

MINUTES
BEDFORD TOWNSHIP PLANNING COMMISSION
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
OCTOBER 24, 2018

PRESENT:

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

EXCUSED:

NONE

ABSENT:

NONE

ALSO PRESENT:

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

Angerer called the Bedford Township Planning Commission meeting to order at 7:01 p.m. The Pledge of Allegiance was said. Steffen called the roll. Quorum present.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES OF SEPTEMBER 26, 2018

Motion by Frederick, supported by Jenkins, to approve the minutes of September 26, 2018. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

- A) REQUEST FOR A RECOMMENDATION TO THE BOARD OF ZONING APPEALS ON A SITE LAYOUT AND TEMPORARY USE FOR A TWO-DAY BLIZZARD FESTIVAL IN AN R-3, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, ON LAND DESCRIBED AS 5802-014-048-00, OTHERWISE KNOWN AS 9144 LEWIS AVENUE, TEMPERANCE, MI 48182

Kincaid reviewed the analysis stating the request is from St. Paul's Evangelical Lutheran Church on behalf of Community Foundation of Monroe County with Tasha L Harris serving as spokesperson for the Bedford Blizzard Fest Committee event. The request for consideration is to hold a two-day event to be held on the church property on Friday & Saturday, December 14th and 15th, 2018 with the festival hours being from 5:00 p.m. till 9:00 p.m.

Kincaid advised the Planning Commission will not make a decision on this request, as the request for the temporary use permit is required to go before the Board of Zoning Appeals. A public hearing will be held at the BZA meeting and all property owners within 300' of the perimeter of the subject property will be notified of the public hearing and the proposed use. Section 400.2204, of the Bedford Township Zoning

Ordinance, states the Board of Zoning Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action. Therefore, action on this request will be in the form of a recommendation to the BZA. It should be noted, this item has been scheduled for consideration at the November 5, 2018 BZA meeting.

Kincaid stated as indicated in the submitted letter from the Blizzard Fest Committee, there will be NO onsite parking due to the entire use of the parking lot for the event. The applicant has noted Lewis Avenue will be closed to the area with a sheriff or volunteers stationed for the blocked area to ensure safe crossing for pedestrians. There are two means of ingress/egress to the site, however it is stated the north entrance will be blocked off except for pedestrian traffic and the south entrance will be open for emergency access only, with a sheriff or a volunteer on standby directing traffic.

Kincaid said the Fire Department has been provided and is reviewing the submitted plot plan to ensure it meets all Fire Codes, adding the applicant and Planning Department have spoken with the Fire Inspector and he will want to schedule a site visit the day of the event. Kincaid said the Planning Department was notified the request to close a portion of Lewis Avenue is no longer moving forward, which must be verified by the applicant.

Kincaid added it is indicated there will be Christmas music resonating throughout the festival and the Special Occasion Permit has been submitted and approved by the Township Supervisor.

Kincaid referred to the submitted plot plan and stated it identifies the area provided for an ice-skating rink, Santa tent with pictures, vendor location having no more than five vendors, a live nativity scene (provided by Indian Creek Zoo) and two or three fire pit locations. The site plan states there will be horse drawn carriage rides provided by Dukes Farm. Also, it is stated the church will be open as upstairs will be the Church Choir and Christmas movies playing and downstairs Christmas crafts for children will be provided.

The applicant has supplied a flyer and post cards that are being utilized for advertising for the festival and is encouraging a "Battle of the Lights" contest throughout the Township.

Therefore, the following should be verified:

- Location of Music and Amplified Sound (Special Occasion Permit approved 10/17/18)
- If any designated location is being provided for parking
- Fire Department Special Events application approval to ensure meets all Fire Codes
- Monroe County Road Commission (closure of Lewis Avenue)

Tasha Harris- 3405 Consear Road & Jewel Patton-Representatives of the Blizzard Fest-Ms. Patton advised of the dates of the festival. Zdybek inquired on transportation. Ms. Patton advised the church on Temperance Road, across from Temperance Road School. Ms. Patton also advised parking is available at the Monroe Bank & Trust Building and on street parking. Frederick inquired on not utilizing the Bedford Foundation. Ms. Patton stated she was unaware and has worked with Monroe County Community Foundation on several other events. Steffen inquired on the discussions with the Sheriff's Department. Ms. Patton stated the Sheriff Department has been notified of the dates and should there be a need for further assistance they would be willing to provide Deputies.

MOTION BY JENKINS, SUPPORTED BY STEFFEN, TO RECOMMEND APPROVAL TO THE BOARD OF ZONING APPEALS ON A SITE LAYOUT AND TEMPORARY USE FOR A TWO-DAY BLIZZARD FESTIVAL IN AN R-3, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, ON LAND DESCRIBED AS 5802-014-048-00, OTHERWISE KNOWN AS 9144 LEWIS AVENUE, TEMPERANCE, MI 48182 CONDITIONED UPON VERIFYING THE LOCATION OF AMPLIFIED

MUSIC, PARKING LOCATIONS IDENTIFIED, BEDFORD TOWNSHIP FIRE DEPARTMENT APPROVAL AND AS NOTED BY THE APPLICANT THERE WILL BE NO CLOSURE ON LEWIS AVENUE.

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

B) OPEN THE PUBLIC OPEN HEARING REGARDING THE EDWARD RENDLE REQUEST FOR A REZONING OF A PORTION OF PARCEL NUMBER 5802-032-055-60, FROM R-2A, SINGLE FAMILY RESIDENTIAL, TO C-3, GENERAL COMMERCIAL, LOCATED EAST OF SECOR ROAD, OTHERWISE KNOWN AS 3199 W. STERNS ROAD, LAMBERTVILLE, MI 48144

Angerer spoke and advised all on the rules and regulations of a Public Hearing.

Motion by Jenkins, supported by Steffen, to open the public hearing at 7:18p.m. Motion Carried.

Kincaid reviewed the analysis saying the existing parcel consists of approximately 23.08 +/- acres with 1171.63 feet of frontage on Sterns Road and 66 +/- feet of frontage on Secor Road. The subject site is currently split-zoned with approximately 4.1 +/- acres of the 23.08 +/- acre parcel being C-3, General Business zoned. The site is served by municipal water and sanitary sewer, and the surrounding zonings are:

NORTH: C-2, Shopping Center Business
R-2A, One-Family Residential

WEST: C-3, General Business

SOUTH: C-1, Local Business
PUD, Planned Unit Development (Creekside Crossing Condominiums)
R-2A, One-Family Residential (does not abut proposed rezoning area)

EAST: R-2A, One-Family Residential (does not abut proposed rezoning area)

Kincaid stated the Master Plan adopted on October 28, 2015 designates this area as Mixed-Use and further describes the intent to promote mixed uses and flexible redevelopment in areas outside of the Village Centers, having a mix of residential, office and lower intensity commercial uses.

Kincaid said the Zoning Ordinance, including the Zoning Map, adopted on May 5, 1977 identified the subject parcel as split-zoned at that time. Over the years, portions of the subject parcel were split from the parent parcel to create separate parcels along Secor Road, with the last division taking place to construct the car wash in 2001, leaving the parcel with a total of 66 feet of frontage on Secor Road. On October 9, 2018, the applicant went before the Board of Zoning Appeals and was granted a 34-foot frontage variance to allow the existing 66 feet of frontage on Secor Road, where 100 feet of frontage is required, to serve as frontage to create a separate parcel. The Board of Zoning Appeals made the variance subject to a granted rezoning of the property.

Kincaid advised this request is to rezone approximately 6.41 +/- acres from R-2A, One-Family Residential, to C-3, General Business, which is proposed to be combined with the existing 4.1 +/- C-3 zoned acres to increase the acreage of C-3 zoned property from 4.1 +/- acres to 10.51 +/- acres. The balance of the parcel will remain R-2A, One-Family Residential zoned and is not being considered for any zoning amendment

with this request. The site contains an existing home and accessory structures, and when consulting with James S Jacobs Architects, it was indicated all structures will be located within the proposed commercial area. Kincaid noted should the property be rezoned to commercial, all structures within the commercially zoned portion of the parcel would be required to be utilized for commercial purposes, or demoed. As well, no existing structures may be located within the remaining residentially zoned area of the parcel, as per Section 400.1903, "Accessory Buildings", no accessory structures within any zoning district may be placed on a vacant lot or parcel. It should be noted that with any proposed land division, all structures must meet the setback requirements in accordance with Section 400.1800, Schedule of Regulations. Kincaid said the above-mentioned will only become relevant in the event of a rezoning and the required land division to eliminate the split-zoning.

Kincaid advised the Planning Department requested a review of the rezoning request. Lucie Fortin from The Mannik & Smith Group and Planner for Bedford Township, prepared an overall review of the subject area and issued a recommendation that the Planning Commission make a recommendation to the Township Board to approved the rezoning request.

Kincaid noted that all uses within the C-2 and C-1 zoning districts are also permitted within the C-3 zoning district if the conditions and/or stipulations of ordinance requirements can be obtained.

Jim Jacobs- Jacob's Architect- Representative for the applicant—Mr. Jacobs supplied the Commission and had a visual for the audience of a vision of the proposed uses for the site. Mr. Jacobs stated it must be understood this proposal is not for consideration, as this is the developer's vision and wanted to provide a visual for the concerned residents. Mr. Jacobs said the request for tonight's meeting is for the proposed +/- 6.41 acres to be rezoned from single family residential to C-3, General Commercial. Mr. Jacobs referred to the Master Plan adopted by the Township designating this area as mixed use, encouraging commercial with a mix of residential. Mr. Jacobs stated he and the developer believe this request is exactly the concept intended by the Master Plan. Mr. Jacobs advised the proposed request would extend the commercial district +/- 605' east on Sterns Road and then create three commercial buildable parcels. Mr. Jacobs advised this request will bring the entire parcel, which is split zoned, into compliance with each resulting parcel having one zoning district. Mr. Jacobs advised the Commission there has been several meetings with the staff and the Township Planner for the applicant to obtain pertinent information before presenting to the Commission. Mr. Jacobs, along with the applicant, believe this request meets the intent of the Master Plan and is supported by in the review letter from the Township Planner.

Cindy Fate-7257 Hidden Valley-Ms. Fate spoke on concerns of status of Sterns Road as it is an unimproved two-lane road with heavy traffic, effects of property values abutting commercial property and what requirements on buffering to a residential.

Shelley Laurell-7293 Hidden Valley- Ms. Laurell voiced concern on safety, traffic, increase in crime, uses permitted in a C-3 zoning district. Ms. Laurell spoke on the unknown of the type of use until submitted for site plan review. Ms. Laurell stated her opinion on the developer submitting a PUD and there would be more clarification on the intent, otherwise Ms. Laurell feels the developer will just be before the board again on a different type of zoning request.

Karin Sullivan-7341 Hidden Valley-Ms. Sullivan inquired if there had been any traffic study done for the area and if the proposed increase of commercial area could be supported. Ms. Sullivan has concern regarding the wetland area, what economic benefit this request will have for Bedford and concern on traffic as Secor/Sterns is the second highest accident intersection within the Township. Ms. Sullivan asked if there was a contract for local contractors involved with the development and any type of contract of what is being proposed and the result of what will be developed.

Brian Young-7136 Hidden Valley-Mr. Young spoke on traffic and if there has been any discussion on widening Sterns Road. Mr. Young wanted to know what benefits this will have for Bedford Township.

Judy Frankowski-1115 Ashland Drive-Ms. Frankowski spoke on concerns with value of the homes, safety, traffic and uses permitted within a C-3 district. Ms. Frankowski stated for the Commission to please recommend to deny this request.

Tim Oswald-6655 Greenbriar Lane-Mr. Oswald spoke on the concerns of traffic, drainage and safety. Mr. Oswald stated opposition due to there is no transitional zoning buffer to the residential. Mr. Oswald felt the proposed C-3 directly abutting residential would be a harsh development. Mr. Oswald also spoke on drainage.

Richard Shock- 7301 Hidden Valley-Mr. Shock stated he had only lived in the community for one year, however before purchasing his home, he did inquire on the surrounding zonings and he was assured it was residential, single family use. Mr. Shock voiced concern on what type of uses would be permitted as this request could result in a commercial mess. Mr. Shock stated there would be issues, such as setback requirements, dumpsters, traffic, commercial traffic (semi deliveries) and can the roads support these types of uses.

Aniese Seed -7357 Hidden Valley-Mr. Seed voiced concern on additional traffic and safety for school children.

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

Jenkins inquired from the applicant if both of the proposed uses on Sterns Road do not require C-3 zoning district, why request a C-3 zoning. Mr. Jacobs stated their understanding is that zoning anything different than the C-3 would constitute spot zoning, and there could be the potential with the C-1 or a C-2 uses, additional variances due to the requirements of the ordinance, such as setbacks. Mr. Jacobs said with the C-3 district, they could meet those zoning ordinance requirements and provide additional buffering. Jenkins spoke on the concern of traffic and when the last traffic study for this specific area had been done. Jenkins stated possibly the last study was done before the widening of the road, however has concern with the additional traffic that would be created in this area. Jenkins inquired why the proposal was not submitted as a Planned Unit Development (PUD). Mr. Jacobs said the original intent was to submit as a PUD, however, in moving forward with the design process there were several problems. Mr. Jacobs continued to say in conversations with the Township Planner, engineer and staff, the applicant had concluded that presenting the proposal as individual lots would accomplish a similar task to what the developer has envisioned. Mr. Jacobs advised this will be a similar result, just in a different fashion with a rezoning approach. Mr. Jacobs advised, either way, portions of the property would have to be rezoned. Jenkins advised should the proposal be submitted as a PUD, everyone would have a clearer idea of what to expect and what to judge the development on. Mr. Jacobs said they have engaged the service of a traffic consultant, however with all the required steps with the Township, they want to ensure approval before moving forward to avoid any unforeseen additional costs. Mr. Jacobs stated they expect there will be a required study, and they do expect there will be some sort of additional requirements, such as road improvements or additional street lights.

Frederick stated the proposal is only a vision and should the rezoning be approved the plan could conceivably change as long as the use complies with a C-3 zoning district. Frederick stated a portion of the proposed lots one and two have been zoned C-3 since 1977. Frederick said fundamentally should the applicant have proposed tonight to only increase the additional proposed C-3 to the area of lots one and two, however adding the additional proposed lot three with another 430' of C-3 frontage on Sterns Road is concerning. Frederick commended the applicant on withdrawing his application for the liquor license that was before the Township Board after reviewing the requirements to obtain the license. Frederick stated he was under the impression this was at one time going to be a PUD, where the Planning Commission and the Township Board would have some input as to what facilities would be presented, where the building would be located and there would be somewhat of a transition from the C-3 which exists to a less intense

commercial abutting multi-family then down step to single family homes. Frederick reiterated concern with the proposed additional 430' of C-3 zoning on Sterns Road where across the street to the north is approximately 7 or 8 residential homes.

Garverick asked for clarification on the applicant meeting with the Mannik and Smith Group, Township Staff and the Township Planner. Mr. Jacobs stated there have been conversations with all those listed entities including the MCRC and MCDC. Mr. Jacobs advised there had been several designs where each of the entities had discussion on moving forward with a proposed development. Garverick asked on development of a large box store. Mr. Jacobs advised the proposed parcels are only +/- 3 acres which would not supply enough area for a large box store. Zdybek spoke on the conceptual two accesses off Sterns Road. Zdybek asked if there was clarification from the MCRC on approving two curb cuts. Mr. Jacobs stated there have been discussions on the layout with the MCRC. Zdybek spoke on confirmation from the Road Commission to grant two access. Zdybek stated that is not what was presented at the BZA Meeting. Mr. Jacobs spoke on the BZA meeting, saying the request was not an overview of the entire proposal, as it was only for a frontage variance to proposed parcel one with access off Secor Road. Mr. Jacobs advised without official submitted plans, there would be no official approval from the Road Commission. Mr. Jacobs added they are aware of the Road Commission's concerns and feel the proposed layout will be compliant to something the Road Commission would review and approve with possibility of adjustments to a site plan.

Zdybek commended Fredrick and Jenkins on the suggestions of a PUD and the unknown with this request. Mr. Jacobs advised with the residential as it exists, there is the possibility to create 85 new homes that could seemingly increase additional traffic during peak hours. Frederick asked legal on the jurisdiction of the DDA being involved when moving forward. Mr. Kamprath stated the DDA (Downtown Development Authority) has no jurisdiction over the rezoning. Mr. Kamprath stated the DDA is set up to capture incremental taxes within the DDA district. Mr. Kamprath advised a portion is within the district, however there is a portion outside the DDA district. Frederick asked if a Phase 1 or Phase 2 report had yet been received from the MDEQ. Mr. Jacobs stated they have engaged in those services but have not yet received a report back. Frederick spoke on the vacant parcel as it exists today, however moving forward with the Master Plan there was going to be some sort of development. Frederick spoke on the Master Plan designation of Mixed Use and there being no defining definition, but clearly C-3 to C-2 to a C-1 is a mixed use but that is not what is being presented.

Steffen spoke on the increase of development within the Township and maintaining a balance with residential and commercial. Steffen understands the residential concerns but feels the Township responds to concerns and moves forward to get them right. Steffen agreed with the traffic and infrastructure concerns but has confidence in the Township to support the infrastructure in that area. Angerer inquired if the request before the Commission could be amended. Mr. Kamprath advised the Commission is deliberating on the application as presented. Mr. Kamprath stated should the Commission feel uncomfortable with the application as presented, a motion to recommend denial of the request could be made including reasons for the denial. Mr. Kamprath added maybe the developer will pull back and want to resubmit a different request, however that would have to be up to the developer. Angerer thanked Mr. Kamprath for clarification. Garverick asked if the rezoning request falls under the conditions of the Master Plan. Mr. Kamprath stated, yes it falls under the Mixed-Use portion of the Master Plan. Jenkins stated he has no issues with C-3 Zoning when it is in the right location, however Jenkins feels this is not the right location. Mr. Jacobs inquired is there a possibility to make a change to the request before the Commission tonight and forgo the 430' proposed C-3 frontage on Sterns Road shown as proposed Parcel 3, and move forward a later time on the remaining area. Mr. Jacobs asked if that request would be a modification of the request tonight. Mr. Kamprath asked for clarification if the applicant would want to remove the 430' of requested C-3 from the application. Mr. Jacobs stated correct. Mr. Kamprath spoke on the due process and notification to the public of the proposed request. Mr. Kamprath continued to say if the change was to add an additional area to the application the answer would be no, as that was not the

notification that was served to the public of what was being considered. Mr. Kamprath did state however if the applicant wishes to withdraw a portion of the application, that would be consistent with the notification that was sent to the public regarding this public hearing. Mr. Kamprath reiterated with a formal change from the applicant, that change could move forward, as the change to the request would be less intensive than what was presented and published for notification. Mr. Jacobs stated they would like to proceed with that request of the proposed two lots and remove proposed lot 3 and be given the opportunity to research more of what is permitted within a Mixed-Use designation. Mr. Kamprath requested the applicant confirm that request for the record. Mr. Bates confirmed they would like to move forward with the request to rezone proposed portion of parcels 1 and 2 and remove the area proposed for parcel 3.

When asked, Angerer advised the public hearing has been closed. Garverick spoke in favor of the proposed change to the application. Garverick moved forward making a motion.

MOTION BY GARVERICK, SUPPORTED BY STEFFEN, TO RECOMMEND APPROVAL REGARDING THE EDWARD RENDLE REQUEST FOR A REZONING OF A PORTION OF PARCEL NUMBER 5802-032-055-60, FROM R-2A, SINGLE FAMILY RESIDENTIAL, TO C-3, GENERAL COMMERCIAL, LOCATED EAST OF SECOR ROAD, OTHERWISE KNOWN AS 3199 STERNS ROAD, LAMBERTVILLE, MI 48144 FOR THE PROPOSED PORTION OF THE AREA OF PARCELS IDENTIFIED AS #1 & #2 ONLY, REMOVING THE AREA OF PROPOSED PARCEL #3 AS CONFIRMED BY THE APPLICANT (Mr. John Bates).

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

Voting Nay: Jenkins and Zdybek

Excused: None

Absent: None

Motion carried.

PUBLIC COMMENT –

James Sumner- 7360 Hidden Valley- Mr. Sumner asked for clarification that the 430' proposed C-3 on Sterns Road has been removed from the rezoning consideration. Angerer stated correct. Angerer advised Kincaid will provide clarification on the dates for this request moving forward. Mr. Sumner asked for clarification on moving forward as what was presented and not making a change. Mr. Sumner felt this was a compromise to move the request forward.

INFORMATION –

Kincaid advised the rezoning request will go before the Monroe County Planning on November 14, 2018 for a recommendation to the Township Board and tentatively scheduled for the December 4, 2018 Township Board Meeting.

COMMISSION / STAFF COMMENT –

None

ADJOURNMENT –

The meeting was duly adjourned at 8:20 p.m.

Respectfully submitted,

Jodie L. Rector, Recording Secretary