

MINUTES
BEDFORD TOWNSHIP PLANNING COMMISSION
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
SEPTEMBER 26, 2018

PRESENT:

MATTHEW ANGERER, CHAIR
DENNIS JENKINS, VICE-CHAIR
LAMAR FREDERICK, TOWNSHIP BOARD LIAISON
TOM ZDYBEK
RON FRITZ
DAN STEFFEN, SECRETARY

EXCUSED:

JOE GARVERICK

ABSENT:

NONE

ALSO PRESENT:

MARTY KAMPRATH, LENNARD, GRAHAM & GOLDSMITH, LEGAL COUNSEL
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. Steffen called the roll. Quorum present.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES OF SEPTEMBER 12, 2018

Motion by Frederick, supported by Steffen, to approve the minutes of September 12, 2018. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

- A) OPEN THE PUBLIC HEARING REGARDING THE REQUEST OF OAK CREEK HOLDINGS, LLC, FOR APPROVAL FOR A PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN FOR A 145-UNIT CONDOMINIUM PROJECT ON PARCEL NUMBERS 5802-022-065-13, 5802-022-053-00 & 5802-022-052-00, LOCATED ON JACKMAN ROAD BETWEEN DEAN AND TEMPERANCE ROADS**

Motion by Frederick, supported by Zdybek, to open the public hearing at 7:04 p.m. Motion Carried.

Rector reviewed the analysis stating two of the subject parcels are currently R-3, Single Family Residential, zoned, where the larger parcel (approximately 45.26 acres) is located north of the

existing Brookwood Villas, and a parcel (approximately 3.48 acres) is located on Jackman Road and is further known as 8530 Jackman Road. A third parcel (approximately 2.50 acres), otherwise known as 8515 Jackman Road, is currently R-2A, Single Family Residential, zoned, and will be moving through the rezoning process to request a rezoning to R-3, Single Family Residential, at a later date. This property was not rezoned to R-3 at the same time as the previously two mentioned properties, as the property was purchased at a later date.

Rector advised the PUD consists of 145 detached units to be developed in four phases. Phase I consisting of 33 units, Phase II of 33 units, Phase III of 23 units, and Phase IV of 56 units. The project will have an entrance off Jackman Road and will connect to existing Brookwood Villas Subdivision to the south through Foxmoore Lane. Rector advised it should be noted construction traffic will be routed through an entrance off Jackman Road and posted "No Construction Traffic" off of Dean Road through existing Brookwood Villas and Village at Oak Creek subdivisions. While the Township can request up to a 100-foot setback for PUD developments, the developers are requesting, and it has been the practice in the past, that the setback be relaxed when a residential PUD is adjacent to a residential zoning district. The developer is proposing a 35' rear yard perimeter setback as is standard for a residential zoning district, and a 40' perimeter setback along the north side of the entrance off Jackman Road. Sidewalks are proposed in front of the exterior units within the project and extend to Jackman Road along the south side of North River Drive.

Rector referred to the properties surrounding the proposed project saying they are either R-2A, R-2B, or R-3 Single Family Residential zoning. The Master Plan designates this area as Suburban Residential, which includes R-1, R-2 and R-3 zoning districts.

Rector said municipal water and sanitary sewer service will be available to the site. The roads are private and will be designed and built to Monroe County Road Commission standards of 27 feet back to back curb and gutter. All storm drainage is private and will be designed and built to public standards.

Rector noted any preliminary approval shall be contingent upon addressing all issues of the MCDC (9/13/18), MCRC (8/14/18), Mannik & Smith Group (9/20/18) and the Fire Department 8/18/18) review letters. Prior to any Final PUD consideration, 1) all flood zone and MDEQ requirements must be addressed, 2) the applicant shall prepare a PUD agreement and all necessary condominium documents shall be submitted and approved by the Township Attorney, 3) the special assessment district for street lighting shall be entered into between the Township and the developer, and 4) a landscaping and buffering plan shall be submitted. It should also be noted that a condominium association shall be established.

Dave Schmitt-Oak Creek Holdings, LLC- 5135 Main Street-Sylvania, OH- Applicant- One of the partners in Oak Creek Holdings, LLC-Mr. Schmitt stated the intent was to develop a continuation of Brookwood, however due to the length of time and difficulty with the Plat process a condominium development was the better option. Mr. Schmitt stated working with the Monroe County Road Commission and Bedford Township, all construction traffic will have access off Jackman Road. Mr. Schmitt stated there will be four phases for the development.

Mike Miller- 8363 Twin Creek Circle-Mr. Miller is the representative for the Brookwood

Subdivision-Mr. Miller stated when he purchased his home he was advised of a development being north of their home. Mr. Miller voiced concern for the existing residents of Brookwood regarding drainage, storm sewers, traffic, the proposed 35' grassy area barrier between the developments, sizes of the proposed homes and the prices of the proposed homes being similar to what is existing. Mr. Miller advised the residents of Brookwood would like to see some type of barrier between the developments such as trees, berm or fencing. Mr. Miller stated the existing residents wanted their concerns to be on file before production of the new development on issues that could arise.

Mark Laberde-8560 Jackman-Mr. Laberde expressed concern as he just recently purchased his home in Nov/Dec of 2017 and was unaware of the development. Mr. Laberde voiced concern on the traffic and issues with the construction traffic access to be located in front of the schools and library. Mr. Laberde stated concern with drainage and dust control. Mr. Laberde was surprised to hear the developer purchased two homes to tear down to install a road and the township would allow that.

Dave Schmitt-Applicant-Mr. Schmitt explained there will be engineering details provided moving forward and drainage will be retained within the site. Mr. Schmitt stated there would be the same number of homes with the current R-3 zoning should the development be a PUD or a subdivision. Mr. Schmitt stated with this type of development and the market being retirees, it lends to less traffic without an increase of drivers and spreads out the time frame of traffic travels as the homeowners tend to leave at times when there is less bus traffic to the schools. Mr. Schmitt stated he had spoken with Mr. Laberde and advised of a 40' buffer setback to maintain and include extra screening behind the homes abutting his property.

Vicki Miller- 8363 Twin Creek Circle-Ms. Miller asked the applicant for an additional 5' setback from the 35' to 40' on the abutting homes to the proposed development as Mr. Schmitt had offered and agreed to that as an option to Mr. Laberde. Mr. Schmitt agreed to increase the tree line buffer, after such time of construction, to the homes abutting on Twin Creek Circle. Mr. Miller inquired on the wetlands. Mr. Schmitt advised he is working with MDEQ and maintaining them on site.

Kim Gatter- 1411 Sequoia- Ms. Gatter inquired on the wetland area to the west, just north of the gas line. Mr. Schmitt explained those will remain a wetland area. Angerer stated that is the understanding of the applicant.

Gene Stock-8322 Twin Creek Circle- Mr. Stock voiced concern regarding a permanent buffer such as a fence or a tree line and consideration as it is not shown on the plan.

Lisa Spotts-8560 Jackman-Ms. Spotts voiced concern on this type of development and hindering the school systems and the lack of support for the schools. Ms. Spotts voiced opinion on this type of development being wrong for our Township.

Motion by Jenkins, supported by Steffen, to close the public hearing at 7:28 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. Schmitt opted to move forward as scheduled.

Jenkins inquired on the only river within Bedford Township and keeping it open. Mr. Schmitt stated it would be kept open. Frederick commented on the North River Drain being relocated, as it is a private drain. Frederick asked was there a hydrology study. Mr. Schmitt explained not at this time, however we are still working with the MDEQ. Frederick voiced concern on the nearly 1000' construction drive and the possibility of dust complaints and the repair construction already done on Jackman. Frederick cautioned the applicant regarding the length of the construction traffic as it could cause concern. Frederick spoke on the relocation of the wetlands and proposed lost not being effect. Mr. Schmitt stated yes, the elevation will be raised up and there will be nothing located within a 100-year flood zone. Frederick asked on an easement with the gas line. Mr. Schmitt stated that was addressed when the property was purchased. Frederick inquired if there had been any determination on the area being within the Oak Openings Preserve. Jenkins stated he did not believe this area was within the officially recognized area of the Oak Openings Preserve, but it possibly could be because of the soils. Mr. Schmitt appreciated the information. Angerer and Steffen asked the applicant if he would consider additional buffer and increased setback on the residents' request. Mr. Schmitt stated a row of pine trees ever 12-15 feet or fencing would be an option. Steffen noted a time line on the phases. Mr. Schmitt stated depending on the market, but hopefully there would be a phase developed every year and a half. Frederick asked legal counsel to give an explanation on a PUD development. Mr. Kamprath advised of the differences and compliances with a subdivision and a PUD development.

MOTION BY JENKINS, SUPPORTED BY STEFFEN, TO RECOMMEND APPROVAL FOR THE REQUEST OF OAK CREEK HOLDINGS, LLC, FOR APPROVAL FOR A PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN FOR A 145-UNIT CONDOMINIUM PROJECT ON PARCEL NUMBERS 5802-022-065-13, 5802-022-053-00 & 5802-022-052-00, LOCATED ON JACKMAN ROAD BETWEEN DEAN AND TEMPERANCE ROADS, CONTINGENT UPON ADDRESSING ALL ISSUES OF THE MCDC (9/13/18), MCRC (8/14/18), MANNIK & SMITH GROUP (9/20/18) AND THE FIRE DEPARTMENT 8/18/18) REVIEW LETTERS. PRIOR TO ANY FINAL PUD CONSIDERATION, 1) ALL FLOOD ZONE AND MDEQ REQUIREMENTS MUST BE ADDRESSED, 2) THE APPLICANT SHALL PREPARE A PUD AGREEMENT AND ALL NECESSARY CONDOMINIUM DOCUMENTS SHALL BE SUBMITTED AND APPROVED BY THE TOWNSHIP ATTORNEY, 3) THE SPECIAL ASSESSMENT DISTRICT FOR STREET LIGHTING SHALL BE ENTERED INTO BETWEEN THE TOWNSHIP AND THE DEVELOPER, AND 4) A LANDSCAPING AND BUFFERING PLAN SHALL BE SUBMITTED, A CONDOMINIUM ASSOCIATION SHALL BE ESTABLISHED, AND RELAXING THE 100' PERIMETER SETBACK SUBJECT TO ANY MINOR CHANGES.

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

Excused: Garverick

Absent: None

Motion carried.

B) OPEN THE PUBLIC HEARING REGARDING THE PATRICIA BRADEN REQUEST FOR A REZONING OF A PORTION OF PARCEL NUMBER 5802-103-002-00, FROM R-3, SINGLE FAMILY RESIDENTIAL, TO C-3, GENERAL COMMERCIAL, LOCATED ON THE WEST SIDE OF LEWIS AVENUE, SOUTH OF SMITH ROAD (FORMERLY STATELINE NURSERY), OTHERWISE KNOWN AS 6225 LEWIS AVENUE, TEMPERANCE, MI. 48182

Motion by Jenkins, supported by Steffen, to open the public hearing at 7:48 p.m. Motion Carried.

Rector reviewed the analysis stating the existing split zoned subject parcel is approximately 25.90 acres with 876.09 feet of frontage on Lewis Avenue. The request is to rezone approximately +/- 2.17 acres of the 25.90 acres from R-3, Single Family Residential to C-3, General Commercial. The proposed portion to be rezoned will be split off and attached to an approximate +/- 1.83-acre portion currently zoned C-3, General Commercial with approximately 210' of frontage on Lewis Avenue. Rector said the existing surrounding zonings are to the East across Lewis Avenue, MHP, Manufactured Home Park (Inverness Manufactured Home Community), to the North, R-3, Single Family Residential (South County Water) and C-3, General Commercial (vacant), and to the West and South, R-3, Single Family Residential and the Ohio State Line. The applicant has indicated should the rezoning request be granted, the proposed +/- 2.17 acres requested to be rezoned is currently adjacent to a portion of the subject parcel that is currently C-3, General Commercial, zoned with frontage on Lewis Avenue. Should the request to rezone be granted the applicant will go through the land division approval process to create a separate parcel.

Rector advised 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 and the information is included in your packet.

Rector stated below are uses permitted, permitted with conditions and uses permitted with special approval per Ordinance 400.1301, C-3, General Business.

400.1301 - Principal uses permitted.

Sec. 1301. In a General Business 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. Any principal use permitted in Section 1201 [Section 400.1201] of the C-2 District, subject to the applicable regulations of this Article.
2. Bus passenger station.
3. Dance hall or catering hall when conducted within completely enclosed buildings.
4. Hotel or motel, subject to the following conditions:
 - a. Each unit shall contain not less than 250 square feet of floor area.
 - b. No guest shall establish permanent residence at a motel for more than 30 days within any calendar year.
5. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building and no outdoor kennels are constructed.

6. Bowling alley, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation, provided that all buildings are set back at least 100 feet from any abutting residential districts.
7. Tire, battery and accessory sales.
8. Billiard hall, billiard room, pool hall or pool room, or an establishment for the operation of coin-operated amusement devices, or other similar indoor recreation uses.
9. New car, truck or boat sales provided that:
 - a. The main use is carried out within an enclosed building with open-air display of new or used vehicles as an accessory use only.
 - b. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - c. Access to the outdoor sales area shall be at least 60 feet from the intersection of any two street rights-of-way.
 - d. The requirements of Section 1816 [Section 400.1816] shall apply if there is open-air display on the site.
 - e. No major repair or major refinishing shall be done on the lot.
 - f. A minimum parcel area of five acres shall be required.
10. Business in the character of a drive-in or open front store, subject to the following conditions:
 - a. A setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained.
 - b. Access points shall be located at least 60 feet from the intersection of any two street rights-of-way.
 - c. Development of the site shall be in accordance with Section 1916 [Section 400.1916].
 - d. A six foot high completely obscuring wall shall be provided when abutting or adjacent districts are zoned for R, PBO, C-1, C-2 or C-3 Districts. The height of the wall shall be measured from the surface of the ground. Said wall shall further meet the requirements of Article XVIII, General Provisions.
11. 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.
12. 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].

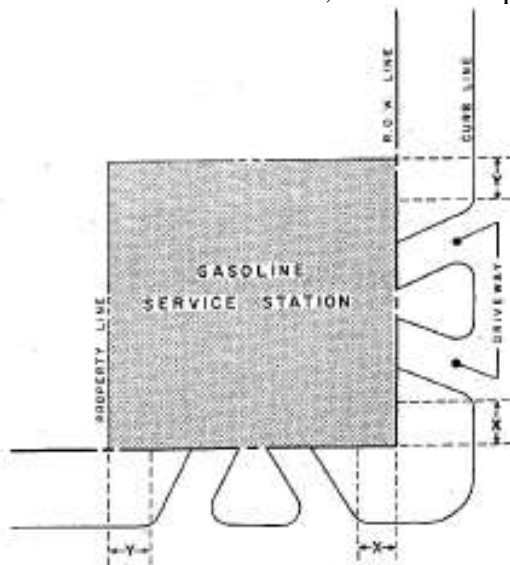
- f. Any facility boundary which abuts property which is residentially used or zoned shall be screened according to the provisions of Section 1911 [Section 400.1911], subsections c. and h. and any other applicable regulations.
 - g. Signs shall conform to the applicable requirements of Section 1922 [Section 400.1922].
13. Other uses similar to the above uses.
14. Accessory structures and uses customarily incident to the above permitted uses.

400.1302 - Principal uses permitted subject to special approval.

Sec. 1302. 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. Outdoor sales space for exclusive sale of new or used automobiles, house trailers, boats, or rental of trailers, boats or automobiles, all subject to the following:
 - a. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - b. Access to the outdoor sales area shall be at least 60 feet from the intersection of any two street rights-of-way.
 - c. No major repair or major refinishing shall be done on the lot.
 - d. A minimum parcel area of five acres shall be required.
 - e. Development of the site shall also be in accordance with Section 1916 [Section 400.1916].
- 2. Plant materials nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies subject to the following conditions:
 - a. The storage or display of any materials or products shall meet all setback requirements of a structure.
 - b. All loading and parking shall be provided off-street.
 - c. The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any affects on adjacent uses.
 - d. A minimum parcel area of five acres shall be required.

- e. Development of the site shall also be in accordance with Section 1916 [Section 400.1916].
- 3. Auto wash when completely enclosed in a building:
 - a. Steam cleaning or vacuuming may be permitted outside the building when the parcel does not abut a residential district on the same side of the street.
 - b. Development of the site shall be in accordance with Section 1916 [Section 400.1916].
- 4. Gasoline service station for the sale of gasoline, oil and minor accessories only, and where no repair work is done, other than incidental service, but not including steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glass work, and such other activities whose external effects could adversely extend beyond the property line.
 - a. Access to a gasoline service station shall be provided by driveways which are at least 24 feet wide. Said driveway shall not be located closer than 60 feet to the future right-of-way of any intersecting street or to another curb break or entrance drive on the same side of the street.
 - b. The minimum lot area shall be 22,000 square feet, and the minimum frontage on any street shall be 150 feet, both based upon proposed right-of-way of the Master Plan.



X = MINIMUM DISTANCE A DRIVEWAY OR CURB CUT, FOR ACCESS, CAN BE LOCATED FROM A STREET INTERSECTION.

Y = MINIMUM DISTANCE A DRIVEWAY OR CURB CUT, FOR ACCESS, CAN BE LOCATED FROM AN ADJOINING PROPERTY LINE.

LOCATIONS OF DRIVEWAYS FOR GASOLINE SERVICE STATION

- c. Gasoline stations shall not be permitted within 500 feet of any entrance or exit to property on which is located a public library, public or private school, playground, playfield, park, place of worship, or hospital.

- d. There shall be no storage of wrecked or disabled motor vehicles, automotive parts or tires on the premises, except within completely enclosed buildings. Outside above ground tanks for storage of gasoline or any inflammable liquids or gases is prohibited.
 - e. All work performed on any vehicle shall be entirely within a building.
 - f. Parking of trucks, trailers, and other vehicles offered for sale or rent is prohibited, except where such use is permitted by the zoning district regulations and subject to the procedural requirements relative thereto.
 - g. The operation of an automobile car wash shall not be permitted when the property is adjacent to a residential district.
5. Propane filling station, subject to the following:
 - a. Compliance with all applicable building, fire, State and local codes.
 - b. No more than one (1) bulk storage tank on the site, with a capacity not to exceed 2,000 gallons.
 - c. Parking of delivery trucks overnight and storage of any delivery trucks on-site is hereby prohibited.
 6. Auto engine and body repair; undercoating shops when completely enclosed.
 7. Miniwarehouse, subject to the following:
 - (a) A minimum parcel area of four acres shall be required, and a maximum parcel area of six acres shall be permitted.
 - (b) The site shall be completely enclosed by a chain link or similarly secure fence. Said fence shall be a minimum of seven feet in height and a maximum of eight feet in height. All parcel lines or lot lines of the parcel which abut any road right-of-way or which abut any Residential District shall be screened with a greenbelt no less than 15 feet in width and which complies with Article XIX, Section 1907 [Section 400.1907]. Any greenbelt required shall be in addition to the fence and shall be located on the outside of the fence.
 - (c) No miniwarehouse building shall be placed nearer than 100 feet from any road right-of-way or nearer than ten feet from the fence surrounding the site.
 - (d) An office building used in connection with the miniwarehouse shall be permitted on the site so long as it complies with the front yard setback requirements and all other requirements generally provided for in this District. The required parking may be permitted within the required front yard setback in accordance with the general regulations of this District. A resident manager may be allowed to reside on the site for security purposes.
 - (e) All ingress and egress to the site shall be designed so that no vehicles shall park or create a traffic hazard on the access road right-of-way, and said ingress and egress shall be paved and be accessible to emergency vehicles. All site plans shall be submitted and reviewed by local fire officials for the adequacy of fire protection and fire protection access.
 - (f) No storage of combustible or flammable liquids, explosive materials or toxic chemicals shall be permitted on the site, either within or without a miniwarehouse building.
 - (g) Outside storage shall be allowed on those sites upon parcels not abutting a Residential District, for fully registered and licensed boats, recreation vehicles and motor vehicles, but no mobile homes or truck trailers may be stored outside. The exterior stalls or outside individual storage area sites, which must not be included in

any computation of minimum required parking for the site, are limited in area to one-third of the total usable floor area of the non-office miniwarehouse buildings permitted and existing on the site. The exterior stalls or outside individual storage area sites must be located to the rear of the front building line of the miniwarehouse building closest to the front parcel line or lot line of the parcel, and may not be located in any ingress, egress or maneuvering lanes, and must be located so as not to interfere with fire protection access. The maximum height of any item stored outside may not exceed the maximum height permitted for a miniwarehouse building.

- (h) The door to each miniwarehouse individual storage unit, stall or locker, shall remain shut and no storage item shall be visible from outside the unit, stall or locker except when loading or unloading.
- (i) The sale or rental of items related to the miniwarehouse use, such as boxes, locks, dollies, ropes, covers and similar such items, and also the rental of trucks and trailers for the hauling of items to be stored on the site, may be permitted so long as the business is transacted, and all items except for the rental trucks and rental trailers are kept within a miniwarehouse office building. Adequate parking for the rental trucks and rental trailers must be provided, and the area for said parking, which must not be included in any computation of minimum required parking for the site, is limited to one-third of the total usable floor area of the non-office miniwarehouse buildings permitted and existing on the site. The parking of rental trucks and rental trailers may not be located in any ingress, egress or maneuvering lanes, and must be located so as not to interfere with fire protection access.
- (j) No other use other than the principal use of miniwarehouse storage, or those uses permitted in subparagraph (i) above, shall be permitted on the parcel, and there shall be no repairing or maintaining of any stored items, and there shall be no other activity, hobby or purpose allowed on the parcel.
- (k) The site shall be graded and drained, so as to dispose of all surface water accumulated on the site in such a way as to preclude drainage of water onto adjacent property, road rights-of-way, or towards buildings. All areas required for ingress, egress or for passing or maneuvering shall be provided with asphaltic or concrete surfacing in accordance with the specifications approved by the Planning Commission. There shall be asphaltic or concrete surfacing of 30 feet between miniwarehouse buildings and at least 20 feet of asphaltic or concrete surfacing in front of all miniwarehouse buildings which do not face another miniwarehouse building. There shall also be asphaltic or concrete surfacing of all parking areas, parking areas for the rental trucks and rental trailers, and areas for outside storage.
- (l) Access to the miniwarehouse site shall be restricted to tenants only by means of a controlled entrance device, which may include, but is not necessarily limited to a gate with a padlock, electric opening device, or some other means of limiting access to the site.
- (m) No building erected on the site shall exceed 35 feet in height when the parcel abuts a Residential District. Other than when the parcel abuts a Residential District, the building height shall comply with the appropriate District regulations of Article XVIII.
- (n) There shall be no signs on any of the miniwarehouse buildings. Unit identification is permitted on the door of individual units but shall not be larger than seven inches in height. The sign identifying the facility shall not exceed ten feet in height nor be

- more than 80 square feet in area. The sign shall be located in the front yard setback of the parcel.
- (o) All lights shall be shielded so as to direct light onto the buildings on the site and away from the adjacent properties.
 - (p) No door openings for any miniwarehouse unit shall be constructed facing any Residential District.
 - (q) The exterior facade of any miniwarehouse building shall be constructed of non-combustible materials.
8. Commercial kennel, subject to the following conditions:
- a. A commercial kennel must be licensed by, and comply with all requirements and directives of the Animal Control Division of the Monroe County Board of Health.
 - b. There shall be no excessive noise, or obnoxious odors, flies, or other nuisances caused by the keeping of any animals.
 - c. All dogs, cats, or other household pets, must be kept confined within a building, pen, run, kennel, fenced area, exercise area, or other structure or permanent area at all times.
9. Fireworks—The retail sale, and related handling and display for sale of fireworks (not manufacturing, or wholesale warehousing or distributing), subject to the following conditions:
- a. Such requirements imposed by the Planning Commission to establish a safe environment for the retail sale, and related handling and display of fireworks.
 - b. For purposes of this subsection 9, "Fireworks" are defined by Michigan law (i.e., MCL § 750.243a, as amended) and which are legal to offer for sale, display for sale, sell at retail, keep with intent to sell, possess, give, furnish, transport, use, or explode without obtaining a municipal permit as provided in Michigan Compiled Laws Section 750.243a(3), as amended.
 - c. No fireworks shall be stored, handled, displayed for sale, nor sold from tents, portable buildings, canopies, temporary firework stands, sheds, PODS (Portable on Demand Storage), conex containers, campers, trailers, lean-to's, accessory buildings, trailers or motor vehicles.
 - d. The retail sale, and related handling and display for sale of fireworks shall be in an enclosed permanent building which shall comply with Section 1303 [400.1303], "Site Development Standards" for C-3 General Business Districts.
 - e. All structures used for the retail sale, and related handling of and display for sale of fireworks shall comply with the requirements relevant to such use of the most current Building Code, Plumbing Code, Mechanical Code, Electrical Code, Maintenance Code, and Fire Code, adopted by or with jurisdiction over Bedford Township, and all other applicable Federal, State and local laws, statutes, rules, regulations and codes.
 - f. Campfires, outdoor fires, or the burning of boxes, paper, plastic products, waste materials or any other debris or materials, shall not be permitted on the premises at any time.
 - g. No retail sale, or related handling or display for sale of fireworks shall be permitted within 300 feet of the property lines of a private or public school, place of worship, park, residential dwelling, places of public assemblage (i.e. reception halls), or gas stations or fuel facilities which handle, process, store, sell or ship flammable liquids or combustibles, or within any setback established and in effect pursuant to any federal, state or local law, statute, rule, regulation or code, whichever is greater.

- h. The retail sale and related handling and display for sale of fireworks may only be conducted on a premises with a freestanding, self-contained, stand-alone suitable building owned and/or operated as one primary use on one legal parcel, and not as one of several commercial activities, stores or vendors operating within a commercial multi-unit property or [on] the same parcel or uses.
- i. All Building and Fire Code inspections shall be completed and passed, and a valid Bedford Township Certificate of Occupancy (C of O) must be issued in advance of the proposed structure being used for the retail sale, or related handling or display for sale of fireworks.
- j. Enforcement and penalties. To the extent they differ and are contrary to the standard provisions set forth in Article XXIX [Section 400.2900] of this Zoning Ordinance, enforcement, penalties, and other remedies for violation of the provisions of section 9 of this Ordinance [Section] shall be as follows:

Each owner, tenant, operator and occupant of any building, structure, land or premises where any condition in violation of this subsection 9, shall exist, and any person, firm, corporation, partnership, or other organization or entity, or anyone acting on behalf of said person, firm, corporation, partnership, or other organization or entity, who violates any of the provisions of subsection 8 of this Ordinance [Section], shall be responsible for a "minimum" of a municipal civil infraction as defined by Michigan law, and subject to a civil fine(s) determined in accordance with the following schedule:

- 1st violation within a 1-year period \$500.00
- 2nd violation within a 1-year period \$1,000.00
- 3rd violation within a 1-year period \$1,500.00
- 4th or subsequent violation within a 1-year period \$2,000.00

After a 4th violation within 1 year, the Township official(s) with the authority to enforce this subsection may charge the matter as a criminal sanction wherein the violator shall be guilty of a misdemeanor, punishable by a fine not to exceed \$500.00, or imprisonment in the Monroe County Jail, for a period not to exceed 90 days, or both such fine and imprisonment in the discretion of the court. Each day a violation of this Ordinance continues, shall be deemed a separate offense. A violator of this Ordinance shall also be subject to such additional or alternate sanctions, remedies, and judicial orders as are available and authorized under Article XXIX [Section 400.2900] of this Ordinance and Michigan law.

- 10. Adult entertainment businesses—It is recognized that there are some uses of property which, because of their very nature, are known to have seriously objectionable operational characteristics, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that such adverse effects will not cause or contribute to the blighting or downgrading of the surrounding areas. These regulations are for the purpose of locating such uses in areas where the adverse impact of their operation may be minimized by separation of such uses from one another and from other specified uses. Any adult entertainment businesses, which are regulated uses as defined below, shall be subject to a finding that such uses will have no generally or specifically deleterious effect on adjoining districts, properties, or the Township at large, and shall also be subject to the standards hereinafter established for each proposed regulated use:
 - a. Definitions (for this Section 1302.9 [Section 400.1302.9]):

- (i) *Adult entertainment business.* Adult bookstores, adult cabarets, adult novelty businesses, adult motion picture theaters, adult personal service businesses, and restricted adult businesses.
 - (ii) *Specific anatomical areas.* Less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the line of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 - (iii) *Specific sexual activities.* Activities which include, but are not limited to: human genitals in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of genitals, pubic regions, buttocks, or female breasts.
 - (iv) *Massage parlor.* Any establishment where private massage is practiced, used, or made available as a principal use of the premises.
 - (v) *Modeling studio.* Any establishment which offers as its principal activity the providing of models for other persons to paint, draw, or photograph.
 - (vi) *Tattoo parlor.* Any establishment which offers the application or placing, by any method, designs, letters, scrolls, figures, symbols, or any other marks upon or under the human skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.
 - (vii) *Establishment.* A business or enterprise which utilizes any building, structure, premises, parcel, place or area.
- b. Adult entertainment business regulated uses shall be one or a combination of more than one of the following:
- (i) *Adult bookstore.* An establishment having a substantial or significant portion of its stock in trade devoted to the sale or rental of books, magazines, newspapers, video tapes, video discs, motion picture films, or any other media, whether printed or electronic, which are characterized by their emphasis on portrayals of Specific Sexual Activities or Specific Anatomical Areas, or an establishment with a segment or section devoted to the display of such materials.
 - (ii) *Adult cabaret.* An establishment which features one or more dancers, strippers, male or female impersonators or similar entertainers, performers, wait staff or other persons who reveal or show Specific Anatomical Areas of their bodies or who engage in, perform, or simulate Specific Sexual Activities.
 - (iii) *Adult novelty business.* An establishment which offers for sale devices which simulate human genitals or devices designed for sexual stimulation.
 - (iv) *Adult motion picture theater.* An establishment used for presenting to others motion picture films, video cassettes, cable television, or other visual media, distinguished or characterized by an emphasis on Specific Sexual Activities or Specific Anatomical Areas for observation by patrons therein.
 - (v) *Adult personal service business.* An establishing having a person or persons, while nude or while displaying Specific Anatomical Areas, providing personal services for another person or persons, which include, but is not limited to, the following activities and services, if the person or persons providing the personal service are nude or display Specific Anatomical Areas: massage parlors, exotic rubs, modeling studios, tattoo parlors, body painting studios, wrestling studios, and theatrical performances.

- (vi) *Restricted adult business.* Any of the above defined uses, which are not customarily open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
 - c. Location. An Adult Entertainment Business regulated by this Ordinance may be located in the Township only in conformance with the following restrictions:
 - (i) No regulated Adult Entertainment Business shall be permitted within 1,200 feet of any state licensed child care facility, place of worship or other religious facility, day nursery, preschool, primary school, secondary school, college, university, public library, public building, public park, public playground, or any residentially zoned district or residential use.
 - (ii) No Adult Entertainment Business shall be permitted within 1,000 feet of the property line of any other Adult Entertainment Business.
 - (iii) The distances provided for in this subsection c. entitled "Location", shall be measured by projecting a straight line without regard for intervening buildings or structures between the nearest points of the property lines of the protected use and the proposed regulated Adult Entertainment Business, or between the nearest point of the zoning district boundary from which the regulated Adult Entertainment Business is to be separated to the nearest point of the property line of the proposed regulated Adult Entertainment Business.
 - d. Use regulations:
 - (i) No person shall reside in or permit any person to reside in the premises of an Adult Entertainment Business.
 - (ii) No lessee or sub-lessee of any property shall convert that property from any other use to an Adult Entertainment Business without the express written permission of the owner of the property for such use.
- 11. Certain commercial outdoor recreation activities, such as volleyball, basketball, shuffleboard, bocce, skateboard park, batting cages, and miniature golf, subject to the following standards and conditions:
 - a. The allowed usage will include volleyball, basketball, baseball and softball, soccer, bag toss/corn hole, shuffleboard, bocce, skateboard park, batting cages, ice skating, and miniature golf. Any other commercial outdoor recreation activity must be specifically approved by the Planning Commission pursuant to special approval. No fire arm range, firearm discharge, target practice, archery range, or any other dangerous activity shall be allowed.
 - b. The minimum acreage upon which such commercial outdoor recreation activity shall be allowed is on a five (5) acre parcel. If additional commercial uses are located on the five (5) acre parcel, then there shall be at least two (2) acres minimum available for the commercial outdoor recreation activities.
 - c. The setbacks from any commercial outdoor recreation activity may be established by the Planning Commission as part of the special approval as deemed appropriate for the type of activity approved. If not set by the Planning Commission, the setback for any outdoor recreation activity shall be at least fifty (50) feet from any parcel lot line adjacent to a residential zoning district and thirty-five (35) feet from any parcel lot line adjacent to a non-residential zoning district. Any variation of setbacks approved by the Planning Commission as part of the special approval which are less than stated in the preceding sentence, shall only be allowed after identification by the applicant and finding by the Planning Commission of unique circumstances and characteristics

- of the property and/or business which are present to warrant such lesser setbacks, along with the providing of enhanced screening to buffer such lesser setbacks.
- d. The parcel upon which the commercial outdoor recreation activities exist shall contain no less than a three hundred (300) foot parcel width at the front yard setback line.
 - e. The hours of operation of the commercial outdoor recreation activity may be established by the Planning Commission as part of the special approval. If not set by the Planning Commission, the hours of operation shall exist between the hours of 10:00 a.m. and 12:00 a.m. (midnight). The Planning Commission may designate that only courts, playing areas, fields, skateboard parks, cages, rinks and courses further from residential zoning districts be used after 10:00 p.m.
 - f. Minimum parking spaces shall be consistent with Section 1904 and specifically under Paragraph c(14), except that instead of one hundred fifty (150) square feet of usable floor area, it will be one hundred fifty (150) square feet of area devoted to the actual commercial outdoor recreation activity, such as the actual volleyball or basketball courts, baseball, softball or soccer fields, bag toss/corn hole courts, shuffleboard playing area, bocce fields, skateboard park, batting cages, ice skating rinks, and miniature golf courses. There shall be no parking allowed on roads, drives, grass, or landscaped areas, or any other area not designated on the site plan for parking.
 - g. Section 1907 and Section 1911 relating to landscaping and screening, and obscuring walls, shall apply, but the Planning Commission may increase or reduce landscaping and screening, and obscuring walls, based on the particular site involved, as well as based on the commercial outdoor recreation activities that are involved.
 - h. Exterior lighting shall comply with Section 1908.
 - i. Section 1913 relating to site plan review shall apply, however, if no new habitable buildings are erected, subsection 6, entitled "formal site plan not required", shall apply.
 - j. There shall be a six (6) foot fence required around the entire parcel (except facing the front lot line on the road providing ingress and egress to the parcel), or alternatively, around the area devoted to all of the commercial outdoor recreation activities, or alternatively, around each court or court areas, or field or fields, or playing area or areas, or skateboard park or parks, or cage or cages, rink or rinks, or course or courses, but the Planning Commission may specify particular fencing requirements for different portions of the area or areas devoted to different types of commercial outdoor recreation activities, or based on the particular site involved or the commercial outdoor recreation activities involved.
 - k. Food and drink may be sold in conformance with the laws, rules, and regulations of the Michigan Liquor Control Commission, Monroe County and Michigan Health Departments, and any other municipal, county, state, or federal entity having jurisdiction.
 - l. Bathroom and serving areas may be provided, subject to "k" above, and subject to approval of the site plan by the Planning Commission.
 - m. The road providing access to the parcel containing the outdoor recreation activities shall be a public and paved road.
12. Accessory Structures and uses customarily incident to the above permitted uses.

(Ord. No. 44A-19, 1-22-80; Ord. No. 44A-55, 8-19-86; Ord. No. 44A-107, 7-2-91; Ord. No. 44A-122, 3-1-94; Ord. No. 44A-124, 3-22-94; Ord. No. 44A-270, § 1, 4-21-09; Ord. No. 44A-274, § 1, 9-21-10; Ord. No. 44A-284, § 7, 5-14-13; Ord. No. 44A-308, §§ 2.A., 2.B., 8-16-16)
400.1303 - Site development standards for C-3 General Business Districts.

Sec. 1303. The following development standards shall apply to all buildings, structures and uses of land in C-3 General Business 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.*

1. Building facades shall incorporate recesses and projections, or architectural or landscaping features which visually reduce the mass of the building facade as shown by example in the Bedford Township Site and Architectural Design Manual.
2. Architectural interest shall be provided by referencing the Bedford Township Site and Architectural Design Manual.
3. Wherever possible, variations in roof lines are encouraged to reduce the massive scale of the structure and to add visual interest. Roofs shall have features which conceal flat roofs and roof-top equipment.
4. Each principal building with an anchor tenant, shall have a clearly defined, customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
5. Wherever possible, primary entrances and the facade shall be designed to provide three-dimensionality to the building structure consistent with the Bedford Township Site and Architectural Design Manual.
6. 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.
7. The Bedford Township Site and Architectural Design Manual will be used as the primary guideline to determine the architectural style, color and color scheme that embraces the character of the Township's visual environment.

B. *Exterior colors and materials.*

1. Facade colors shall be consistent with the recommendations and suggestions in the Bedford Township Site and Architectural Design Manual.

C. *Miscellaneous design elements.*

1. Loading docks, trash collection, outdoor storage including seasonal storage, and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are minimized. There shall be no utility hook-up permitted for recreational vehicles.
2. These provisions shall be construed to be in addition to the loading and unloading regulation requirements of Section 1906 [400.1906], and those other regulations of this Ordinance, which, along with that required as part of the site plan review, shall also be complied with.

D. *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.
- E. *Site amenities.* The proposed general business development project may include sidewalk and/or bike path connections to existing and future developments subject to unique topographic or site features, current sidewalk ordinance requirements, and Michigan Barrier Free requirements.
- F. *Signage.* Any site signage, including entrance monuments and wall signage, shall meet the sign regulation requirements of Section 1922 [400.1922] of this Ordinance.

400.1304 - Area and bulk requirements.

Sec. 1304. See Article XVIII, Schedule of Regulations limiting the height and bulk of buildings the minimum size of lot by permitted land use and providing minimum yard setback requirements.

Rector said 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, and/or are conditioned.

Rector advised the Master Plan designates this site as Mixed-Use.

Patricia Braden- 6225 Lewis Avenue-applicant—Ms. Braden was available to answer any questions.

Mark Pasyk- 3647 Wimbledon Court- Spoke in favor of the request as the prospective buyer.

Motion by Steffen, supported by Zdybek, to close the public hearing at 7:51 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. Ms. Braden opted to move forward as scheduled.

Angerer voiced support for the request. Frederick inquired on an approval with a condition of a land division. Frederick expressed concern on the property, as there is still remaining a split zoned parcel, and the issues that may arise from it in the future with potential land divisions. Mr. Kamprath advised the Commission could not add a condition to the rezoning, however it can be required to include a tentative land division approval with all the legal descriptions required before being presented to the Township Board, where a decision will be made on the request.

MOTION BY FREDERICK, SUPPORTED BY STEFFEN, TO RECOMMEND APPROVAL REGARDING THE PATRICIA BRADEN REQUEST FOR A REZONING OF A PORTION OF PARCEL NUMBER 5802-103-002-00, FROM R-3, SINGLE FAMILY RESIDENTIAL, TO C-3, GENERAL COMMERCIAL, LOCATED ON THE WEST SIDE OF LEWIS AVENUE, SOUTH OF SMITH ROAD (FORMERLY STATELINE NURSERY), OTHERWISE KNOWN AS 6225 LEWIS AVENUE, TEMPERANCE, MI. 48182 CONTINGENT UPON A PRELIMINARY APPROVAL FOR A LAND DIVISION WITH A LEGAL DESCRIPTION OF THE PORTION TO BE REZONED TO BE PRESENTED WITH THE REQUEST TO THE BEDFORD TOWNSHIP BOARD FOR A DECISION.

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

Voting Nay: None.

Excused: Garverick

Absent: None

Motion carried.

PUBLIC COMMENT –

None.

INFORMATION – Rector stated at this time there are no items scheduled for the October 10th meeting, however there is a public hearing scheduled for October 24th.

COMMISSION / STAFF COMMENT –

None

ADJOURNMENT –

The meeting was duly adjourned at 8:00 p.m.

Respectfully submitted,

Jodie L. Rector, Recording Secretary