DEVELOPMENT PLAN AND AGREEMENT AND TO REZONE PARCEL NUMBERS 5802-019-043-00, 5802-019-049-00, 5802-019-049-10, 5802-019-050-00, AND PORTIONS OF PARCEL NUMBERS 5802-019-042-00, 5802-019-043-10 AND 5802-019-046-00 FROM PUD, PLANNED UNIT DEVELOPMENT TO R-1, SINGLE FAMILY RESIDENTIAL, LOCATED ON THE NORTHEAST CORNER OF CONSEAR ROAD AND SUMMERFIELD ROAD**

***Motion by Bush, supported by Steffen, to open the public hearing at 8:17 p.m. Motion carried.***

On August 7, 2007, the Township Board rezoned the subject properties, or a portion of a parcel under ownership of the above-identified, to Planned Unit Development (PUD) at the request of Summer Woods, LLC / Michael Bassinger. On November 17, 2006, a PUD Agreement was executed between Summer Woods, LLC, and Bedford Township, and was recorded on December 6, 2006 (Liber 3191 Pages 754-764). The PUD Agreement states the details of the PUD development, including but not limited to, the development of and phasing of the project. The PUD Agreement also includes a "Revocation" paragraph (XIV) stating Bedford Township's right to revoke the Agreement. As well, the Bedford Township Zoning and General Code Ordinance, Section 400.1708A, allows the Township Board, after receiving a recommendation from the Planning Commission, to rezone the subject properties to any zoning classification it deems appropriate.

Due to the fact that Summer Woods, LLC no longer has any interest in the subject properties, and has not developed the project in accordance with the PUD Agreement and conditions of the PUD plan approval, Bedford Township has concluded it is in the best interest of the property owners to revoke the PUD and rezone the property back to the underlying zoning of R-1, Single Family Residential, as the current PUD zoning offers no benefit to the property owners in any way, and may hinder any future plans the owners have for their property. Bedford Township will follow the procedures outlined in the Planned Unit Development Districts Section 400.1708A, "Enforcement", of the Bedford Township General and Zoning Ordinances.

A letter was sent to the property owners within the PUD on April 21, 2017, to explain the Township intends to revoke the PUD, as the requirements of the Ordinance, conditions of the PUD approval, and the terms or conditions of the PUD Agreement have not been complied with.

The letter further explained the Township will follow the proper procedures for rezoning, and for the owners' convenience, a copy of the Planning & Zoning Procedures was enclosed with the mailing. It was further stated some of the requirements listed in the procedure process will not apply in this rezoning instance, as the property owners will not be responsible for any fees or an application submittal.

Also included in the mailing was 1) a copy of the Application for Zoning Change, 2) the public hearing notice that was prepared in accordance with Act 110 of 2006, Michigan Zoning Enabling Act and the Bedford Township General and Zoning Ordinances, and 3) a copy of Section 400.1708A "Enforcement" of the Bedford Township General and Zoning Ordinances.

The property owners were also encouraged to make contact with the Planning Department if they had any further questions regarding the procedure. As well as all property owners within the PUD receiving a copy of the public hearing notice, the notice was also sent to all property owners and occupants within 300 feet of the perimeter of the approved PUD. To date, no letters or calls of objection have been received. Kincaid noted the Master Plan adopted on October 28, 2016, designates this area as Suburban Residential, which includes R-1, R-2 & R-3 single family residential zoning districts.

***Motion by Bush, supported by Steffen, to open the public hearing at 8:17 p.m. Motion carried.***

Mr. Kamprath stated this is a complex request as the PUD, Planned Unit Development project was never developed and the properties were never acquired that was intended to be a part of this project. The Township's request is to restore to the beneficial zoning which is residential and which would be consistent with several of the properties currently split zoned where the front is residential and the rear is PUD, which results in an unfavorable situation. Mr. Kamprath advised the Commission there are three things to the request: 1) recommend to the Township Board the PUD approved Plan be revoked 2) recommend to revoke the PUD Agreement that was recorded at the Register of Deeds office and 3) recommend to rezone the properties within the PUD from PUD to R-1. Kincaid advised the Commission this is a "housekeeping" request, as the parcels within the PUD were rezoned from AG to R-1 and then rezoned from R-1 to PUD, resulting in an underlying zoning of R-1. Kincaid stated to revoke the PUD and rezone all parcels within the PUD to R-1 is in

the best interest of the property owners. Kincaid advised there are parcels within the PUD where the frontage of the larger parcels, which is outside of the PUD is currently R-1 zoned. Kincaid said the parcels were to go through a land division process to split the R-1 portion of the parcel from the portion of the parcel located within the proposed PUD; however the land division did not occur due to the development never coming to fruition, thus resulting in split-zoned parcels.

Steffen inquired on a time frame for the development. Kincaid advised there are phasing requirements, and those have since expired.

**Tim Janney-3818 Consear Road-**Mr. Janney stated he understood the need to clean up the zoning, however his concern is the larger parcel within the PUD is approximately 10 acres and was AG, Agricultural zoned and he sees no option of it reverting back. Mr. Janney explained he understood on the requirements of R-1 and AG on ordinance frontage requirement. Mr. Janney wanted further clarification on the rezoning request and why to R-1, Single Family Residential and not back to the previous rezoning classification of AG, Agriculture. Mr. Janney requested he would like further time to investigate if AG property is more beneficial to him as a property owner than residential before a decision is determined. Mr. Janney requested an explanation of his options, if there were any.

Kincaid stated the entire area was once zoned agricultural, and the request was to rezone from AG to R-1 to reach the density for the development. Kincaid added all of the remaining portions of the parcels outside the PUD were requested by each individual parcel owner to be rezoned to R-1, which has resulted in the parcels being split zoned. Kincaid added there is only a possibility of one parcel meeting the requirements of an Agricultural zoning district, 330' frontage and 5 acres. Kincaid noted other parcels may meet the frontage but not the acreage or meet the acreage requirement but not the frontage. Kincaid said so after reviewing the parcel sizes within the PUD and the surrounding area, it was determined R-1 would bring the parcels more into compliance. Kincaid also added in reviewing the Master Plan, the area is designated Suburban Residential, which includes R-1, R-2 and R-3 zoning districts. Bush referred to the Master Plan and the intent to protect agricultural land. Bush voiced opinion on the uses permitted in an AG district. Kincaid stated if the request to rezone was for Agricultural it would be creating less conforming or non-conforming parcels, and would move farther away from compliance with the front portion of the parcel under the current R-1 zoning. Kincaid made clarification that this request only applies to those portions of property within the PUD. Bush asked for clarification when the parcels were rezoned. Kincaid stated 2006, and the property owners had an agreement with the developer to sell off portions of their properties. Unfortunately the development never came to fruition and the sale of the properties never took place. Kincaid said however that never changed the fact that there were applications signed by the property owners requesting their properties be rezoned from AG to R-1 along the road frontage, with the portions within the PUD by the developer requesting those portions to be rezoned to PUD with an underlying zoning of R-1.

Bush asked Mr. Janney if he was the property owner at that time and if Mr. Janney had submitted the requested rezoning with the understanding the property was going to be sold to the developer. Mr. Janney stated yes and that was part of the understanding to sell a portion to the developer. Mr. Janney stated the developer only wanted the vacant land and not the portion with the existing dwelling. Mr. Janney stated his agreement with the developer was that all of his property had to be purchased not just the vacant land. Mr. Janney stated after such a long process, as this was the first PUD within the Township, once it began to move forward it was unfortunate the market crashed and as it stands today the project is still undeveloped. Mr. Janney inquired on the R-1 zoning and what issue could arise if he was to develop the parcel or build a pole barn. Kincaid stated in an R-1 zoning district, 90 feet of frontage is required and a pole barn is based on the number of acres. Bush inquired on tax assessment for the two districts. Kincaid explained she did not have that information available, and that information would be provided through the Assessing Department.

**Bernice Bilger- 8610 Summerfield Road-** Ms. Bilger explained she was unaware her property had ever been rezoned. Ms. Bilger's understanding with the developer was that it was subject to the sale of the property before it would be rezoned. Ms. Bilger asked for further clarification on the Township's request to rezone her property. Kincaid advised Ms. Bilger the form she was presenting was the portion of her parcel she requested to be rezoned to R-1. Kincaid stated the paperwork in Ms. Bilger's possession is not the

rezoning request presented for the request being considered at this time. Kincaid continued saying that only the portions within the PUD are being requested to be rezoned to R-1, consistent with the remaining portions already zoned R-1 to resolve the split zoning. Ms. Bilger stated her property is being farmed and she does not want the rezoning to residential to affect that use. Ms. Bilger stated she wanted her property to revert back to AG, as that was the zoning district before the rezoning request for the development.

Lake added the rezoning process is to bring all the properties within the PUD conforming into one zoning district. Kincaid said correct. Lake stated if the properties proposed to be rezoned within the PUD were to be rezoned to AG; it would still be creating a split zoned property with issues. Kincaid again stated correct.

Steffen inquired if the subject parcels were to be rezoned to R-1, what effects would that have on the current use. Kincaid stated the parcel could continue to be farmed. Kincaid also advised the request to rezone to R-1 is to bring all the parcels within and those parcels currently split zoned outside the PUD, into compliance and under one zoning district. Kincaid stated as a Township, we can only address and revoke the portion of the properties within the PUD. If the owners of the property would want to submit an application to rezone to other than R-1, the township would then refer to the Master Plan as guidance on the request. Mr. Kamprath concurred, and added that if the request was to be rezoned to AG, Agricultural, it would have to conform to the requirements of the ordinance with size and frontage. Kincaid said if the parcel does not comply with the requirements of the zoning district, a variance would have to be sought.

***Motion by Bush, supported by Steffen, to close the public hearing at 8:38 p.m. Motion carried.***

Bush voiced her opinion on the request of the two parcel owners in attendance and stated she felt obligated to revert back to the AG district, as it was not the parcel owners' fault the development was not completed and the sale of the properties never happened. Bush felt the uses of AG property are more relaxed than residential. Bush would like the property owners to have the opportunity to decide what the property is zoned. Bork and Angerer agreed. Zdybek asked for clarification on if the Township were to rezone the portion within the PUD to AG, it would still result in a split zoned property. Kincaid stated yes. Zdybek added could the remaining portions be added to the request. Kincaid stated not without an application from each property owner and then it would be creating parcels that do not comply with the Agricultural zoning district and would require a variance from the Board of Zoning Appeals. Garverick felt it was no fault of the property owners as the development never proceeded forward.

Kincaid referred and read aloud a portion of the ordinance Section 400.1708A that states: *"That any of the requirements of this Ordinance, a PUD plan, or conditions of a PUD plan approval, or terms or conditions of the PUD Agreement are not being complied with, the Township Board may revoke any PUD plan approval and/or PUD agreement. In the event of such revocation, the Township Board shall be free to rezone the lot(s) or parcel(s) in the PUDs or any portion thereof, to any zoning classification it deems appropriate, after following the proper procedures for a rezoning."*

A lengthy discussion amongst the Commission Members took place regarding the rezoning process, taxation of the property, Master Plan designation for the area, and the request of two of the property owners in attendance to possibly rezone to AG, Agriculture and not R-1, Single Family Residential.

Bush asked if the request could be tabled to allow the property owners to seek further information.

Mr. Kamprath advised the public hearing is being held and that has been closed. Mr. Kamprath stated the Commission can defer and continue this discussion until a later date, however there will not be another public hearing. Kincaid made clarification on lots of record and once the request was made to rezone to R-1, to revert back to an AG district would require by ordinance 330' frontage and 5 acres, and any waiver from those requirements would require a variance request to the Board of Zoning Appeals.

**Motion by Bush to defer the request of Bedford Township to revoke the Northwoods Planned Unit Development and Agreement and to rezone parcel numbers 5802-019-043-00, 5802-019-049-00, 5802-019-049-10, 5802-019-050-00, and portions of parcel numbers 5802-019-042-00, 5802-019-**

**043-10, and 5802-019-046-00, from PUD, Planned Unit Development to R-1, Single Family Residential, located on the northeast corner of Consear Road and Summerfield Road to the first Planning Commission Meeting in August 2017 to allow the property owners time to seek further guidance.**

**MOTION FAILED DUE TO A LACK OF SUPPORT.**

Zdybek inquired on going back to the zoning of a lot of record. Mr. Kamprath stated if it is non-conforming with the requested zoning district, there would need to be a variance request to make the parameters conform. Zdybek asked what would be the best process. Mr. Kamprath said in his view the PUD with the underlying zoning of R-1 should be rezoned to R-1, to be consistent with all of their property, and if they then wish to seek a rezoning to AG, then all of their property zoned R-1 would be requested to be AG. Mr. Kamprath added should the parcels not meet the requirements of the AG district it would require a variance request to the Board of Zoning Appeals.

**Tim Janney- 3818 Consear Road**-Mr. Janney voiced concern on the use on his property as his family hunts on the property. Mr. Janney asked if the variance request would be at his expense.

Kincaid stated currently that property is zoned PUD, with an underlying zoning of R-1, Single Family Residential and the uses taking place on the property are with an underlying zoning of single family residential. Steffen stated he did not see any adverse effects of the current zoning. Lake agreed on allowing the property owners to assess their needs and the uses that are currently existing on the property which is R-1 zoned. Lake added those uses would not change. Lake advised currently the zoning may cause an issue for property owners to sell the property. Steffen asked if a sale was to take place would the property have to obtain one zoning district and would the property owner have to seek a rezoning to comply with one district. Mr. Kamprath stated he handles quite a bit of real estate work and if a prospective purchaser was seeking a mortgage lender, Mr. Kamprath believed if a lender was to find the property was split zoned they would not lend on a split zoned property. Steffen stated this request would give the property owners the opportunity to have the parcels all within one zoning district. Mr. Kamprath advised the property owners may want to speak with a realtor or a land appraiser to find out what the differences are in value of a property zoned R-1 verses AG and the opportunities with each zoning district.

**MOTION BY ANGERER, SUPPORTED BY STEFFEN, TO TABLE THE REQUEST OF BEDFORD TOWNSHIP TO THE JUNE 14, 2017 PLANNING COMMISSION MEETING TO REVOKE THE NORTHWOODS PLANNED UNIT DEVELOPMENT PLAN AND AGREEMENT AND TO REZONE PARCEL NUMBERS 5802-019-043-00, 5802-019-049-00, 5802-019-049-10, 5802-019-050-00, AND PORTIONS OF PARCEL NUMBERS 5802-019-042-00, 5802-019-043-10 AND 5802-019-046-00 FROM PUD, PLANNED UNIT DEVELOPMENT TO R-1, SINGLE FAMILY RESIDENTIAL, LOCATED ON THE NORTHEAST CORNER OF CONSEAR ROAD AND SUMMERFIELD ROAD TO ALLOW THE PROPERTY OWNERS MORE TIME TO SEEK FURTHER CLAIRIFICATION AND INFORMATION.**

***Roll call as follows: Voting Aye: Angerer, Steffen, Bush, Zdybek, Garverick, Bork and Lake.***

***Voting Nay: None.***

***Excused: None.***

***Motion carried.***

- A) REQUEST FOR A RECOMMENDATION TO THE BOARD OF ZONING APPEALS ON A SITE LAYOUT AND A TEMPORARY CARNIVAL USE FOR THE SAMARIA MASONIC TEMPLE ASSOCIATION, INC., LOCATED ON PARCEL NUMBER 5802-003-016-00, OTHERWISE KNOWN AS SAMARIA MASONIC LODGE, 1660 SAMARIA ROAD, SAMARIA, MI 48177**

This request is from the Samaria Masonic Temple Association, LLC for a temporary carnival ride use. The Samaria Masonic Temple Association granted Philip L. Spears, Motor City Shows, LLC, to speak on their behalf. The temporary carnival ride use is proposed for the dates of June 9-11, 2017 (Friday, Saturday, and Sunday), with Samaria Days being held on June 10, 2017.

The applicant is proposing the subject location, as the site offers off-street parking and the event will be held for three days, as opposed to the one day Samaria Days Festival.

It has been indicated the hours of operation are proposed for Friday (6/9) from 5 p.m. to 10 p.m., Saturday (6/10, Samaria Days Festival) from 12 p.m. to 10 p.m., and Sunday (6/11) from 12 p.m. to 10 p.m. The submitted plot plan only provides general information on how the site will be situated and does not provide any setback information, including the amount of area that will be required for the proposed rides, food trailers, game trailers and/or tents, RV campers, and parking, which were identified on a submitted list. Additional written information was provided, when requested, regarding number of parking spaces provided, restroom facilities, security, setbacks, etc. Kincaid said it must be verified how they intend to limit the subject site parking area to the carnival use and not have it open to general use during Samaria Days, as it has been indicated to the Planning Department, which should be verified by the applicant, that overflow parking at the Senior Center will not be available.

An aerial was provided by the Planning Department for visual aid during the consideration process, as the road right-of-ways and approximate parking area, including a gravel area to the east of the building where the proposed use for that area must be verified.

Kincaid explained the temporary use application process, saying the Planning Commission will not be making a decision on this request, as the request for the temporary use permit is required to go before the Board of Zoning Appeals. A public hearing will be held at the BZA meeting and all property owners within 300' of the perimeter of the Samaria Masonic Temple property will be notified of the public hearing and the proposed use.

The Bedford Township Zoning Ordinance, Section 400.2204, does, however, state that the Board of Zoning Appeals 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, further saying this item is scheduled for consideration at the June 5, 2017 BZA meeting.

Although no representative was present, the Planning Commission Members discussed the information provided and determined the submitted plot plan does not provide enough information on traffic flow, parking, safety, setbacks, etc. The Commission Members agree that the applicant must supply further detailed and in-depth information before presenting to the Board of Zoning Appeals for a determination. Kincaid stated the Planning Department struggled with the analysis as it was difficult to obtain further information. Kincaid noted the applicants were notified a representative was to be in attendance and the next meeting in June is the deadline for the Samaria Days. Kincaid added clarification should be given regarding the rides (types and size), traffic and safety. Mr. Kamprath advised to give a recommendation with conditions for the Board of Zoning Appeals to obtain clarification before making a determination.

**MOTION BY BUSH, SUPPORTED BY GARVERICK, TO RECOMMEND APPROVAL TO THE BOARD OF ZONING APPEALS ON A SITE LAYOUT AND A TEMPORARY CARNIVAL USE FOR THE SAMARIA MASONIC TEMPLE ASSOCIATION, INC., LOCATED ON PARCEL NUMBER 5802-003-016-00, OTHERWISE KNOWN AS SAMARIA MASONIC LODGE, 1660 SAMARIA ROAD, SAMARIA, MI 48177 WITH THE CONDITIONS THE APPLICANT MUST SUPPLY SPECIFIC AND INDEPTH INFORMATION TO THE BOARD OF ZONING APPEALS REGARDING TRAFFIC OVERFLOW, A TRAFFIC FLOW PLAN, BARRIERS FROM PARKING AREA AND RIDE AREA AND EVENT AREA, PARKING AREA AND NUMBER OF PARKING SPACES, AMPLIFIED SOUND, SETBACKS, NUMBER OF RIDES, RIDE SIZE AND HEIGHT AND ANY OTHER CONCERNS THE PLANNING DEPARTMENT MAY FEEL NEED TO BE ADDRESSED.**

***Roll call as follows: Voting Aye: Bush, Garverick, Steffen, Bork, Angerer, Zdybek and Lake.***

***Voting Nay: None.***

***Excused: None.***

***Motion carried.***

***PUBLIC COMMENT –***

**Rich Kenny- Owner of Forest View Lanes-** Mr. Kenny thanked the members for the approval. Mr. Kenny appreciated the Commission listening and understanding his needs. Mr. Kenny advised he is looking into adding fencing to the rear. Mr. Kenny said he will continue to be a good neighbor.

***INFORMATION -***

Kincaid requested the Planning Commission consider allowing the Planning Department to be able to obtain further information for the carnival temporary use request to supply to the Board of Zoning Appeals. Commission Members agreed.

***COMMISSION / STAFF COMMENT -***

Kincaid advised there will be a Planning Commission Meeting on June 14, 2017.  
Bush advised of the Law Enforcement Committee and meeting date.  
Angerer thanked Mr. Kenny for being a good neighbor to the residential properties.  
Bork congratulated Mr. Kenny and Forest View Lanes.

***ADJOURNMENT -***

**The meeting was duly adjourned at 9:27 p.m.**

*Respectfully submitted,  
Jodie L. Rector, Recording Secretary*