

MINUTES- REGULAR MEETING
BEDFORD TOWNSHIP PLANNING COMMISSION
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
August 23, 2017

PRESENT:

JAKE LAKE
DAN STEFFEN
MATTHEW ANGERER
LAMAR FREDERICK
TOM ZDYBEK
ROBYNE BUSH

EXCUSED:

NONE

ABSENT:

JOE GARVERICK

ALSO PRESENT:

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 July 26, 2017. Motion carried. Frederick Abstained.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

- A) OPEN THE PUBLIC HEARING REGARDING MICHELLE BORK, REQUEST FOR A REZONING OF PARCEL NUMBER 5802-028-011-00 FROM R-2A, SINGLE FAMILY RESIDENTIAL DISTRICT TO PBO, PROFESSIONAL BUSINESS OFFICE DISTRICT, OTHERWISE KNOWN AS 8153 JACKMAN ROAD, TEMPERANCE, MI 48182

*Motion by Bush, supported by Steffen, to open the public hearing at 7:35 p.m.
Motion carried.*

Kincaid reviewed the analysis stating the subject parcel is approximately 2.0 acres and the request is to rezone from R-2A, Single Family Residential to PBO, Professional Business Office. Kincaid noted the existing surrounding zonings are to the East RM-1, Multi-Family Residential (Brookforest Apartments), and R-2A, Single Family Residential. It should be noted that while the properties to the east are single family residentially zoned, the properties are the sites of the Bedford Township Government Center and Jackman Road Elementary school, and the likelihood of the properties ever being residentially developed are remote, particularly the Township Government Center site. The parcel to the North and immediately adjacent to the subject site is PBO, Professional Business Office and R-2A, Single Family Residential (Bedford Public Schools), with the properties to the south and west being R-2A Single Family Residential zoned.

Kincaid stated in reviewing the property layout, the structure on the subject site is located to the north on the 2-acre parcel, providing approximately 95 feet of a tree-lined buffer between the southern portion of the existing parking area and the south property line, 175 feet between the home and the west property line, and approximately 50 feet between the accessory building and the west property line.

Kincaid advised a PBO zoning is a typical transitional zoning between commercial zonings and residential zonings, with this particular parcel offering existing natural buffering. It should be noted that any use proposed for this site would have to meet the parking, lighting, buffering, etc. requirements of the zoning ordinance as well as all Building Code requirements.

Kincaid read aloud the Ordinance for PBO for clarification on uses permitted and those uses permitted subject to special approval.

Permitted Uses and Development:

Sec. 1001. In a Professional and Business Office District, no building or land shall be used and no building 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. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales.
2. Medical office, including clinics.
3. Facilities for human care such as hospitals and sanitariums; convalescent homes subject to the density requirements of Section 604 [Section 400.604].
4. Banks, credit unions, savings and loan associations, and similar uses; drive-in facilities as an accessory use only.
5. Personal service establishments including barber shops, beauty shops, and health salons.
6. 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.
7. Publicly owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, or gas regulator stations.
8. Off-street parking lots.
9. Places of worship, subject to the provisions of Section 1919 [Section 400.1919].
10. Other uses similar to the above uses.
11. Child care centers subject to the following conditions:
 - a. No portion 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 [Section 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].
12. Employer-sponsored child care centers subject to the following conditions:
- a. No portion of a child care center shall be located within 300 feet of any gasoline pumps, underground storage tanks, or any other explosive material.
 - b. Any on-site outdoor play area shall be enclosed by a fence that conforms to the applicable requirements of Section 1912 [Section 400.1912].
 - c. Any facility boundary which abuts property which is residentially used or zoned shall be screened according to the provisions of Section 1911 [Section 400.1911], subsections c. and h. and any other applicable regulations.
 - d. Signs shall conform to the applicable requirements of Section 1922 [Section 400.1922].
13. Accessory structures and uses customarily incident to the above permitted uses.

400.1002 - Principal uses permitted subject to special approval.

Sec. 1002. 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. An accessory use customarily related to a principal use authorized by this Section, such as but not limited to: a pharmacy or apothecary shop, stores limited to corrective garments or bandages, or optical service, may be permitted.

400.1003 - Required conditions.

Sec. 1003.

1. No interior display shall be visible from the exterior of the building.
2. The outdoor storage of goods or materials shall be prohibited.
3. Warehousing or indoor storage of goods or material, beyond that normally incident to the above permitted uses, shall be prohibited.

400.1004 - Site development standards for PBO Professional and Business Office Districts.

Sec. 1004. The following development standards shall apply to all buildings, structures and uses of land in PBO Professional and Business Office 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 Ordinances, or other laws relating to site plan review and development:

- A. *Architectural elements.* All buildings and structures within a PBO Professional and Business Office District shall utilize residential-type 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 be designed to provide three-dimensionality to the building or structure. 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 area.
- D. *Site amenities.* The proposed professional business development project shall include sidewalk and/or pedestrian walking path connections to existing and future developments subject to unique topographic or site features.

1. One or more of the following features, or similar amenities, may be provided within the PBO Professional and Business Office District: bell or clock tower, sculpture, fountain, gazebo or other form of public art, etc. These features shall not be used to display commercial advertising.
- 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.

Kincaid further stated the Master Plan designates this site as Suburban Residential. It should be noted that the Master Plan adopted on October 28, 2015 does not include any designation for office use. This may be an item the Township should further take into consideration at the next required Master Plan review, as there are several parcels within the Township currently PBO zoned and used that have no professional office designation, including those parcels rezoned to PBO on Secor Road south from Summerfield Road. It should be taken into consideration that the parcel to the north of the subject site was rezoned from R-2A to PBO in 1989, an office building was constructed on the site, and is also located within a Suburban Residential Master Plan designation at an intersection that is predominantly used for other than single family residential. Kincaid added Mr. Dennis Jenkins, whom worked closely with the Master Plan has submitted a letter of support for the rezoning request. Kincaid noted from Mr. Jenkins letter he also added the Master Plan gave little consideration for potential uses for this area and referred to the surrounding current uses at the intersection of Jackman and Dean Roads as they are not currently residential in nature and stated Mr. Jenkins said the zoning for this parcel should be changed to PBO.

Lake informed the applicant the commission was one member short, offering the option to defer to a later date when all members could be present. Ms. Bork opted to move forward as scheduled.

Michelle Bork-8153 Jackman Road- Applicant – Ms. Bork gave a history of the family's ownership of the property and the improvements she and her husband have made to the property. Ms. Bork advised of all changes since 1924 to the area, including the schools, apartments, township government center, YMCA and the office building directly to the north all becoming neighbors. Ms. Bork added with the adjacent office building just to the north, only feet from her home, and the proximity within the township, it seems a logical choice to change the zoning from

residential to a PBO. Ms. Bork said she is excited to share her beautiful home with the community and that the new owners appreciate the uniqueness that it holds.

Frederick asked on the requirements of converting from residential to an office building.

Greg Moore-1327 Temperance Road- Mr. Moore stated he is representing both the seller and the buyer for this location. Mr. Moore advised the Commission Members that contact has been made to MCRC, MCDC, Bedford Township Building Department, and a structural engineer regarding the process to convert the residential dwelling into a professional business office. Mr. Moore stated after meeting with all these entities, it does not seem there are going to be any issues moving forward with the conversion. Mr. Moore advised he is a member of the Monroe County Planning Commission and will be recusing himself when this item is scheduled on the agenda.

Marsha Marion-1787 Dean Road- Ms. Marion voiced opposition to the rezoning request as her home is located to the west of the subject parcel. Ms. Marion was upset with not receiving notification of the sale, the meeting or the request already being decided upon. Ms. Marion had concerns with the value of her property if the request to rezone was approved. Ms. Marion voiced concern on marketing her home if decided to sell and if that is why the request to rezone this property is being proposed due to the problem of selling a residential home next to a commercial building.

Bush stated the location has had a for sale sign for several months. Bush also added there is a significant amount of buffer to the surrounding parcels. Ms. Marion voiced concern if the natural buffer was removed to increase the parking. Ms. Marion stated they did not receive any information regarding the meeting. Bush stated the public hearing notice is to advise of discussion. Ms. Marion stated that is the only letter they received.

Rector explained the state mandated requirement of 300 feet from the perimeter of the property and that Mr. and Mrs. Marion were on the mailing list. Ms. Marion clarified she did receive the mailing but thought the decision had already been made. Rector explained this is the first step of a recommendation to the township board in holding the public hearing, then the Monroe County Planning will make a recommendation to the township board, and the final decision is determined by

the Bedford Township Board. Kincaid confirmed that is correct and reviewed the PBO uses, reminding the Commission the location to the north is currently PBO zoned. Kincaid also added that any use that would go into the building would have to meet the requirements of the ordinance and the building codes. Kincaid advised Mr. and Mrs. Marion can attend the Township Board meeting and also voice their concerns at that time.

Ronald Marion-1787 Dean Road- Mr. Marion also stated his concerns with the value of his property and voiced opposition of the rezoning request. Mr. Marion also stated one of his concerns would be if the subject parcel could be split into not only one PBO office parcel but create two. Kincaid added there is always the possibility of a land division, as long as each resulting parcel meets the requirements of the ordinance.

Lake advised both Mr. and Mrs. Marion's objection to the proposed rezoning change will be reflected in the minutes. Lake suggested, as this is only a recommendation to the request, the residents may want to make contact with the township and attend the Township Board meeting to voice their concerns when the decision will be made.

Kincaid reiterated if there was a proposed land division both subsequent parcels would have to meet all the property requirements (setbacks, frontage) for a land division and all requirements for a proposed use.

Terri Warren-- Ms. Warren stated she is the prospective buyer and stated the intent is to keep the residential architecture as it currently exists at the location, and the proposed use is for medical office, further saying she does not see a large increase needed for proposed parking. Ms. Warren reached out to speak with the Marion's and discuss with them their concerns and the intent with the property.

Rich Kenny- 7824 Jackman Road- Mr. Kenny said he supports the rezoning request. Mr. Kenny stated it is a beautiful location and felt the proposed PBO request will be a benefit to the community and fits with the surrounding current zonings and uses.

*Motion by Frederick, supported by Bush, to close the public hearing at 7:29 p.m.
Motion carried.*

Bush voiced support for the request as the building will have a residential appearance with an office use and with the support of Mr. Jenkin's letter. Frederick stated he respectfully understood the request, as it could be difficult to sell as a residential use. Zdybek referred to other positive PBO locations within the township with an office use and abutting residential homes. Steffen and Angerer agreed. Lake stated originally, he did not support the request, however in doing further research the request of a PBO zoning district at this location will be beneficial to the community and compliments the surrounding existing uses.

Motion by Bush, supported by Steffen, to recommend approval regarding the request for a rezoning of parcel number 5802-028-011-00, from R-2A, Single Family Residential District to PBO, Professional Business Office District, otherwise known as 8153 Jackman Road, Temperance, MI 48182 as the location supplies an existing natural buffer line to the adjacent residential properties and due to the lack of PBO, Professional Business Office designation on the recently adopted Master Plan, this specific location supports a PBO zoning district as it fits with the surrounding zonings and all existing uses.

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

PUBLIC COMMENT –

None.

INFORMATION –

Kincaid stated there will be a Planning Commission Meeting on September 13, 2017 as there are already two public hearings scheduled.

COMMISSION / STAFF COMMENT –

Frederick updated his email address.

Bush thanked Ms. Bork for all she and her family has contributed to the community.

ADJOURNMENT –

The meeting was duly adjourned at 7:38 p.m.

Respectfully submitted,

Jodie L. Rector, Recording Secretary