

MINUTES
BEDFORD TOWNSHIP PLANNING COMMISSION
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
August 8, 2018

PRESENT:

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

EXCUSED:

DAN STEFFEN, SECRETARY

ABSENT:

NONE

ALSO PRESENT:

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

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

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES OF JUNE 27, 2018

Motion by Frederick, supported by Zdybek, to approve the minutes of June 27, 2018. Motion carried.

APPROVAL OF THE MINUTES OF JULY 11, 2018

Motion by Frederick, supported by Jenkins, to approve the minutes of July 11, 2018. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

Steve Lennex-7261 Forest Valley, Lambertville- Mr. Lennex was going to speak on the LaScala Rezoning request. Mr. Lennex decided to wait until the Public Hearing was open.

NEW BUSINESS

- A) OPEN THE PUBLIC HEARING REGARDING JOSEPH & PATRICIA LASCALA REQUEST FOR A REZONING OF PARCEL NUMBER 5802-570-014-00, FROM PBO, PROFESSIONAL BUSINESS OFFICE, TO C-3, GENERAL COMMERCIAL, LOCATED ON THE NORTHWEST CORNER OF LEWIS AVENUE AND SMITH**

**ROAD, OTHERWISE KNOWN AS 6601 LEWIS AVENUE, TEMPERANCE, MI
48182**

Motion by Frederick, supported by Jenkins, to open the public hearing at 8:03 p.m. Motion carried.

Kincaid reviewed the analysis stating the request is to rezone approximately a 1.346-acre lot from PBO, Professional Business Offices, to C-3, General Commercial, located on the Northwest corner of Lewis Avenue and Smith Road and within the Supervisor's Plat of Hazeldell Farms. The parcel located to the South of the subject parcel is zoned C-3, General Business and R-3, Single Family Residential, to the west RT, Two Family Residential, west and north R-2B, Single Family Residential, to the east across Lewis Avenue is C-2, Shopping Center and southeast is PBO, Professional Business Office (MB&T vacant building).

Kincaid noted there is an existing building on site. It should be noted that should the site be rezoned, the currently permitted "facilities for human care such as hospitals, sanitariums and convalescent homes" use is not a permitted use in a commercial zoning district. Kincaid advised all other PBO permitted uses are allowed in commercial zoning districts.

Kincaid, referring to the Master Plan adopted on October 28, 2015, said this area is designated 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.

Kincaid said the Planning Department requested a review of the rezoning request. Lucie Fortin from The Mannik & Smith Group and Planner for Bedford Township supplied an overall review of the subject area.

Kincaid stated the uses permitted within a C-3 zoning district were included in the commission packets.

Kincaid advised it should be noted that all uses within the C-2 and C-1 zoning districts are also permitted within the C-3 zoning district. As well, many of the uses require special approval, have stipulations, are conditioned, or are not viable on a 1.3+/- acre lot.

Kincaid spoke on the Planner review information. Kincaid read aloud the Planner conclusion of the proposed request.

Steve Lennex-7261 Forest Valley, Lambertville-representative for the applicant -Mr. Lennex spoke how disconcerting it is that the Planner's review is to reject the request. Mr. Lennex gave reasons why he felt the request was not unreasonable:

1. The southwest corner set a precedent, as three years ago it was rezoned to C-3, General Commercial
2. The request is consistent with the recently adopted Master Plan
3. This request makes common sense on a high traffic intersection and should be permitted to allow all the flexible uses.
4. Overuse of PBO zoning is difficult to sell, value of the property goes down and the zoning is a burden on the seller. Mr. Lennex referred to other PBO vacant locations and being

problem areas for the township.

5. Contradictory of the Planner review, this would be good for the Township, Temperance, and for the Lewis Avenue corridor.

Mr. Lennex continued to say commercial flexible zoning is not a stretch for the requested area as it has already been done at this intersection on the southwest corner. Mr. Lennex gave uses such as a restaurant, strip mall, fitness center, etc. that are not permitted within a PBO and that prospective buyers had to be turned away many times in his career on many PBO sites. Mr. Lennex stated there will be no adult entertainment nor an adult bookstore on this property as it would not comply with ordinance. Mr. Lennex stated in conclusion he strongly disagrees with the Planner's review; however, on the upside there are many more good reasons to rezone to C-3. Mr. Lennex stated on behalf of Mr. and Mrs. LaScala he requests the Planning Commission to approve the request from PBO to C-3 zoning.

Gail Keane- 1056 West Temperance-Ms. Keane first stated she was not going to make any comment, however after initial discussion she determined she should comment. Ms. Keane voiced concern on no actual use proposed for the request. Ms. Keane spoke on the Medical Marijuana issue and felt the responsibility was with the Planning Commission to determine C-3 does not fit the area nor the intent. Ms. Keane said she was speaking for the people on the Temperance side of the Township, and that they do not want what Secor Road has become. Ms. Keane advised this intersection is the #2 most dangerous within Bedford Township and C-3 would increase traffic and feels the corner should be left empty because of the danger of ingress/egress on the corners. Ms. Keane said there are many parcels zoned C-3 within the Township not yet developed and referred to the surrounding parcels in the area. Ms. Keane stated she does believe people should have a say for their property, however she is still concerned, as there is no statement of a use and there is neighborhood properties next door. Ms. Keane stated the priority should not be what the rest of the township would like to see, or what a realtor wants, but we need to be not only fiscally responsible to the residents of this township but those people that live in those surrounding homes. Ms. Keane did state she was surprised no surrounding neighbors were in attendance. Ms. Keane requested the Planning Commission to look at the whole picture and thanked the Commission.

Steve Lennex-7261 Forest Valley, Lambertville-Representative for the applicant-Mr. Lennex thanked Ms. Keane for "mostly irrelevant commentary". Mr. Lennex stated he is unsure what Medical Marijuana has to do with this request. Mr. Lennex stated it is those types of comments that drive him crazy in these kinds of hearings. Mr. Lennex stated the applicant does not know yet what the use will be and they do not have to know. Mr. Lennex stated the property owner should be given a fair opportunity to their request to move forward selling their property as they have been trying to do for several years. Mr. Lennex requested the Planning Commission to think of the property owners in this case as the southwest corner was rezoned and it is also abutting residential.

Motion by Frederick, supported by Zdybek, to close the public hearing at 7:16 p.m. Motion Carried.

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

Zdybek spoke on the property previously being rezoned and the prospect of more buildings to be developed. Kincaid added the subject parcel is within a platted subdivision where north and west of the site are residentially zoned parcels. Zdybek stated the existing zoning provides a good buffer to the existing homes behind and to the west of the property. Zdybek said he felt C-3 provides no buffer, thus the question what was the original zoning. Zdybek spoke on the C-3 parcel to the south commenting on it not being sold since it was rezoned and not a desirable location. Mr. Lennex stated the parcel to the south is heavily wooded and pricing on that parcel is making selling difficult. Mr. Lennex stated this subject site could have been sold several times over if the zoning was not PBO, as no one wants to purchase a PBO parcel due to the limited uses permitted. Mr. Lennex referred to vacant PBO parcels within the Township. Mr. Lennex inquired on the term "buffer" and what determines PBO is a better buffer than a use in a C-3 zoning district. Zdybek stated PBO is looked at as a buffer to adjacent residential as it normally has less intense uses having specific hours of operation, minimal traffic, and maybe even just open for appointment times. Mr. Lennex asked how do you reconcile that way of thinking when in the village centers it is permitted to have retail store on the ground floor and residential above. Mr. Lennex stated it makes no sense. Mr. Lennex stated he could provide example after example of great developments such as Levis Commons. Mr. Lennex pointed out there is upscale residential directly behind the retail. Mr. Lennex said zoning should not be used as a buffer. Mr. Lennex added the upscale developments he has been around use landscaping and natural features to buffer. Mr. Lennex said it is time to take a different look on the township. Mr. Lennex stated some of the people he supported on the Township Board know how he feels about this, and feels the township should get rid of the PBO zoning as it is absolutely not needed. Mr. Lennex said PBO zoning restricts and provides no value, adding, even in some cases less value than residential or farm land which is tragic. Mr. Lennex stated he is in the business of making things happen, referring to his input on the Secor/Stern corner. Lastly, Mr. Lennex stated we are a small township that needs more flexible zoning so things can get done.

Garverick spoke on the comment of the Levis Commons development stating that is a whole different situation as the development is there and the homes are now being developed. Garverick expressed opposition to the request saying the existing PBO is in place for a reason, which is to protect the surrounding residential districts. Jenkins spoke on the original rezoning to PBO and at the time the owner requested the PBO for a financial use. Jenkins added he understands when a property is purchased a new owner may want to change the use. Jenkins continued to state he respected the applicant wanting commercial zoning, however Jenkins stated he did not feel he could justify the C-3 zoning request basically because of the uses that are included. Jenkins spoke in favor of a less intense commercial zoning district. Jenkins said the parcel size does not meeting the requirement of a C-2 zoning district. Frederick wondered why the request was not for a C-1 zoning district. Frederick stated C-1 is commercial and would permit commercial uses. Frederick agreed with Jenkins on the uses as once rezoned, you are unable to interfere with any potential uses permitted within a C-3 district that meets the requirements of the ordinance. Frederick spoke on Medical Marijuana and not being permitted at this time within a commercially zoned property by State Law. Frederick also stated he had difficulty supporting a C-3 zoning district, however would have understood a C-1 zoning request. Frederick reiterated that a C-2 zoning district would not be permitted as does not meet the minimum lot size. Kincaid added in a C-2 zoning district ordinance requires a minimum of 3 acres.

Mr. Kamprath reminded the Commission Members any action taken tonight is merely a

recommendation to the Township Board. Mr. Kamprath continued to explain the process as there would be a recommendation from Monroe County Planning and then a final decision by the Township Board.

Frederick spoke regarding at one time there were serious deficiency of surface drainage within the area. Kincaid stated those types of issues would be addressed during a site plan approval should there be any further development. Jenkins inquired could the owner change the request to a less dense use such as a C-1 zoning district. Mr. Kamprath stated the Commission would be acting on the request from PBO to a C-3, and the Commission's discussion to downgrade to a less intense zoning district would change the request, however, is reasonable as long as the request remains within a commercial zoning district and the applicant endorsed and requested a change in their request to downgrade to a C-1 zoning district. Mr. Kamprath spoke on the due process for the public should the request be changed. Mr. Kamprath said the request would have to stay within the commercial realm, as any other zoning district would have to be republished with another public hearing.

Garverick inquired from the applicant if C-1 would be considered. Mr. LaScala stated it would definitely be considered. Mr. LaScala stated before deciding he would like to know more of what uses are permitted within the C-1 zoning district as he is unfamiliar with the ordinance. Mr. LaScala stated the building is designed for professional use within the complex. Mr. LaScala spoke on the financial invest he has made on the property and now he is seeking the rezoning to sell the property and retire. Mr. LaScala stated he would love to see the Lewis Avenue corridor expand, however with all the PBO, he has no interested buyer. Mr. LaScala stated PBO has the reputation that once you own it, you will never be able to sell it. Kincaid offered to go over the uses permitted within a C-1 zoning district, and also provided Mr. LaScala with a copy of the C-1 zoning ordinance. Mr. LaScala opted to receive a copy and to go over the uses with his wife. Kincaid provided a copy of the C-1, Local Commercial uses.

Mr. Kamprath advised the Commission should act on the applicant's request as submitted or request a letter in writing from the applicant should there be any changes.

Frederick asked if a motion to postpone to the next Planning Commission Meeting is acceptable. Mr. Kamprath stated yes, should the applicant agree to defer. Frederick stated he felt with the discussion it might be in the best interest of the applicant to defer to the next Planning Meeting to provide more time to review the uses permitted within the C-1 zoning district and make a decision move forward with the request as presented or submit a letter requesting a change in the request. Frederick stated he is just suggesting that as an alternative.

Mr. Lennex asked what exactly happens if a vote is taken and turned down tonight. Frederick stated from there the request goes on to Monroe County Planning and then to the Township Board for a decision. Mr. Lennex requested one clarification before deciding to change the request to C-1. Mr. Lennex stated he heard all the discussion of the board, however he never heard anyone say how the Commission justifies turning this request down when there is C-3 located right across the street.

Jenkins said the C-3 parcel across the street is not the same situation. Jenkins stated this subject site is within a platted subdivision with residential abutting. Mr. Lennex stated the C-3 across the

street also directly abuts a residential property right next door. Jenkins stated, yes one residential property, where this subject site abuts an entire subdivision. Mr. Lennex spoke on the subdivision not having an issue with the request as no one has showed up at the meeting. Mr. Lennex stated when does the property owner's rights supersede those that do not bother to show up. Mr. Lennex asked what is the downside of a C-3 zoning district and inquired if any of the Commission Members had ever zoned any parcel within Bedford Township C-3. Mr. Lennex stated there is the ordinance that allows C-3, however the only thing he hears is all the negative uses that can go there. Jenkins requested Mr. Lennex to allow his client, Mr. LaScala, the opportunity to absorb the information provided by Kincaid and make the decision. Mr. Lennex stated he felt his client as the applicant deserves an answer to those questions. Jenkins referred to the planner review letter with the information. Mr. Lennex said they never received the letter and that is a problem. Jenkins advised his opposition to the rezoning request is to protect the adjacent residential district. Mr. Lennex stated again they must not have an issue as no one attended the meeting. Jenkins said he did not want to argue with Mr. Lennex, saying Mr. LaScala should be making the decisions. Mr. LaScala advised he has spoken to the neighboring property owners several times and they are low-income people and they do not care nor do they have a clue. Mr. LaScala spoke on the neighbors inquiring on the sale of his property and Mr. LaScala advised them it was to bring more business into Temperance. Mr. LaScala stated again the neighbors are low-income people who just do not care and are just trying to survive. Angerer advised the Commission must review each request and decide what best protects all the Township equally. Mr. LaScala added several neighbors would like to see a restaurant or a fast food location (Burger King, Sub-way etc.). Mr. LaScala felt the Commission was trying to protect the neighbors from themselves and it is just not fair. Garverick inquired with C-1 zoning district would those uses be permitted. Kincaid stated restaurants, brew-pubs, micro-breweries are some of the permitted uses within a C-1 zoning district. Mr. LaScala asked why would the Commission not allow C-3 to give more opportunity to get a business in the building. Mr. LaScala felt the property across the street being C-3 is unfair for him not to be granted his request. Mr. LaScala stated his site is developed and without the zoning change it will limit him on the uses. Mr. LaScala advised the old Monroe Bank & Trust building has sold and they will be seeking a zoning change as well. Mr. LaScala stated he just wants to open the door for business to come into Temperance. Mr. LaScala hoped the Commission will take all his comments into consideration.

Jenkins stated the Commission should either decide to table the request or move forward with a recommendation.

MOTION BY FREDERICK, SUPPORTED BY JENKINS, TO TABLE THE REQUEST TO THE SEPTEMBER 12, 2018 REGULAR PLANNING COMMISSION MEETING REGARDING THE JOSEPH & PATRICIA LASCALA REQUEST FOR A REZONING OF PARCEL NUMBER 5802-570-014-00, FROM PBO, PROFESSIONAL BUSINESS OFFICE, TO C-3, GENERAL COMMERCIAL, LOCATED ON THE NORTHWEST CORNER OF LEWIS AVENUE AND SMITH ROAD, OTHERWISE KNOWN AS 6601 LEWIS AVENUE, TEMPERANCE, MI 48182 TO ALLOW THE APPLICANT TIME TO REVIEW THE C-1, LOCAL BUSINESS USES AND DETERMINE IF THEY WANT TO CONTINUE TO MOVE FORWARD WITH THE SUBMITTED C-3, LOCAL BUSINESS REQUEST OR CHANGE THE REQUEST TO C-1, LOCAL COMMERCIAL.

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

Voting Nay: None.
Excused: Steffen
Absent: None
Motion carried.

B) REQUEST FOR A SIGN WAIVER FOR FOREST VIEW LANES ON PARCEL NUMBER 5802-028-023-00, 2345 W. DEAN ROAD TEMPERANCE, MI 48182

Kincaid reviewed the analysis saying the request to allow an LED message board was granted by the Planning Commission on July 11, 2018. Kincaid advised when considering the installation of the sign, it was determined the sign was well below the road elevation, and the Sign Ordinance states “the grade from which the height of a sign shall be measured, and where the bottom of the sign or sign apparatus above ground shall be located, shall be no more than one foot above and no more than one foot below the nearest street or road grade”. Kincaid said the applicant considered backfilling the area; however, filling the area may affect drainage on the site and impede the natural water flow to the ditch. Therefore, a height waiver is being sought to increase the base height by 28” to bring the sign up to grade. Kincaid noted should the request be considered, the following waiver is required: To permit an increase in base height to bring the sign up to road grade, with an overall sign height from the existing grade of 9’ 4”.

Kincaid said 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
- the sign shall be located outside of the road right-of-way and the driveway clearance area

Rich Kenny- Jackman Road - Mr. Kenny first apologized for missing the last meeting for his initial request as he was out of town. Mr. Kenny was available to answer any questions.

Planning Commission members discussed the signage, sign rendering and location and all agreed the proposal is the best option for this specific location.

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

MOTION BY JENKINS, SUPPORTED BY ZDYBEK, TO APPROVE THE SIGN WAIVER FOR FOREST VIEW LANES ON PARCEL NUMBER 5802-028-023-00, 2345 W. DEAN ROAD TEMPERANCE, MI 48182 TO ALLOW FOR AN LED MESSAGE BOARD AND A 9’4” SIGN HEIGHT FROM EXISTING GRADE. CONDITIONS OF THE APPROVAL ARE THE MESSAGE CHANGE SHALL BE NO LESS THAN A FIVE SECOND INTERVAL, REMOVAL OF CURRENT SIGNAGE AND EXISTING MESSAGE BOARD, ALL REQUIRED PERMITS SHALL BE OBTAINED FROM BEDFORD TOWNSHIP, TO MAINTAIN THE ENTIRE PERIMETER LANDSCAPED AREA OF THE BASE, NO LESS THAN TWO FEET WIDE, GROWING AND IN HEALTHY CONDITION AND

THE NEW SIGN MUST BE LOCATED OUTSIDE OF THE ROAD RIGHT-OF-WAY AND THE DRIVEWAY CLEARANCE AREA.

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

C) REQUEST FOR FINAL SITE PLAN APPROVAL FOR D&D LAND, LLC, (DOLLAR GENERAL) ON PARCEL NUMBER 5802-032-039-05, OTHERWISE KNOWN AS 2837 W. STERNS ROAD, TEMPERANCE, MI 48182

Kincaid reviewed the analysis saying the subject site consists of approximately 3.13 +/- acres which was rezoned from R-2A, Single Family Residential to C-1, Local Business with a contractual agreement on February 21, 2017. The contractual agreement states total building(s) shall not exceed 9,000 square feet as it is consistent with the surrounding zonings, with a four-year term limitation permitted by Michigan Legislative (125.3405). The proposed building is 7,500 square feet and the proposed use is for a Dollar General Store to be located on the corner of Summerfield and Sterns roads. Kincaid stated the developer has worked closely with the MCRC on the site ingress/egress to determine the access point to be best suited off Summerfield Road. The site plan also supplies walkability with sidewalks meeting the requirements of Section 400.1104.D Site Development Standards for C-1, Local Business District.

Kincaid informed that the properties to the south are R-2A Single Family Residential and west PUD (Planned Unit Development/underlying zoning R-2A), and is the location of Grey Estates. The properties east of Summerfield Road are RT, Two-Family Residential, and north of Sterns Road is zoned C-1, Local Commercial and R-2A, Single Family Residential.

Kincaid referred to the landscaping plan stating it provides for 12 trees and 50 shrubs for perimeter landscaping and 4 trees and 15 shrubs for basin perimeter landscaping. It is also noted that a total of 16 trees and 68 shrubs are proposed to account for required screening across from residential, commercial and required basin perimeter landscaping. The site plan also indicates that the existing tree line to the west is to remain and a 2.5' high landscape berm to the south will be included. Per Section 400.1907.12 detention ponds require side slopes and the bottom of the pond be sodded or seeded and one deciduous shade or evergreen tree and ten shrubs shall be planted for every 100 lineal feet of pond perimeter as measured along the top of bank elevation. Also, per Section 400.1907.15 protective screening in the form of an obscuring wall, fence or landscaping shall be required whenever a non-residential use in a residential district abuts directly upon land zoned for residential purposes. Walls must comply with the requirements of Section 400.1911: screening non-residential use in a Commercial, Office or Industrial district from adjacent land zoned or used for residential or agricultural use requires a height of six feet, fences must comply with the requirements of Section 400.1912: fences within a front yard shall not exceed four feet in height and shall be restricted to decorative fences, fences within a side or rear yard shall not exceed six feet in height and shall not extend beyond the front building line or required front yard setback, whichever is greater and fences that are visible from a public right-of-way or that may be required to enclose a detention pond shall be restricted to decorative fences. Kincaid said as stated in

Section 400.1907.20: modifications to landscape requirements in consideration of the overall design and impact of a specific landscape plan and in consideration of the amount of existing plant material to be retained on site, the Planning Commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this Section. The Planning Commission may base its decision on any one or more of the following circumstances which exist in connection with the site:

- a. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective landscape design than an alternative landscape design.
- b. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired aesthetic effect.
- c. The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this Section 1907.
- d. Landscaping would restrict proper storm water drainage.

Kincaid advised the wall requirement when abutting a residential zoning or residential use shall be discussed, particularly along the south side, as the proposed 2.5' berm with plantings may not adequately shield the neighboring residential property from headlight pollution as vehicles enter/exit the site. As well, while the detention basin landscaping meets the requirements of the ordinance in that the landscaping is not limited to the top of the pond bank, perhaps landscaping could be increased in front of the two west parking spaces to contain light pollution from the residential zoning district to the west, as no additional buffer is being proposed (wall or fence) along the ravine to the rear of the building. It should be noted that in the warm months foliage will act as a buffer; however, winter months may not provide adequate buffering from the residential district to the west and south.

Kincaid noted per Section 400.1904.c.1.C states retail stores with 5,001 to 15,000 square feet requires one parking space for each 150 square feet of usable floor area. The site plan indicates there is a total of 5956 square feet of usable floor area which requires 40 parking spaces. The site plan displays a total of 40 parking spaces that includes two barrier free spaces, which meets the requirements of the ordinance.

In reviewing the illumination plan per Section 400.1908.b, Building-mounted lighting with more than 60-watt bulbs shall be fully shielded and directed downward to prevent off-site glare. The intensity of light shall not exceed ten foot-candles within any site and where property abuts a residentially zoned site a maximum of 0.5 foot-candles at the property line is permitted. The site plan indicates there is no proposed parking lot fixtures and while the proposed building mounted lighting meets the 0.5 foot-candles at all property lines, it should be verified the proposed wall pack lighting to be installed with over the 60-watt bulbs will be fully shielded and directed downward.

Kincaid continued by stating a dumpster location has been identified on the plan and screening has been identified. It should be noted per Section 400.1907.b, dumpsters for other than one-family or two-family residential uses shall be screened from view from any adjacent property and from any

public or private road or service drive when a residential use or residential district is across from said service drive. The screening shall be high enough to block the view of the container, mechanical equipment, etc. and similar equipment and consist of a wall or fence or landscape material.

Per Section 400.1906.B per usable gross floor area one 10' by 70' loading/unloading space is required and shall be provided for inside a building, structure of part thereof, or in the rear yard or side yard not facing a street. The site plan indicates the designated concrete pad as a 15' x 50' truck loading area within the front yard. Per Section 400.1906.13 all exterior loading/unloading area adjacent to a residentially zoned district or residentially used parcel shall comply with the landscaping/screening/wall requirements as designated in Sections 1907 and 1911, except that the wall shall be 6' in height. However, notwithstanding the preceding sentence, the Planning Commission may require additional and/or different landscaping/screening/wall requirements. The Planning Commission may designate the size, location, color, materials and other aspects of the landscaping/screening/wall requirements. This parcel has two front yards and it is not possible to locate the loading/unloading truck parking to the rear of the property. Therefore, consideration may want to be given to add some low growing landscape plantings along the east side of the 10' by 70' loading/unloading truck pad to buffer the area from the street.

Per Section 400.1922: in C-1 Districts each lot or parcel is permitted one accessory wall sign not to exceed 50 square feet in area. In addition, for each lot or parcel, one freestanding accessory sign not to exceed 50 square feet in area and not to exceed seven feet in height. The plan indicates one wall sign located on the front of the north elevation and a pylon sign at the corner of Summerfield and Sterns Road; however, there are no dimensions of the proposed signage to verify they meet the requirements of the ordinance. All permanent freestanding signs shall be monument signs and all dimensions must be confirmed. If the applicant wishes, they can return at a later date and seek sign approval. If that is the case, any Final Site Plan Approval of the submitted plan shall exclude approval of the signage included on the plan

Approvals have been received from:

Mannik and Smith Group dated 7/26/18 with comments/conditions
Monroe County Road Commission dated 7/26/18 with comments/conditions
Monroe County Drain Commission dated 7/18/18 with comments/conditions
Bedford Township Fire Department dated 6/27/18 with comments

Kincaid informed that should Final Site Plan Approval be granted, you may want to include the following:

Final Site Plan Approval shall be contingent upon addressing all comments/conditions of the MSG, MCDC, MCRC and BTFD review letters and any discussion or changes made by the Planning Commission in regards to the landscaping/screening/wall requirements, to the south where the property abut a residential zoning district, landscaping/screening of the loading/unloading area, and signage details.

It should also be noted, the contract rezoning agreement (recorded 3/28/18) does not allow any variances or waivers.

Jason Raleigh-AR Engineering - Mr. Raleigh was available to answer any further questions.

Frederick inquired on the installing of sidewalks leading to nowhere. Kincaid explained that per Ordinance all commercial development is required to install sidewalks. Frederick spoke in regards to the tree line to remain to the residential to the west of the property. Frederick voiced concern on the traffic flow, however added there is approval from the MCRC. Jenkins inquired if the developer would be open to increase buffer on the south and west side to decrease light pollution.

Discussion continued on the surrounding landscaping abutting the residential districts to the south and west. Agreement was made with the applicant to increase landscaping on the west side of the parcel and a decorative fence to on the south of the property, in addition to relocating the landscaping from the south parcel line to the area of the loading and unloading area. All changes are to supply an increase of landscaping to decrease light pollution.

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

MOTION BY JENKINS, SUPPORTED BY FREDERICK, TO APPROVE THE REQUEST FOR FINAL SITE PLAN APPROVAL FOR D&D LAND, LLC, ON PARCEL NUMBER 5802-032-039-05, OTHERWISE KNOWN AS 2837 W. STERNS ROAD, TEMPERANCE, MI 48182 SUBJECT TO ADDRESSING ALL THE COMMENTS AND CONDITIONS IN THE MCRC, MCDC, MSG, BTFD AND INSTALLING A DECORATIVE FENCE ALONG THE SOUTH PROPERTY LINE, TO RELOCATE LANDSCAPING FROM THE SOUTH PROPERTY LINE TO THE AREA OF THE LOADING/UNLOADING AND ADDITIONAL BUFFERING ON THE WEST SIDE OF THE PARCEL FOR THE TWO PARKING SPACES PROVIDED TO DECREASE ANY TYPE OF LIGHT POLLUTION TO THE NEIGHBORING WESTERLY RESIDENTIAL PROPERTIES.

**Roll call as follows: Voting Aye: Jenkins, Frederick, Fritz, Garverick, Zdybek and Angerer
Voting Nay: None.**

Excused: Steffen

Absent: None

Motion carried.

D) REQUEST FOR FINAL SITE PLAN APPROVAL FOR SUNRISE WINDOWS, ON PARCEL NUMBER 5802-035-010-30, OTHERWISE KNOWN AS 200 ENTERPRISE DRIVE, TEMPERANCE, MI 48182

Kincaid reviewed the analysis saying the owner is proposing a 70380 square foot addition to be attached the west end of the existing 94371 square foot building on 10.130 +/- acres. An additional 46 employee parking spaces are proposed east of the building on the neighboring parcel, which is also under the applicant's ownership. A landscape buffer is being installed along the west property line where abutting Albert Drain, a 60-foot wide parcel owned by the Monroe County Drain Commission. As well, on August 7, 2001, the Township Board granted a variance from the required 5:1 detention basin side slope requirement to a 3:1 side slope for an expansion that took place at that time. The Township Board stated the variance was granted to accommodate future

expansion. As well, the fencing will be installed around the detention basin as required. It should be noted a variance on piping material will be required from the Township Board, and the item is scheduled for consideration on August 14, 2018. As required by the Bedford Township Fire Department, a 26-foot wide fire lane will be maintained along the west end of the structure and an approximate 412 foot, 26-foot wide gravel emergency access lane will be provided along the south side of the structure within a Monroe County Road Commission Dedicated Highway and Utility Easement. Maintenance of the emergency access lane and the fire lane to the west of the structure will be maintained by Sunrise Windows, to include snow removal, and keeping the area clear of any vehicles, equipment, etc. as stated in their letter dated August 1, 2018.

Kincaid advised approval letters were received from the Bedford Township Fire Department on August 1, 2018 with conditions, the MCDC on July 31, 2018 with conditions, the Mannik & Smith Group on July 31, 2018 with conditions, and the MCRC on August 2, 2018 with conditions.

Kincaid noted should site plan approval be granted, a motion should include the approval is contingent upon addressing all conditions of the BTFD, MSG, MCDC and MCRC letters of approval.

Kevin Romanko-Romanko Building Company- Mr. Romanko was available to answer any questions.

Angerer stated he was glad to see business expanding in the industrial park. Frederick inquired on a Soil Erosion Permit. Mr. Romanko explained that has be addressed and a permit was issued. Mr. Romanko also included the existing detention pond is being cleaned out and increased in size north and south. Jenkins inquired on any signage to be installed to avoid parking within the fire lane access. Mr. Romanko stated the next phase of this site addition will be to add additional tractor/trailer parking. Kincaid stated she spoke with Randy Pierce from the MCRC and signage will be installed where the fire access lane is to be located.

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

MOTION BY JENKINS, SUPPORTED BY FREDERICK, TO APPROVE THE REQUEST FOR FINAL SITE PLAN APPROVAL FOR SUNRISE WINDOWS, ON PARCEL NUMBER 5802-035-010-30, OTHERWISE KNOWN AS 200 ENTERPRISE DRIVE, TEMPERANCE, MI 48182 CONDITIONED UPON ADDRESSING ALL THE COMMENTS AND CONDITIONS IN THE MSG, MCRC, MCDC AND THE BTFD REVIEW LETTERS.

**Roll call as follows: Voting Aye: Jenkins, Frederick, Fritz, Zdybek, Garverick and Angerer
Voting Nay: None.**

Excused: Steffen

Absent: None

Motion carried.

PUBLIC COMMENT –

Steve Lennex-7261 Forest Valley, Lambertville-Representative for the applicant-Mr. Lennex spoke on his client payed his fees, did not receive a copy of the planner review letter and it being a disgrace that the applicant shows up at the meeting and gets blindsided by the negative comments of a planner. Mr. Lennex stated he will be taking this up with the Township Board as well, as that should never happen. Mr. Lennex felt that not receiving a copy is totally unfair and inappropriate. Lastly, Mr. Lennex said there was zero opposition of the neighboring property owners to this request, however someone else made a comment that has no skin in this game whatsoever.

Gail Keane- 1056 West Temperance- Ms. Keane spoke on sidewalks within commercial, trees for buffering to encourage confiners to decrease the leaves within the Township. Ms. Keane stated as being involved on the committee of the revitalization of downtown Temperance she is fully aware of the studies, what the residents wanted in Temperance and concluded saying she can assure the Commission that Sterns/Secor is not what the residents want, nor ever was. Ms. Keane advised she takes offense that the Commission would allow someone to bash someone, implying she was a liar and has no rights to voice her opinion on the request and that she has an invalid opinion or her thoughts are wrong or improper. Ms. Keane felt as it is public comment time, people should feel free to come to the podium as speak their mind without fear of retaliation. Ms. Keane was encouraged that by the Planning Commissions comments they are taking into consideration the whole picture and not just the business owner nor just the residents as there has to be a blending. Ms. Keane felt each area within the Township needs to be looked at individually for what is best for that area. Ms. Keane felt there is an issue of C-3 zoning within a residential area.

Paula Fellman-7120 Jackman-Ms. Fellman spoke in regards to wetland areas.

INFORMATION –
None.

COMMISSION / STAFF COMMENT –
Frederick spoke on the Township and zoning districts being in existence before the ordinance went into effect. Kincaid offered to bring the Zoning Map from 1977 to the next meeting.

ADJOURNMENT –
The meeting was duly adjourned at 8:40 p.m.

Respectfully submitted,
Jodie L. Rector, Recording Secretary