

MINUTES- SPECIAL MEETING  
BEDFORD TOWNSHIP PLANNING COMMISSION  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
SEPTEMBER 21, 2016

**PRESENT:**

KORLEEN BIALECKI  
TOM ZDYBEK  
MARYANNE BOURQUE  
PAUL PIRRONE  
JAKE LAKE (arrived at 7:15 p.m.)

**EXCUSED:**

MATTHEW ANGERER  
ROBYNE BUSH

**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 7:02 p.m. The Pledge of Allegiance was said. Kincaid called the roll. Quorum present.

**APPROVAL OF THE AGENDA**

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

**APPROVAL OF THE MINUTES**

*Motion by Zdybek, supported by Pirrone, to approve the minutes of September 7, 2016.*

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

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

**Richard Kenny- 7824 Jackman-Owner of Forest View Lanes- 2345 W. Dean Road-**Mr. Kenny appreciated all the efforts of the Commission and the Township on the Outdoor Recreational Ordinance. Mr. Kenny referred to the previous Planning Commission meeting regarding his request for Special Approval pertaining to Zone 5 with the hours of operation that were granted. Mr. Kenny would like clarification on the process to amend the approval. Mr. Kamprath stated Mr. Kenny would need to submit an application to amend the site plan and or the special approval to be presented to the Planning Commission which will require a public hearing notice.

**NEW BUSINESS**

- A) 7:06 P.M. OPEN THE PUBLIC HEARING REGARDING THE REQUEST FOR SPECIAL APPROVAL AND FINAL SITE PLAN APPROVAL FOR A POND, ON PARCEL NUMBER 5802-027-031-00, OTHERWISE KNOWN AS 1501 W. DEAN ROAD, TEMPERANCE, MI 48182**

Kincaid reviewed the request stating the applicant is requesting special approval and final site plan approval for a 23,064 square foot pond located on a 10.070 acre parcel on Dean Road between Jackman Road and Lewis Avenue. The parcel has 165 feet of frontage on Dean Road, widens to approximately 383 feet on the south side of Flat Creek, which traverses the parcel, and is approximately 1360 feet in depth. The parcel has municipal water and sanitary available to the site, and the pond and home will be located on the south side of Flat Creek. Kincaid stated as designed, the proposed pond meets the setback requirements of fifty feet from the property lines and the dwelling. The proposed side slope of 6:1 at the beach area and the 4:1 slope on all other banks is in compliance with the Pond Ordinance, with the high water elevation of 621.00'. Kincaid stated a test dig indicates ground water is located at an elevation of 620.00' with a low water level at 619.00'. Kincaid said the pond will be utilized for the land owners' personal recreational purposes and all spoils from the excavation will be redistributed on site as fill surrounding a

home currently under construction. Two safety stations are proposed, one on the southwest corner and one on the northeast corner of the pond, each with 100' of rope. Kincaid advised the east side safety station shall be relocated approximately 55' to the south to more effectively cover the deeper water surface area. Kincaid continued, stating the water level is to be maintained by normal precipitation, ground water and run off from the yard; however a point well with floats will be installed if necessary to ensure the water elevation is being maintained. Also, all disturbed areas are to be final graded, planted with grass seed with straw mulch cover and maintained as necessary until vegetation has been established. As well, the pond will be kept healthy by natural convection and the addition of aquatic life. Kincaid added the Bedford Township Fire Chief has reviewed and approved the 12' wide access drive that provides close proximity access to the pond area in the case of an emergency. Lastly, Kincaid said approvals have been received from the Mannik & Smith Group on 9/9/2016 and the Bedford Township Fire Department on 9/8/2016. A pond permit must be obtained through the Building Department prior to beginning the pond construction; however, because the pond construction is in conjunction with a new home construction, no escrow for the pond construction is required. A Soil Erosion Control Permit must be obtained from the MCDC prior to construction and the safety stations shall be increased to three or the east side station shall be relocated more southerly to better cover the water surface area.

**Mark Ellsworth-1421 Winding Way-County Commissioner 8<sup>th</sup> District & VP Brookwood Swim/Tennis Club(east of the subject parcel)-**Mr. Ellsworth stated there has been no issues with the neighbor, however this summer there has been an issue with smells from the standing water. Mr. Ellsworth went on to advise that Brookwood has been there for 50 years and the club's water is supplied through a well. Mr. Ellsworth said about 250 thousand gallons of water is pumped out of the pool each spring. Mr. Ellsworth addressed employment and services the club offers to the community. Mr. Ellsworth said spring and fall water tests are required and he continued expressing concern as the fall water sample came back with high phosphorous. High phosphorous levels with the health department would require the club to run city water line, which would be an extreme cost for the club, possibly causing the club to shut down. Mr. Ellsworth reiterated his concern as the club has never failed a drinking water sample in 50 years, until the construction and excavating on the neighboring property had commenced. Mr. Ellsworth is unsure if the construction or excavating is the cause but there is concerns on the depth of the pond, how is it going to be aeriated, will it affect the club's drinking water and without fencing the safety of the children. Pirrone inquired on how old and the depth of the club's well and Mr. Ellsworth said that is something to research and find out. Kincaid added the proposed pond is approximately 20' in depth. Kincaid also added the applicants' property line elevation is at 628' and the pond elevation at the top of the bank is 622' running east towards the pond. The pond at the top of the beach area is 169' from the property line of Brookwood Swim/Tennis Club. Pirrone asked on the excavation currently being done at the site and Kincaid advised currently there is construction of a home. Mr. Ellsworth said the Health department is doing some research on if excavation could cause a high phosphorus level on drinking water. Pirrone stated the water sample is taken from the well and Mr. Ellsworth stated the sample was taken from the drinking tap. Zdybek said he personally had a concern of an odor with his own water from his well and his thoughts were possibly due to having such a dry summer as an alternative cause due to ground water being low as within the past week Zdybek has notice the smell has dissipated. Mr. Ellsworth advised the well is about 50 feet deep. Mr. Ellsworth stated he is not against the pond, he just wants to make sure the excavating and the installing of the pond is not what caused the water sample to fail for the safety and security of the club to remain open for the community as the club would not be able to afford the cost of installing a city water line. Mr. Ellsworth stated he is not saying the cause of the failed water sample is the excavating on the neighboring property, he is just asking the Commission to move forward carefully to make sure before approving the pond.

**Ken Grzegorzcyk—8141Brians Court- owner 1501 W. Dean Road-** Mr. Grzegorzcyk advised approximately 12" has been taken off the surface with the current excavation, due to the wet ground. Mr. Grzegorzcyk advised due to the elevation of Brookwood Swim/Tennis Club the surface water drains onto the subject property where Mr. Grzegorzcyk has already installed a culvert to help manage with drainage. Mr. Grzegorzcyk said he felt the pond will help all neighboring properties with drainage issues. Mr. Grzegorzcyk stated the soils from the property will be maintained on the property to help level the property and he does not feel the excavation on his property has caused any water issues. Mr. Grzegorzcyk stated in regards to safety, referring to the MDEQ ponds currently within the Township, saying there is more accessibility for the community, as he is surrounded by woods and it is rather difficult to access his property unless accessed by the driveway. Mr. Grzegorzcyk stated the pond will have safety stations and again referred to the MDEQ ponds not having safety stations. Mr. Grzegorzcyk stated his property will be controlled and monitored as he has security cameras and he and his wife work from home. Mr. Grzegorzcyk

stated he does not feel the water issue at Brookwood should hold up the pond permit due to the submitted plan satisfying all the requirements of the ordinance to move forward with the pond construction; however he does not want the Club to have to close due to any issues. Mr. Grzegorzcyk advised on the cost to run city water or maybe that the current well needs to be either dug deeper or a new well installed. Mr. Grzegorzcyk advised the construction of the pond is not only for recreational purposes but the need for fill dirt for the property by maintaining the soils from the property and not having to bring any foreign soil into the area with the risk of contamination.

***Motion by Pirrone, supported by Zdybek, to close the public hearing at 7:27 p.m. Motion carried.***

Bialecki inquired on the ordinance and a special approval request. Kincaid stated in both a residential and agricultural zoning district, as required by ordinance, special approval is required unless the pond is in conjunction with a housing development or a golf course. Kincaid said the recently adopted ordinance to allow ponds in a residential zoning district went into effect on August 30, 2016. Lake commented on moving forward with the pond with being unsure if excavation would affect water sources. Pirrone added the applicant has submitted a plan complying with the requirements of the ordinance and any opposition to the construction of the pond should have been presented with professional opinions to support or contradict the concerns of the failed water sample. Zdybek said the water issue could be due to having such a dry summer.

Kincaid added the MCDC processes the soil erosion permit and after reviewing the plan the MCDC had no other comments. Mr. Kamprath advised per the ordinance the findings the Commission needs to conclude in the deliberation and decision of the special approval process. Bourque added a possible issue is not being able to prove the construction/installation of the pond is or is not having an impact on the swim club. Mr. Kamprath advised it is the responsibility of the parties and the public to state their case; however if there is a sincere and real concern, a geological report from an engineer would be appropriate, further saying generally there is not an issue with excavations effecting adjacent water sources unless they are pumping. Pirrone asked the applicant if they are reconstructing a water table pond or clay lined. Mr. Grzegorzcyk stated per recommendation of his builder, the home is built to grade and due to the high water table the pond will be constructed at the water table and lined with clay but also Mr. Grzegorzcyk wants to be able to maintain and control the water level, saying by the spring he would be able to determine if a point well will be required.

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

**Sharon Summer-Toledo, Ohio-** Member of the swim club- Ms. Summer reiterated again the amount of water to fill the pool every spring and the cost if needing to run city water and the club not being able to endure that cost.

**Ken Grzegorzcyk-** Mr. Grzegorzcyk responded by reiterating the pond will be clay lined and will maintain a water level.

Bialecki referenced MSG approval letter in accordance with the ordinance and MSG has no objection to the Planning Commission granting approval.

***Motion by Pirrone, supported by Bialecki, to approve the special approval and final site plan approval for a pond on parcel number 5802-027-031-00, otherwise known as 1501 W. Dean Road, Temperance, MI 48182 as the use is not injurious to the district and environs, is not contrary to the spirit and purpose of this Ordinance, is not contrary to the spirit and purpose of the 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 regulation; 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 the Ordinance***

*or conditions of the approval are not being maintained. Conditions being addressing all issues in the Mannik & Smith Group and Bedford Township Fire Department approval letters, obtain a pond permit through the Building Department; obtain a Soil Erosion Control Permit from the Monroe County Drain Commission.*

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

***B) OPEN THE PUBLIC HEARING REGARDING THE REQUEST FOR SPECIAL APPROVAL AND FINAL SITE PLAN APPROVAL FOR TWO PONDS, ON PARCEL NUMBER 5802-026-020-00, OTHERWISE KNOWN AS 457 W. DEAN ROAD, TEMPERANCE, MI 48182.***

*Motion by Pirrone, supported by Zdybek, to open the public hearing at 7:45 p.m. Motion carried.*

Kincaid reviewed the analysis stating the applicant is requesting a special approval and final site plan approval for two ponds located on a 46.630 acre parcel on Dean Road east of Lewis Avenue, west of Crabb Road. Pond 1, located on the northwest side of the driveway is a 29,185 square foot pond and pond #2, located on the southeast side of the driveway, is an 87,120 square foot pond. The parcel has 344 feet of frontage on Dean Road, widens to approximately 1207.17 feet to the south, with a depth of approximately 2759.67 feet along the Ann Arbor Railroad and a depth of approximately 2621.20 feet along the west property line. Kincaid said sanitary sewer is available on the site, however water will be provided through a well. The home will be located to the south of pond #1 and southwest of pond #2, maintaining the remaining existing wooded area to the south property line. Kincaid said as designed, both of the proposed ponds meet the setback requirement of fifty feet from the property lines and the dwelling. The proposed 4:1 slope on all banks is in compliance with the Pond Ordinance, with the high water elevation of both ponds estimated at 616.00'. Kincaid added the ponds will be utilized for personal use and all spoils from the excavation will be redistributed on site for five proposed mounding area. Pond #1 has two safety stations proposed, one on the northeast corner and one located on the south end of the pond each with 100' of rope. Pond #2 has four safety stations proposed, one at each of the approximate four corner locations also with 100' of rope. The Bedford Township Fire Chief has reviewed the locations of the safety stations and recommends in the approval letter to further review the placement locations for possible relocation to provide better deep water surface coverage. Kincaid went on to say the water level is to be maintained by normal precipitation, ground water and run off from the yard, however it shall be verified by the applicant how if necessary to ensure the water elevation is being maintained. All disturbed areas are to be final graded and planted with grass seed for erosion control, as well the pond will be kept healthy by natural convection and the addition of aquatic life. Kincaid noted the Bedford Township Fire Chief has reviewed and approved the drive access that provides close proximity access to both pond areas in case of an emergency. Kincaid said approvals have been received from the Mannik & Smith Group and the Bedford Township Fire Department, and a pond permit must be obtained through the Building Department prior to beginning the pond construction; however because the pond construction is in conjunction with a new home construction no escrow for the pond construction is required. Lastly, a Soil Erosion Control Permit has been issued by the MCDC and the safety stations shall be further reviewed for possible relocation to provide better deep water surface coverage.

**Greg Robinson- 487 W. Dean Road-**Mr. Robinson said he lives west of the subject parcel and is in favor of the proposed two ponds for several reasons: increase wild life; decrease flooding issues; resolve standing water issue. Mr. Robinson fully supports what Mr. Fike is doing with the property.

**Chris Schissler- Premier Builders- Toledo, OH-**Mr. Schissler provided an authorization letter from Mr. Fike to speak on his behalf and would answer any questions the Planning Commission may have. Mr. Schissler stated Mr. Fike wants to maintain the property as much as possible and feels by adding the ponds, it will help with standing water and drainage issues.

*Motion by Pirrone, supported by Zdybek, to close the public hearing at 7:51 p.m. Motion carried.*

Bourque advised Mr. Schissler, representative for Mr. Fike, he would need a majority vote to approve if wanting to move forward or reschedule with full commission. The applicant's representative waived the right to defer and requested to move forward.

Planning Commission Members discussed the proposed locations of the two ponds and the applicant improving the property.

*Motion by Bialecki, supported by Lake, to approve the request for a special approval and final site plan approval for two ponds, on parcel number 5802-026-020-00, otherwise known as 457 W. Dean Road, Temperance, MI 48182 as the use is not injurious to the district and environs, is not contrary to the spirit and purpose of this Ordinance, is not contrary to the spirit and purpose of the 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 regulation; 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 the Ordinance or conditions of the approval are not being maintained. Conditions being addressing all issues in the Mannik & Smith Group and Bedford Township Fire Department approval letters and obtain a pond permit through the Building Department.*

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

- C) OPEN THE PUBLIC HEARING REGARDING THE REQUEST FOR A REZONING OF LAND AREA COMPRISED OF APPROXIMATELY 17.15 ACRES, THE MAJORITY OF WHICH HAS AN UNDERLYING ZONING CLASSIFICATION OF R-2A, SINGLE FAMILY RESIDENTIAL, A SMALL PORTION OF WHICH LOCATED AT THE NORTHEAST CORNER OF THE LAND AREA IS ZONED C-3, GENERAL COMMERCIAL, A SMALL PORTION OF WHICH LOCATED AT THE SOUTHWEST CORNER OF THE LAND IS ZONED PBO, PROFESSIONAL AND BUSINESS OFFICE, A SMALL PORTION OF WHICH LOCATED AT THE SOUTHEAST CORNER OF THE LAND IS ZONED C-3, GENERAL COMMERCIAL. NOTWITHSTANDING THE UNDERLYING R-2A, SINGLE FAMILY RESIDENTIAL ZONING CLASSIFICATION, SEGMENTS OF THE LAND AREA HAVE BEEN APPROVED FOR THE FOLLOWING ENUMERATED USES BY JUDGMENT OF THE MONROE COUNTY CIRCUIT COURT IN CASE NO. 09-27523-CH, (1) PBO, PROFESSIONAL BUSINESS OFFICE; (2) RM-2, MULTI-FAMILY RESIDENTIAL; (3) RME, ELDERLY HOUSING RESIDENTIAL; (4) C-2, SHOPPING CENTER BUSINESS, OF WHICH PORTIONS OF THE AFOREMENTIONED PROPERTY HAVE BEEN PREVIOUSLY REZONED TO RM-2, MULTI-FAMILY RESIDENTIAL AND IF THE REQUESTED REZONING IS GRANTED, WOULD REZONE APPROXIMATELY 2.15 ACRES LOCATED IN THE SOUTHEASTERN PORTION OF THE PARCEL TO C-1, LOCAL BUSINESS, WITH THE REMAINING APPROXIMATE 15 ACRES OF IDENTIFIED AREAS OF THE PARCEL BEING REZONED TO RM-2, MULTI-FAMILY RESIDENTIAL ON A PORTION OF PARCEL NUMBER 5802-027-059-41, VACANT PROPERTY LOCATED ON THE NORTHWEST CORNER OF STERNS ROAD AND LEWIS AVENUE.**

*Motion by Lake, supported by Zdybek, to open the public hearing at 7:58 p.m. Motion carried.*

Kincaid reviewed the analysis stating the request is to rezone approximately 15 acres to RM-2, Multiple Family Residential and approximately 2.15 acres to C-1, Local Business of a 25.530 +/- acres vacant parcel located on the northwest corner of Sterns Road and Lewis Avenue. The properties adjacent to the subject site are zoned and used as follows: North is zoned RM-2, Multi-Family Residential, current location of Bainbridge Place, and C-3, General Business a vacant portion of the subject parcel not part of the rezoning applicant, West is zoned RM-2, Multi-Family Residential, which is Bainbridge Place, South is zoned R2-B, Single Family Residential, and to the East C-2, Shopping Center Business, which is Consumer's Energy transformers, and C-3, General Business, a portion of the subject parcel not subject of the rezoning application and Bedford Car Lot, not subject of the rezoning application. Kincaid added the property has access to all public and private utilities. Kincaid referred to the Master Plan that was adopted on October 28, 2015 designating the area as Mixed-Use, which is described as the intent to promote a mix

of residential, office and lower intensity commercial uses, characterized as an area of mixed uses located adjacent to business nodes with offices and housing above retail or restaurant on the first floor. The mixed use designated areas are along Lewis Avenue from the State line north to the Temperance Village Overlay District. Kincaid noted permitted uses in an RM-2 Residential District, Section 400.600, uses permitted subject to special approval, Section 400.603, principal uses permitted subject to special conditions and also supplied the uses permitted in a C-1 zoning district to the Commission Members for their review, further saying a full description of the uses permitted and the conditions for approval can be found in Section 400.600 of the Zoning Ordinance. Kincaid stated based on the above information and considering the property as a whole, this request does meet the intent of the current Bedford Township Master Plan. Kincaid said the “conclusion” of the Court Judgment was included in the packet of information regarding the portion of the property that is R-2B with a C-2 use and is a part of the request for rezoning. Kincaid also noted Lucie Fortin, Planner from MSG reviewed the request and prepared a recommendation letter stating the requested rezoning would comply with the township. Kincaid added a copy of the public hearing notice, zoning map, uses permitted in a C-1, Local Commercial District and a copy of a letter that was sent to the Township Board Members expressing concern and opposition to the request.

**Nathan Waggner-Cash & Waggner Associates- 402 E. 13<sup>th</sup> Street -Jasper, IN-applicant’s engineer** -Mr. Waggner commented on the majority of which the underlying zoning classification is R-2A, except for approximately  $\frac{3}{4}$  of an acre currently zoned PBO, and where all of the remaining requested property is currently zoned commercial or designated with having a C-2, commercial use. Mr. Waggner stated the proposed rezoning request is downzoning to a less intense use. Lake inquired on the access portion to the Bainbridge Place. Kincaid advised there is an easement granted to Bainbridge Place (Redwood) for access located on Sterns Road and Lewis Avenue. Mr. Waggner stated the intent is to share those accesses which are included in the RM-2 zoning request. Pirrone requested clarification on the zoning request and Mr. Waggner stated the applicant is a multi-family developer and with the purchase contract the applicant is to purchase all the remaining property. Mr. Waggner stated the intent is to maintain the existing commercial on Lewis Avenue.

**Wendy Daudelin-1121 W. Sterns Road-** Ms. Daudelin stated the Bainbridge Place entrance is directly across from her driveway. Ms. Daudelin readdressed the past rezoning requests and the law suits pertaining to this property. Ms. Daudelin expressed concerns with the already current multi-family development and this requested rezoning to multi-family and the additional traffic.

**Kevin Tracy- 7498 Indian Road-**Mr. Tracy also voiced concern on the traffic and the new development of Bainbridge Place being utilized as a cut through. Mr. Tracy also inquired on a required buffer from commercial to the residential area.

**Steve Lennex- 7261 Forest Valley-**Mr. Lennex stated he has worked on the subject property for a very long time. Mr. Lennex feels there is a lack of demand or market for PBO property within Bedford Township. Mr. Lennex responded to the comment regarding the zoning and said as the applicant has stated it is downzoning from C-2, Shopping Center. Mr. Lennex stated Bedford Township already has several developed PBO parcels that are vacant, further saying he would like to see the PBO Zoning eliminated from the Zoning Ordinance.

**Kevin Tracy- 7498 Indian Road-**Mr. Tracy said regardless if one feels a PBO zoned property is useless, it was the judges’ decision in the court order.

***Motion by Lake, supported by Zdybek, to close the public hearing at 8:17 p.m. Motion carried.***

Bourque advised the applicant he would need a majority vote to recommend approval if wanting to move forward or reschedule with full commission. The applicant’s representative waived the right to defer and requested to move forward.

Kincaid added the Planning Commission will make a recommendation to the Township Board and there would also be a recommendation from Monroe County Planning. Then the request will be presented to the Township Board for a final decision.

Bourque highly praised the MSG recommendation approval letter supplied by Lucie Fortin, the Planner. Bialecki agreed, and continued saying the MSG analysis provided by Lucie Fortin not only by the figures supplied in the

review letter but the amount of time that has been spent on the subject parcel. Bialecki continued summarizing the review letter saying what is being requested is in compliance with the Township's recently adopted Master Plan, is consistent with the goals and the policies for future land use, is compatible with all the potential uses in the surrounding area in terms of density and potential influence on property values, and is consistent with the trend in land development. Bialecki added Ms. Fortin commented on how quickly the units at Bainbridge Place are filling up, even before construction is complete, saying there is a clear trend and desire for up-to-date and upscale rental apartments in the Township. Bialecki went on to add the request is compatible with the site's environmental conditions, the infrastructure according to the MSG, is in place and supports the rezoning request, and potential uses are compatible. Lastly, Bialecki read aloud Ms. Fortin's other consideration (H) from the review letter stating "We believe the original Whitman Ford site would have been an opportunity to create a coordinated mixed-use environment which could have been developed with integrated and connected residential and non-residential uses. This could have been accomplished through the Planned Unit Development provisions of the Bedford Township Zoning Ordinance. As it happened, and because of the property's contentious history, the original site has been parceled off resulting in a piecemeal approach to its development with separated and segregated uses showing, so far, no community space, pedestrian features or connections. It is our hope that the future site plan for this property will support more interconnectivity both within and to adjacent developments. Connectivity, as demonstrated by the Township Master Plan, is a priority for Township's residents." Bialecki added she agreed with the review letter provided by Ms. Fortin, the Township Planner, and had no opposition in recommending approval of the proposed zoning request. Lake also agreed and added the proposed request is favorable to the area. Lake said traffic and roads will likely always be a safety concern and an issue in Bedford Township. Commission Members continued to discuss the previous concerns with the subject property and the positive of the proposed request to the area and complying with the efforts of the new Master Plan.

Mr. Kamprath added he had spoken with the applicant and the process of needing the legal description of the parcels for the public hearing notice should it be approved by the Township Board. Mr. Kamprath added currently this parcel has multiple zonings on one single parcel. Finally, Mr. Kamprath referred to the court ordered judgment for a C-2 use on a majority of the parcel, and as the owner and seller, Mr. Whitman, plaintiff in that law suit should this rezoning be granted, a contract to presumably sell all the remaining portions of the acquisition. If that is the case, the township may then want to discuss with the new property owner the options to perhaps remove the judgment order and rely only on the township zoning. Kincaid added the remaining C-3 zoned parcels meet the requirements and could stand alone as each one parcel.

***Motion by Bialecki, supported by Zdybek, recommend to approve the rezoning of land area comprised of approximately 17.15 acres, the majority of which has an underlying zoning classification of R-2A, Single Family Residential, a small portion of which located at the northeast corner of the land area is zoned C-3, General Commercial, a small portion of which located at the southwest corner of the land is zoned PBO, Professional and Business Office, a small portion of which located at the southeast corner of the land is zoned C-3, General Commercial. Notwithstanding the underlying R-2A, Single Family Residential Zoning Classification, segments of the land area have been approved for the following enumerated uses by judgment of the Monroe County Circuit Court in Case NO. 09-27523-CH;(1) PBO, Professional Business Office; (2) RM-2, Multi-Family Residential; (3) RME, Elderly Housing Residential; (4) C-2, Shopping Center Business, of which portions of the aforementioned property have been previously rezoned to RM-2, Multi-Family Residential and if the requested rezoning , is granted, would rezone approximately 2.15 acres located in the southeastern portion of the parcel to C-1, Local Business, with the remaining approximate 15 acres of identified areas of the parcel being rezoned to RM-2, Multi-Family Residential on a portion of Parcel Number 5802-027-059-41, vacant property located on the northwest corner of Sterns Road and Lewis Avenue as it is consistent with the goals, policies and future land use of the Township Master Plan, has a compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses, is consistent with the trends in land development, has the ability for the site to be developed with one of the uses permitted under the proposed zoning with the compatibility of the sites environmental conditions, the capacity of Township infrastructure and services to accommodate the uses permitted without compromising public health, safety or welfare. As part of the record, figure 1 from the MSG letter dated 9/14/2016, shall be attached to provide a clear visual display of the subject property's existing and proposed zoning request.***

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

Kincaid advised the rezoning will go before the Monroe County Planning Commission on October 12, 2016, and will then go to the Township Board for a decision.

***PUBLIC COMMENT –None***

***INFORMATION – None***

***COMMISSION / STAFF COMMENT –Kincaid advised at this time there is nothing scheduled for the next regular meeting.***

***ADJOURNMENT –***

**The meeting was duly adjourned at 8:34 p.m.**

*Respectfully submitted,*

*Jodie L. Rector, Recording Secretary*