

MINUTES- REGULAR MEETING
BEDFORD TOWNSHIP PLANNING COMMISSION
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
September 9, 2015

PRESENT:

KORLEEN BIALECKI
TOM ZDYBEK
PAUL PIRRONE
MARYANNE BOURQUE

EXCUSED: JEFF BIGGS, JAKE LAKE, ROBYNE BUSH

ALSO PRESENT:

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

Bourque, called the Bedford Township Planning Commission meeting to order at 7:05 p.m. The Pledge of Allegiance was said. Kincaid called the roll. Quorum present.

APPROVAL OF THE AGENDA

Motion by Zdybek, supported by Pirrone to approve the agenda. Motion carried.

APPROVAL OF THE MINUTES OF AUGUST 12, 2015

**Motion by Pirrone, supported by Zdybek to approve the minutes of August 12, 2015
Motion carried.**

PUBLIC COMMENT (LIMIT 3 MINUTES)-None

NEW BUSINESS

A) REQUEST FOR A SIGN WAVIER FOR ZEILER'S MARKET (JINDO BROTHERS REAL ESTATE LLC) ON PARCEL NUMBER 5802-034-055-00, 6925 LEWIS AVENUE, TEMPERANCE, MI 48182

Kincaid reviewed the analysis stating the applicant is seeking a variance request for the placement of the proposed sign due to the building and roof design. Per Section 400.1922.1V- permanent non-freestanding signs shall be wall signs, attached to a wall of a building such that no part of the sign shall be located higher than the lowest point of the roof attached to the wall of the building where the sign is located. Kincaid continued stating the applicant is proposing an approximate 48.75 square foot sign attached to a permanent parapet wall that was installed as part of the recent renovations. Kincaid added the parcel is split zoned C-1, Local Commercial and R-2B, One Family Residential and the proposed sign is for the existing building located within the C-1, Local Commercial portion of the property and meets the requirements of the ordinance Section 400.1922 in a C-1, Local Commercial District. Should the request be considered, the waiver required is to:

- **Permit the placement of the sign above the lowest point of the roofline due to the roof design**

Kincaid said if approved, the applicant shall obtain a building permit from Bedford Township Building Department.

Myra Gueli- 2021 Adams-Toledo Sign- stated the previous sign for the location was located on a parapet wall above the roof line and there is no other location on the storefront to display the submitted sign, further adding the proposed sign is within the square footage permitted.

Jason Jindo-6925 Lewis Avenue-Zeiler's Market- Mr. Jindo advised the commission members the sign itself will not be illuminated but will have spot lights directed toward the sign .

Pirrone commended the applicant on the updates on the building and concurred with no other location to clearly display a sign, nor sees any issues with the proposed location.

Discussion continued regarding the parcel being split zoned. Mr. Jindo stated he didn't know it was split zoned, and when they had it assessed it was indicated the parcel was all C-1. Kincaid stated the Planning Department with the Assessing Department would do some research and double check the zoning, but that the request is located within the C-1 portion of the parcel.

Bourque advised the applicant he would need a unanimous vote for approval if wanting to move forward or he could reschedule with full commission; Mr. Jindo requested to move forward.

Motion by Bialecki, supported by Pirrone to approve the sign waiver for Zeiler's Market (Jindo Brothers Real Estate LLC) on parcel number 5802-034-055-00, 6925 Lewis Avenue, Temperance MI 48182 to permit the sign to be located above the lowest point of the roof line with the condition that a sign permit must be obtained from the Bedford Township Building Department.

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

B) OPEN THE PUBLIC HEARING FOR A SPECIAL APPROVAL AND SITE PLAN APPROVAL FOR NFA FINANCE, LLC (NICK FRANCIS) ON PARCEL NUMBER 5802-032-030-10, 7101 SUMMERFIELD ROAD, LAMBERTVILLE, MI 48144

Motion by Zdybek, supported by Pirrone, to open the public hearing at 7:16 p.m. Motion carried.

Kincaid reviewed the analysis stating the subject site is C-3, General Commercial, zoned and consists of approximately 1.42 acres. The applicant is seeking special approval for a used vehicle/unit outdoor sales use. The used vehicle sales use requires a minimum of 5 acres with required setbacks in accordance with Section 400.1800, Schedule of Regulations. On February 2, 2015, the applicant was granted a variance on the acreage and setback requirements and the BZA conditioned the approval on Planning Commission considerations and decisions. Kincaid stated that the permitted use must comply with Section 400.1302, Principal Uses Permitted

Subject to Special Approval, for a C-3 zoning district and Section 400.1916, Minimum Requirements for Open Air Uses. Kincaid referenced that Section 400.1916 states where the site abuts a residentially zoned district, the requirements for obscuring walls shall apply as specified for the applicable zoning district or use, noting that Douglas Road Elementary School is located immediately south of the subject site and is residentially zoned. Kincaid also added that the south property line of the subject site is tree lined and has a chain linked fence with what appears to be a gate access to the DRE property, and while the tree line provides a visual buffer during the summer months, the chain link fence does not meet the obscuring wall requirement of Section 400.1911, Obscuring Wall and the tree line does not provide a buffer during the winter months. Kincaid advised there is a wall requirement of 6 feet in height located immediately inside the lot line; however the Planning Commission may approve an alternate location for the wall, waive the wall requirement or allow a substitute wall material, such as a six foot tall fence. Clarification or an explanation regarding the gate shown should be made, as the requirement of an obscuring wall would not provide an option for gate access from one parcel to another. Kincaid also noted the property to the west (day care) is C-3 zoned requiring a fence or wall a minimum of five feet in height, as the existing fence meets the minimum requirement. It should be verified if the fence is installed on the subject parcel or is it located on the day care's property and owned by the day care. Only fences installed on the subject property can serve as required fencing unless a stipulation is put in place that states if the fence is ever removed the applicant would be required to install a fence on the subject site to comply with the zoning ordinance. Kincaid went on to state the applicant has indicated he would like to have the capability to park 40-50 units on the site. It should be determined if the proposed number of parking spaces would include employee and customer parking as well any parking that is proposed within the access on Douglas Road does not interfere with ingress/egress and maneuverability within the site. Kincaid added the site lighting is shown on the submitted plot plan, with two existing light poles within the front yard, and the four wall packs at the rear of the building which are fixed and face downward. Kincaid noted at this time the applicant has not provided a sign design for the site, however two wall signs not to exceed 50 square feet in area are permitted due to the corner lot with frontage on two roads, also adding should the applicant seek a permit to install a sign the design would have to be approved through the Planning Department to ensure all size and location requirements are being met and any sign submittal that does not meet the requirements of the ordinance would have to be brought before the Planning Commission for a waiver. Lastly, the Planning Department has received inquiries regarding the use, but has not received any letters of objections. One letter of support has been received.

Nick Francis-7101 Summerfield -Owner NFA

Zdybek commented on what a good job the applicant has done cleaning up and developing the corner location. He also inquired on what was intended as a unit and how many units the applicant was expecting to display. Mr. Francis stated the site could have around 50-60 parking spaces for what is being considered as a "unit" as it could be the displaying of cars, motorcycles, dirt bikes, ATV, etc. Bourque open discussion regarding the fence abutting Douglas Road Elementary (DRE) and having a gate access with no lock. Mr. Francis advised he was unsure if the fence was located within his property or if he owned it. Commission members discussed whether a gate is permitted within the ordinance requirements and the safety and liability concerns for the children and the applicant if using the gates for access to and from the school

and day care. Commission members voiced pros and cons on the access through the subject property. Through discussion it was determined the day care parcel does not have direct access to the school property and they use the gate access, as there is also a gated fence located on the West side of NFA's property from which the day care can safely cross to the school property through the subject site.

Bourque requested clarification if there would be displaying of larger vehicles such as an RV or bus, if those types of units would be displayed in the rear of the building but not on the grassy area. Mr. Francis concurred that would be correct.

Mr. Kamprath advised there are two parts to the application: First is the Site Plan, noting the submitted site plan rendering doesn't adequately meet the requirements of the Site Plan Ordinance, however the Planning Commission may accept the submitted site plan if the commission finds the site plan is sufficient as there are no physical changes or improvements (grading, pavement, building footprint, etc.), and the second aspect is the granting of the Special Approval Use. Mr. Kamprath further addressed the access through the gates that the township should be careful not to promote trespassers for liability purposes, unless the applicant is assuming the responsibility for safe passage and permission to do so. Mr. Kamprath addressed some of the issues with the site plan: number of units allowed; orientation of parking within the site, referencing the BZA Meeting (minutes) and the amount of time to comply with any conditions included, otherwise the approval expires.

Public Comment-none

Motion by Zdybek, supported by Pirrone, to close the public hearing at 7:30 p.m.

Motion carried.

Further discussion continued concerning the issue of having access through the gated fence for safety, and if owned by the applicant, the liability, Mr. Francis stated if it's an issue he will contact the day care owner and look into adding locks to the gates as the day care is the only one using the gates to access the park at DRE and the pool at Green Hills.

Bialecki inquired if the applicant had the property surveyed showing where the property lines are located, as it would be beneficial for the Planning Commission to have that information before moving forward with any decision on changes or a request for a different or a more intense obscuring wall, or how much lighting and parking spaces would be required so to meet the requirements of the ordinance. Mr. Francis said he has not had the property surveyed.

Commission Members discussed the ownership of the fence and Mr. Kamprath added if it's the school's fence the school would have jurisdiction over the gates on it, and may mean the applicant would be required to create his own barrier as required by ordinance which requires a masonry wall, which would make the gate unusable.

When asked, Kincaid advised action of the request would require two separate motions depending on the decision whether the request for site plan approval was to be tabled for further information. Mr. Kamprath added that both the requests for Special approval and for Site Plan

Approval should be decided on at the same time. Kincaid noted the applicant would not have to submit for another public hearing as he had already done so.

Discussion amongst the Commission with regards to what type of material for the obscuring wall to require; privacy fence, masonry wall, concrete barrier. When asked Mr. Francis stated he had not intended on increasing the barrier wall, and preferred to leave the gated chain linked fence already existing. He also added that the property was a dumping ground before his ownership and the existing fencing was sufficient then, unless now there is a new ordinance requirement. Planning Commission inquired if the obscuring wall requirement could be waived from and Mr. Kamprath advised that ordinance 400.1911: obscuring wall; states that upon review of the site plan the Planning Commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purpose of screening the parking area or use effectively.

Bialecki advised the Commission members that she was inclined to grant the special approval for the use at the property; however she is not inclined to approve the proposed site plan without more information to better visualize what the applicant is planning, especially regarding the requirements and or conditions to meet the ordinance requirements for Site Plan Approval or to waiver from the ordinance requirements. Mr. Kamprath advised the commission the daycare is commercially zone and it just needs a barrier fence to prevent debris, so a chain link fence would be sufficient.

Mr. Kamprath advised the Commission Members that the process has begun from the 6 month requirement of the granting of the variance from the BZA on February 12, 2015, if the Commission's decision was to table or revisit at a later date, it shouldn't create a defect for the applicant.

Members discussed what clarification information they would appreciate from the applicant to move forward with a decision. It must be known where the property line is located to be able to determine what kind of wall will be required. If the chain link fence is on his property, it must be determined if it is sufficient enough to meet the requirement of the ordinance; or does a more substantial barrier need to be required along with issues regarding the gates. If the chain link fence is not on the applicant's property, what does he have in mind to install for his barrier if not a masonry wall. Other issues include: distance on the site clearance of ingress/egress on Douglas Road for safety; parking requirements for the number of displaying units and where employee and customer parking is going to be located and how many for each. Kincaid added for this location the required parking is typically decided on the amount of usable floor space. A Motor Vehicle Sales; Service Establishments Use states 1 space for every 150 square feet of usable floor area of the show room, plus 2 spaces for each auto service stall. Kincaid said the requirement may not apply, as the applicant does not have a large show room. Kamprath added those are all typical site plan requirements for review.

Bourque advised the applicant he would need a unanimous vote for approval if wanting to move forward or he can reschedule with full commission; Mr. Francis stated he would like to defer the request to a later meeting with a full commission.

Motion by Bialecki, supported by Zdybek, to accept the applicant's request to defer the request for a Special Approval and Site Plan Approval for NFA Finance, LLC (Nick Francis) on parcel number 5802-032-030-10, 7101 Summerfield Road Lambertville, MI 48144, due to lack of a Full Planning Commission Quorum and to permit the applicant time to submit clarification on the requirements of the site plan with the condition of a site plan being represented to the Planning Commission within 90 days from tonight's meeting date of 9/9/2015.

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

PUBLIC COMMENT –None

INFORMATION – None

COMMISSION / STAFF COMMENT –

ADJOURNMENT –

The meeting was duly adjourned at 8:01 p.m.

Respectfully submitted,

Jodie L. Rector-Recording Secretary