

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

**PRESENT:**

KORLEEN BIALECKI  
JAKE LAKE  
ROBYNE BUSH  
MARYANNE BOURQUE  
MATT ANGERER

**EXCUSED:**

TOM ZDYBEK  
PAUL PIRRONE

**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

Bourque, called the Bedford Township Planning Commission meeting to order at 7:03 p.m. The Pledge of Allegiance was said. Lake called the roll. Quorum present.

***APPROVAL OF THE AGENDA***

*Motion by Bush, supported by Lake, to amend agenda item #5 approval of the minutes of June 22, 2016 to be removed as the minutes were not provided for review. Motion carried.*

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

***Mark German-7157 Shady Grove, Temperance-Athletic Director Bedford Public School-*** Mr. German commented on the contributions Mr. Kenny has made to the Bedford Public School system. Mr. German said this year Bedford Public Schools has created a bowling league with the hard work of Mr. Kenny. Mr. German thanked Mr. Kenny for the services at Forest View Lanes and providing a safe environment for the students in the school system and the community.

***NEW BUSINESS***

- A) REQUEST FOR A SIGN WAIVER FOR K & M WOLVERINE, LLC, BEDFORD SHOPS, ON PARCEL NUMBER 5802-035-058-04, 6650 LEWIS AVENUE, TEMPERANCE, MI 48182.***

Kincaid reviewed the request stating the applicant is seeking to replace the current monument sign located at 6650 Lewis Avenue, Temperance, MI. The Ordinance permits one monument sign of up to 50 square feet in area and seven feet in height where not more than 75 percent of the sign may be used to identify the names of the individual occupants of the units contained in the multiple unit building or buildings. Kincaid added the applicant is seeking to install a 46.76 square foot by 7 foot tall monument sign to include an LED message board. While the proposed sign meets the permitted square footage and height requirement per Section 400.1922.1.O, where it states no flashing, moving, oscillating or intermittent type of illuminated sign or display shall be permitted in any zoning district. Therefore, the Planning Commission shall determine how often the message can change so not to create a safety issue by distracting passing traffic. Lastly, should the request be considered, a waiver is required to allow an LED message board, all required permits shall be obtained from Bedford Township, and 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. Kincaid listed several location within the township and the amount of delayed time on the message boards, stating on average 5 seconds but would depend on the amount of message displayed and on a case by case basis.

**Amed Kassen- Owner Bedford Diner- Representative for the K & M Wolverine, LLC-**Mr. Kassen stated the plaza was built in 2001. Mr. Kassen stated it has been an ongoing issue with the residents in the area being able to locate new businesses. Mr. Kassen said he has tried billboards, flyers, temporary signs and social media for advertisement. Mr. Kassen stated he felt this was the last option to propose an LED sign. Mr. Kassen stated in his opinion having the LED message board will give opportunity for each tenant to advertise.

Lake, Angerer and Bush agreed on the 5 second change of the display. Bialecki inquired on an ordinance prohibiting advertising on a sign for more than one business, Mr. Kamprath explained this location is a multi-unit building where all tenants would be permitted to advertise on the sign. Mr. Kamprath said when there is a standalone business, if another business is added to the sign, it would be considered a non-accessory sign which would be prohibited. Kincaid added the proposed sign meets the dimensional requirements of the sign ordinance, limiting the required waiver to allow an LED message board.

***Motion by Bush, supported by Lake, to grant the request for a sign waiver for K & M Wolverine, LLC, Bedford Shops, on parcel number 5802-035-058-04, 6650 Lewis Avenue, Temperance, MI 48182 to allow an LED message board sign while meeting the size requirements of the ordinance. The change of display shall not occur more frequently than every 5 seconds, and conditions being all required permits shall be obtained from Bedford Township and the entire perimeter landscaped area of the base shall be maintained no less than two feet wide, growing and in healthy condition.***

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

***B) REQUEST FOR A SIGN WAIVER FOR OUR LADY OF MOUNT CARMEL, ON PARCEL NUMBER 5802-023-145-00, 8330 LEWIS AVENUE, TEMPERANCE, MI 48182.***

Kincaid reviewed the analysis stating the applicant is seeking to remove the two existing 25 square foot changeable letter signs and replace them with two 24 square feet LED signs. The proposed signs would be placed in the same location as the existing signs. While the proposed signs are smaller by square footage, the decreased length and increased height of the proposed signs increases the overall height from 6'2" to 6'8". On November 5, 2003, the applicant received a sign waiver for the existing signs. Kincaid added while there are two separate LED signs, it would be noted any visible message will be on one side of each sign and not visible from the back of the signs. The existing "V" shaped sign structure is 35-40 years old and is constructed on a permanent foundation. Kincaid added the applicant wishes to maintain the stone structure and replace the message boards. Should the request be considered, the waiver required is to allow two LED reader board signs, a 1'10" height waiver and a 36 square foot area waiver which is reduced in area from what currently exists. An approval shall also include that all permits shall be obtained from Bedford Township and 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.

**Jeffery Zink-Business Manager- Our Lady Mount Carmel Church-**Mr. Zink stated the request is to remove two white panel signs and replace them both with full color LED Message Boards. Mr. Zink stated the signs will be less square footage than existing. Mr. Zink advised the Commission the existing sign is set back 9.5' more than what is required.

Bialecki inquired if the intent was for both signs to display the same or different messages, Mr. Zink said he was not prepared to answer that question but currently the signs show different messages. Mr. Zink stated what he envisioned would be service times, the message for the Sunday Gospel, where one saying would be displayed on the north side and the follow up on the south side sign, and any special events (rummage sales, Lenten fish fry, etc.). Lake added again the comment on the 5 second display. Bialecki requested clarification if going to display two different messages would that be considered as two signs. Mr. Kamprath explain typically a monument sign has two sides with the same message shown on each side, saying on this location it is equally the same display, as messages will be shown only on one side of each sign.

***Motion by Angerer, supported by Bush, to grant the request for a sign waiver for Our Lady Of Mount Carmel, on parcel number 5802-023-145-00, 8330 Lewis Avenue, Temperance, MI 48182 for two LED message boards, a 1'10" height waiver and a 36 square foot area waiver with a five second interval. The conditions of the approval are all required permits shall be obtained from Bedford Township and to maintain the entire perimeter landscaped area of the base, no less than two feet wide, growing and in healthy condition.***

***Voting Aye: Angerer, Bush, Bialecki, Lake and Bourque. Voting Nay: None Excused: Zdybek and Pirrone. Motion carried.***

***C) OPEN THE PUBLIC HEARING REGARDING THE OUTDOOR RECREATION ORDINANCE AMENDMENT TO SECTION 400.1201 C-2, SHOPPING CENTER BUISNESS DISTRICT & SECTION 400.1301 C-3, GERNERAL BUSINESS DISTRICT.***

***Motion by Bush, supported by Angerer, to open the public hearing at 7:32 p.m. Motion carried.***

Kincaid reviewed the analysis stating the request is a public hearing for an ordinance amendment to allow commercial outdoor recreation uses within a C-2 and C-3 Zoning District with Special Approval. Direction for this amendment was given by the Township Board on June 7, 2016. Kincaid went on to say the language was drafted by Lennard, Graham & Goldsmith and was presented to the Township Board on July 5, 2016. Kincaid said the July 5, 2016 Township Board minutes were not yet available, however, a list of what was discussed at the Township Board meeting was compiled for the Planning Commission's convenience. Kincaid added Rich Kenny of Forest View Lanes provided the Planning Department with a list of items they have addressed/improved on site as well as a list of items they would like to be considered as this ordinance amendment is being developed. Kincaid stated the Commission must remember, ordinances are not written as parcel specific, or not for one particular parcel, as an ordinance is for any parcel that can meet the intent of the ordinance. Kincaid went on to say the paperwork submitted by Mr. Kenny is being included in your packet for informational purposes due to the discussion that took place at the July 5, 2016 Township Board Meeting. Kincaid advised the Commission, as Paul Pirrone will not be able to attend the meeting; Mr. Pirrone has provided comments for the Planning Commission's information. Notice of Public Hearing was published on June 28, 2016. Kincaid also added while the ordinance is not parcel specific, there are requirements that must be met, continuing to say there are at least 13 parcels within the township where this ordinance could be applied, as they all have a minimum of 5 acres.

Bialecki inquired if the recommendation from the commission is to move forward with the ordinance, and will parcels that do not meet the requirements be able to maintain and continue to operate. Mr. Kamprath advised if there is a legal parcel in existence, having a created use legally, being compliant with the ordinance at that time, and if the ordinance were to be amended, those parcels would be considered as a prior legal non-conforming parcel. Bialecki added if that parcel wanted to expand, would that be permissible or if there was a fire. Mr. Kamprath stated there is a process for expansion meeting certain

criteria for a non-conforming use and with approval of that process the township would not have an issue with being rebuilt.

**Karen Rideout- 8112 Douglas-**Ms. Rideout stated concern pertaining to the increase in use and clientele over the past several years. Ms. Rideout asked the commission to take into consideration the residents in the area and provided the Planning Department with a petition where signatures of objection for permanent use were provided. Ms. Rideout stated she loves the youth and the school using the Forest View Lanes location, however, it is the hours of operation every night until 2:00 a.m. Ms. Bourque advised Ms. Rideout this meeting is regarding the Outdoor Recreational Ordinance. Ms. Rideout stated she is in objection to the ordinance, if the ordinance is approved the noise will continue. Ms. Rideout questioned on the EPA on the sand on all the volleyball courts. Bourque advised the Commission has nothing to do with EPA issues.

**Kelly Young- 2300 W. Dean Road-** Mr. Young voiced concern as he is unaware of what the ordinance is going to accomplish, but he is against anything that will further allow expanding or adding to the current noise, referencing the car wash noise and volleyball.

**Rich Kenny-7824 Jackman Road- 2345 W. Dean Road-Owner-Forest View Lanes-** Mr. Kenny stated from a business standpoint, the ordinance amendment opens up a lot of opportunities for several businesses in Bedford to allow businesses to provide youth, family and adult activities without residents going to Toledo. Mr. Kenny stated he is in favor of the ordinance.

**Jim Nyhan-8277 Argyll** –Mr. Nyhan said he lives in close proximity of the Forest View Lanes and spoke in favor of the ordinance. Mr. Nyhan stated in his opinion a facility open and managed is quieter than a facility closed and unmanaged.

**Tadek Stadniczuk- 6266 Douglas** – Mr. Stadniczuk spoke in favor of the ordinance. Mr. Stadniczuk credited Mr. Kenny on all the events he has hosted at the facility.

Ms. Bialecki commented that the Commission is not here to look specifically at one location. Bialecki continued, stating she understands the residents in attendance supporting or against the noise at Forest View Lanes, but the Commission is looking at an ordinance that would blanket the township as a whole that may meet the requirements. Bialecki stated it must be taken into account what could be at any location and it is the Commissioners' job to consider what is being proposed is a service to the community.

Bourque referenced the ordinance with setback requirements, noise, and hours of operation. Bourque added this ordinance would allow the use with a special approval not to require a yearly review and approval. Kincaid added it would be a special approval proposed to the Planning Commission for review and approval.

**Gary Lyp- 3476 Shadywood Circle-** Mr. Lyp spoke in favor of the ordinance and the need for these types of facilities to expand within the township, using Forest View Lanes as an example.

***Motion by Lake, supported by Bush, to close the public hearing at 7:53 p.m. Motion carried.***

Kincaid read aloud the proposed Outdoor Recreation Ordinance Amendment in C-2 and C-3 zoning districts for the Planning Commission to discuss or give input on each individual section. Commission discussed in length #5 C. regarding setbacks. Bialecki agreed with keeping the families and youth within Bedford Township providing outside activities, however there is no ordinance that allows or gives guidance on what is or is not allowed nor on how to create. Bialecki stated she felt the ordinance

presented does a good job setting parameters for outdoor activities addressing all concerns (setbacks, noise, lighting, buffering, parking, hours and landscaping, etc.). Mr. Kamprath stated this is a zoning change, saying a recommendation from the Bedford Township Planning Commission will require at least 4 votes pursuant to the bylaws, then provided to Monroe County Planning Commission for a recommendation, then presented to the Township Board to approve, deny or change.

Bush voiced her opinion on the time of operation and the noise ordinance, and the incentive to comply if the ordinance were to continue to require a yearly approval. Bush requested clarification on the noise ordinance and a location having a liquor license. Mr. Kamprath advised the location could sell liquor until 2:00 a.m. however liquor control commission does not control nor regulate noise ordinance. Mr. Kamprath added any location would have to comply with local, state or federal regulations. Discussion continued in regards to the current noise ordinance. Lake referenced the Special Approval process. Mr. Kamprath said if a business wanted to conduct outdoor activity which is a permitted use in that zoning district under special approval, it would require the applicant to submit a Special Approval Application and a site plan to be reviewed by the Planning Commission. At that time a notice of a public hearing meeting would be mailed to the property owners and occupants within 300' of the perimeter of the property, and if approved, standards and conditions can be applied on a case by case basis on the use being requested. Planning Commission Members discussed the yearly review and approval regarding complaints and ordinance violations, Mr. Kamprath clarified in the Special Approval Section it provides that the approval may be revoked by the Planning Commission once it finds that any of the requirements of the ordinance or conditions of approval are not being maintained. Mr. Kamprath added there are some ability and remedies if the applicant does not meet the requirements or conditions imposed.

Bush asked what is the availability of Ordinance Enforcement to go out on complaints after office hours. Mr. Kamprath advised he does not have the authorization to answer that question. Discussion ensued regarding differences in uses and the requirement of setbacks to a commercially zoned property and residentially zoned parcel. Discussion continued on the Planning Commission having the flexibility to adjust the setbacks or increase screening. Mr. Kamprath added the setback requirement should follow the source of the noise. Commission Members agreed on adjusting the language provision 5C regarding setbacks to allow the applicant to request a flexibly showing unique circumstances, then to be determined by the Planning Commission to vary on the intensity of the activity and a possibility of enhanced screening. Bush reiterated on the noise and ordinance enforcement. Bialecki added she understands the concern but does not know of any community with afterhours ordinance enforcement.

***Motion by Bialecki, supported by Lake, to recommend to approve the Outdoor Recreation Ordinance Amendment to Section 400.1201 C-2, Shopping Center Business District & Section 400.1301 C-3, General Business District contingent upon rewording the language of 5C regarding setbacks to allow the Planning Commission to review a site plan, provided by an applicant, showing unique circumstances to vary from the requirements and/or to apply conditions for enhanced screening.***

***Voting Aye: Bialecki, Lake, Bush, Angerer and Bourque. Voting Nay: None Excused: Zdybek and Pirrone. Motion carried.***

Kincaid advised the rezoning will go before Monroe County Planning on the second Wednesday of the month, August 10, 2016, then before the Township Board. Kincaid said the public hearing for this issue has been held and there are no further public hearings required prior to a decision by the Township Board.

***PUBLIC COMMENT –***

**Rita Groll- 2286 Shady Grove-** Ms. Groll stated the Dean Road area has been very active for a long time, referring to the locations in the area: school, YMCA, and ball fields. Groll added her family enjoys the Forest View Lanes facility and Bedford Township community. Ms. Groll agrees with the concerns of the noise, but activities associated with existing facilities within the area, noise is to be expected. Ms. Groll is in favor of the ordinance.

**Karen Rideout-8112 Douglas-**Ms. Rideout voiced again her concern with Forest View Lanes and in the past 2-3 years how the use has expanded increasing the clientele and the hours of operation 7 days a week 6 months out of the year until 2:00 a.m.

**INFORMATION – None**

**COMMISSION / STAFF COMMENT –**

Kincaid advised the Planning Commission members there will be a meeting on July 27, 2016 as a public hearing for ponds in residential, pools in agricultural, and storage of vehicles is scheduled.

Mr. Kamprath complimented the Commission on their thoughtful consideration and comments, comprehending the issues with these types of uses. Rector agreed.

**ADJOURNMENT –**

**The meeting was duly adjourned at 8:35 p.m.**

*Respectfully submitted,*

*Jodie L. Rector Recording Secretary*