

MINUTES- REGULAR MEETING  
BEDFORD TOWNSHIP PLANNING COMMISSION  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
JUNE 14, 2017

**PRESENT:**

JAKE LAKE  
JOE GARVERICK  
DAN STEFFEN  
TOM ZDYBEK  
MATTHEW ANGERER

**EXCUSED:**

BUSH  
BORK

**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 7:05 p.m. The Pledge of Allegiance was said. Zdybek called the roll. Quorum present.

***APPROVAL OF THE AGENDA***

**Kincaid requested to amend the agenda.**

**Motion by Steffen, supported by Zdybek, to amend the agenda adding 8B) discussion of a proposed commercial composting ordinance to New Business. Motion carried.**

***APPROVAL OF THE MINUTES***

**Motion by Steffen, supported by Angerer, to approve the minutes of May 10, 2017. Motion carried.**

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

**Tim Janney-3818 Consear Road-** Mr. Janney stated he is one of the property owners within the PUD. Mr. Janney stated his property is 10 acres and was zoned AG. Mr. Janney voiced his opinion on being forced to rezone to R-1, Single Family Residential. Mr. Janney stated it is not his fault this development never came to fruition. Mr. Janney lastly stated he wanted his property to be rezoned back to the AG zoning district and voiced his opposition to the proposed R-1, zoning district. Mr. Janney stated if he has to request a variance to rezone to AG District it should not be at his expense. Mr. Janney stated those fees should be waived. Lastly, Mr. Janney felt the Commission has the ability to see that the request happens.

**Bernice Bilger- 8610 Summerfield-**Ms. Bilger agreed with Mr. Janney. Ms. Bilger added she would like the property to be rezoned to AG, as it was 40+ years ago.

**Fawn Turshon-3746 Consear-**Ms. Turshon stated she is also one of the property owners. Ms. Turshon stated she inquired with the township on a land division and was notified the subject parcel is split zoned. Ms. Turshon asked the Commission to move forward with the R-1, Single Family Residential Zoning District request to bring all the subject parcels within the PUD into compliance with one zoning district.

***OLD BUSINESS***

- A) CONTINUATION OF THE REQUEST FOR BEDFORD TOWNSHIP 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**

Kincaid provided a follow up memo to provide additional information that was discussed at the May 10, 2017 meeting where the public hearing was held. Kincaid stated in addition to the documents that were provided at the May 10, 2017 meeting, the information packet for the June 14, 2017 included 1) three signed applications for rezoning from AG to R-1 (Bilger, Janney, Turshon) for the remaining portions of the property not located within the Planned Unit Development, 2) the surveys for each of the three parcels, 3) a map identifying how the subject parcel

portions relate to the PUD project, 4) a memo to the Planning Commission dated May 3, 2007 from Dennis Jenkins stating the parcels affected all meet the minimum lot width of 90 feet, and the request was consistent with the Master Plan, which was High Density Single Family Residential at the time, 5) the Planning Commission minutes of June 6, 2007, and 6) the Township Board minutes of August 7, 2007 where the properties were rezoned. Kincaid referred to the existing Master Plan identifying the subject area as Suburban Residential, which is for single family homes in R-1, R-2 and R-3 Single Family Residential zoning districts, saying the Master Plan information was included with the original packet of information.

Kincaid said at the May 10, 2017 meeting, the Planning Commission voted to postpone action on the revocation and rezoning request to allow those involved time to further gather information. One question was how a rezoning might affect a tax assessment on the properties. Kincaid said she spoke with Ms. Bilger, and she said she had an opportunity to speak with the Township Assessor. Kincaid said she also spoke with Alan Matlow, the Township Assessor, and it has been confirmed the subject portions of the properties within the PUD are currently PUD zoned with a Residential Classification, the same as the portions of the parcels that are located outside of the PUD. Mr. Matlow said the classification was residential prior to the submittal for rezoning, which also includes that time when the property was agriculturally zoned. The classification means the property is being utilized for residential purposes. As well, Attorney Kamprath said at the May 10, 2017 meeting that the property owners may want to contact a realtor or land appraiser for information on the property value difference between residentially zoned property and agriculturally zoned property.

Kincaid advised the Commission to keep in mind that the request is to rezone all parcels within the PUD to the underlying zoning of R-1, Single Family Residential, which is consistent with the zoning of the remainder of three of the subject parcels that are split-zoned, and which meets the requirements of the R-1 zoning district. Kincaid advised consideration for any other zoning district would not eliminate the split-zoning and could not be considered under this request. Kincaid said a separate application would have to be submitted to the Township and published after it is determined the property adheres to the zoning ordinance regarding parcel frontage and size. If the property does not meet the requirements of the ordinance, a variance would have to be sought and granted through the Board of Zoning Appeals prior to seeking a rezoning, as Bedford Township does not create non-conforming parcels unless a variance is granted. Kincaid stated the Master Plan is also referenced when a rezoning request is being considered.

Lake advised the applicant she would need a majority vote to approve if wanting to move forward or reschedule with full commission. The applicant waived the right to defer and requested to move forward.

Zdybek inquired if the uses on the property would be effected with the rezoning request. Mr. Kamprath advised the use on the property is a prior legal non-conforming use as the parcels are PUD Zoned, Planned Unit Development, with an underlying zoning of R-1, Single Family Residential. Mr. Kamprath continued to explain the request before the Commission tonight is for a recommendation to the Township Board to revoke the PUD Plan that was adopted in 2007 and the PUD Agreement that was recorded with the register of deeds office and also a recommendation to rezone from PUD to the underlying zoning of R-1. Mr. Steffen inquired if the township has expiration of an approved PUD. Kincaid stated there is a phasing requirement of seven years which has expired. Lake said there are several parcels within the PUD having two zoning districts which could cause issues for property owners. Angerer added this request would not be changing the zoning district from AG, as all the parcels or portion of parcels within the PUD currently have an underlying zoning of R-1. Steffen stated this request will not adversely affect any of the property owners.

**MOTION BY ANGERER, SUPPORTED BY STEFFEN, TO RECOMMEND APPROVAL FOR BEDFORD TOWNSHIP 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 AS IT WILL BRING ALL PARCELS INTO CONFORMITY AND IS CONSISTANT WITH THE MASTER PLAN.**

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

***Voting Nay: None***

***Excused: Bush and Bork***

***Motion carried.***

Kincaid added this is a recommendation to the Township Board; it will be reviewed with a recommendation from the Monroe County Planning Commission and then presented to the Township Board for a final decision.

**NEW BUSINESS**

***Motion by Zdybek, supported by Steffen, to open the public hearing at 7:29 p.m. Motion Carried.***

- A) OPEN THE PUBLIC HEARING REGARDING JAMES & JENNIFER SILVERTHORN JR., REQUEST FOR A REZONING OF PARCEL NUMBER 5802-011-010-70, FROM C-1, LOCAL BUSINESS DISTRICT WITHIN THE SAMARIA VILLAGE OVERLAY DISTRICT, TO R-2A, SINGLE FAMILY RESIDENTIAL DISTRICT WITHIN THE SAMARIA VILLAGE OVERLAY DISTRICT, LOCATED ON THE SOUTHEAST CORNER OF LEWIS AVENUE AND SAMARIA ROAD**

Kincaid reviewed the analysis stating the request is to rezone a 2.111 +/- acre parcel from C-1, Local Commercial within the Samaria Village Overlay District to R-2A, Single Family Residential, located on the southeast corner of Lewis Avenue and Samaria Road. The parcel located to the South of the subject parcel is zoned AG, Agricultural, and is the location of Ansted Park, to the west C-3, General Commercial and C-1, Local Commercial, to the north C-1, Local Commercial and AG, Agricultural and all are located within the Samaria Village Overlay District.

Kincaid said the Samaria Village Overlay District was established to encourage traditional, pedestrian-friendly, local service character within the established town center and it is the intent of this Overlay District to preserve the existing uses and encourage the development of C-1 - Local Commercial, C-2 - Shopping Center, I-1 - Planned Industrial Park and I-2 Light Industrial zoning, and to promote the proliferation of local and convenience commercial uses, traditional downtown entertainment and social uses, and the development of new buildings that ensure the desired character of the area. In addition to commercial uses, the overlay district will permit the development of office uses, residential dwellings, civic uses, and other uses, including mixed uses, common to, and desirable within, the traditional Samaria Village Overlay District.

Kincaid referred to the Master Plan adopted on October 28, 2015, saying this area is designated as Village Center and further describes the intent to promote a concentrated, pedestrian-oriented environment recognizing the historical rural villages with a mix of residential, retail services, and offices such as adaptive reuse for home occupations, specialty shops, and office uses with residential above.

Kincaid noted ordinances 400.400 R-1 through R-3, One Family Residential Districts and 400.1703B Samaria Village Overlay District were included in the Planning Commission information packet.

**James Jr. and Jennifer Silverthorn-10485 Lewis Avenue-** Mr. Silverthorn stated they have purchased the property and would like to be able to build a residential dwelling and possibly seek a land division.

Lake advised the applicant a majority vote to approve would be required, asking if they wanted to move forward or reschedule with full commission. The applicant waived the right to defer and requested to move forward.

Zdybek voiced opinion on development within the Samaria Overlay District would be a building boom for the area. Angerer stated the subject location is a desirable area and does not feel a residential zoning district would be a negative effect on the area. Lake stated this request is consistent with the overlay district intent for development. Steffen stated in his opinion commercial development on that corner is a need as the location to the north is currently vacant. Kincaid stated there is sanitary available in that area but would require a well, as water is not available.

***Motion by Zdybek, supported by Angerer, to close the public hearing at 7:33 p.m. Motion Carried.***

**MOTION BY ANGERER, SUPPORTED BY STEFFEN, TO RECOMMEND APPROVAL FOR THE JAMES & JENNIFER SILVERTHORN JR., REQUEST FOR A REZONING OF PARCEL NUMBER 5802-011-010-70, FROM C-1, LOCAL BUSINESS DISTRICT WITHIN THE SAMARIA VILLAGE OVERLAY DISTRICT, TO R-2A, SINGLE FAMILY RESIDENTIAL DISTRICT WITHIN THE SAMARIA VILLAGE OVERLAY DISTRICT, LOCATED ON THE SOUTHEAST CORNER OF LEWIS AVENUE AND SAMARIA ROAD AS IT IS CONSISTANT WITH THE OVERLAY DISTRICT AND THE MASTER PLAN.**

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

***Voting Nay: None***

***Excused: Bush and Bork***

***Motion carried.***

Kincaid added this is a recommendation to the Township Board; it will be reviewed with a recommendation from the Monroe County Planning Commission and then presented to the Township Board for a final decision.

B) DISCUSSION OF THE PROPOSED COMMERCIAL COMPOSTING ORDINANCE

Kincaid went over the proposed language for the Commercial Composting Ordinance touching base on definitions, use, storage, allowing for yard clippings only, zoning district, setback requirements, drainage, windrow types, buffer requirements, hours, insurance, bonding, etc. Kincaid advised per letter BBB- will not affect the Right to Farm Act. Kincaid advised retail sales of the product produced on site will be permitted. Kincaid requested once the Planning Commission had an opportunity to read and review the proposed language to please send comments or concerns to the Planning Department for further review and an opportunity to further discuss. Mr. Kamprath advised to take the opportunity before the next scheduled meeting to send those concerns or comments to the Planning Department to allow the Planning Department to gather further information to address those comments. Garverick advised the State and MDEQ are involved with a composting operation with separate requirements and conditions. Kincaid referred to the Composting Guide Book and other locations reviewed that the Planning Department used to gather some of the information provided. Commission Members requested copies of the information gathered. The Planning Department stated they will email out information for review. Lake inquired on "border crossing materials" being permitted. Planning Department will research.

***PUBLIC COMMENT -***

None

***INFORMATION -***

Kincaid advised there will be a meeting on June 28, 2017 for the public hearing for the proposed language of Commercial Composting.

***COMMISSION / STAFF COMMENT -***

Kincaid again requested the Commission to please review the ordinance and send comments as soon as possible as the public hearing is scheduled for June 28, 2017.

***ADJOURNMENT -***

**The meeting was duly adjourned at 7:55 p.m.**

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