

MINUTES- REGULAR MEETING
BEDFORD TOWNSHIP PLANNING COMMISSION
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
October 25, 2017

PRESENT:

JAKE LAKE
JOE GARVERICK
DAN STEFFEN
DENNIS JENKINS
MATTHEW ANGERER
LAMAR FREDERICK

EXCUSED:

TOM ZDYBEK

ALSO PRESENT:

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

Lake called the Bedford Township Planning Commission meeting to order at 7:03 p.m. The Pledge of Allegiance was said. Steffen called the roll. Quorum present.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

Motion by Frederick, supported by Angerer, to approve the minutes of September 27, 2017. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

- A) OPEN THE PUBLIC HEARING REGARDING THE REQUEST OF BILJON INVESTMENTS, LLC FOR FINAL PUD APPROVAL AND A REZONING FROM R-2A, SINGLE FAMILY RESIDENTIAL TO PUD FOR ADLER ESTATES, A 95-UNIT SITE CONDOMINIUM PLANNED UNIT DEVELOPMENT PROJECT ON PARCEL NUMBERS 5802-030-100-10 AND 5802-030-099-08, LOCATED OFF ADLER ROAD SOUTH OF CLEGG ROAD

Motion by Angerer, supported by Steffen, to open the public hearing at 7:05 p.m. Motion carried.

Lake 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.

Kincaid stated this request is from Biljon Investments, LLC, for a Final PUD approval for a 95-unit condominium project located off Adler Road south of Clegg Road. The +/- 30-acre parcel has a combined total of approximately 457.58 feet on Adler Road. The project frontage is not contiguous; however, it does provide a separation for two proposed ingress/egress off Adler Road.

Kincaid noted the public hearing for preliminary/concept approval for the request was held on November 16, 2016 where the Planning Commission recommended approval and on December 6, 2016 the preliminary/concept PUD plan was approved by the Township Board. It should be noted the developer has advised the Planning Department he is working with Consumers Energy and the Clerk's Department on the street lighting plan. Sidewalks are being proposed around the interior units and extend to Adler Road. The proposed landscape has been reviewed and approved and meets the ordinance requirements. The developer has advised the Planning Department that the feature house designs and color schemes will be selected by the individual home buyer and will not be determined by the developer.

Kincaid said the review letter from the Mannik & Smith Group was provided tonight, a letter of approval was received from the MCRC on 10/19/17, from MCDC on 10/11/17, and the Bedford Township Fire Department on 10/20/17. The highlighted areas that have been identified on the plan per the Planning Departments request should be verified by the applicant corrections have been made.

Kincaid said Final PUD Approval and Final Site Plan Approval for Phase I of Adler Estates should be conditioned on addressing all issues and concerns stated in the MCDC, MSG, MCRC and the Bedford Township Fire Department review letters. The special assessment district for street lighting within Phase I shall be set up through the Clerk's Department if so determined, and the PUD Agreement and Master Deed shall be submitted to the Township attorney for review and approval. Kincaid advised the Planning Department received one letter of concern on the density of the proposed plan. Kincaid stated the developer provided the minimum 30% open space as required.

Brad Greeley- 3002 Lennox Court- Developer- Mr. Greeley stated they have gone through the extensive process with the Township, Drain Commission and the Road Commission, Township Engineer and the Fire Department and have answered and complied with all the review concerns. Mr. Greeley stated the proposed development is the market that is growing in Bedford Township.

Wayne Blosch-7652 Adler Road- Mr. Blosch understands and knew this subdivision has been planned for a long time. Mr. Blosch stated what he didn't know was that the property next to his was going to be purchased and a development of a road was going to be installed. Mr. Blosch advised that he is trying to sell his home and having issues due to the now proposed road. Mr. Blosch voiced concern with the road and decreasing the value of his home. Mr. Blosch felt the township is more concerned with bringing in new residents and not the people who live here. Mr. Blosch requested the Commission consider not requiring the road next to his home.

Sue Marsh- 4211 Clegg- Ms. Marsh understands the plan is available for review during business hours however, due to working the same hours, requested the plan be displayed for the residents in attendance to be able to review. Planning Department supplied the plan for review. Ms. Marsh asked if the plan had changed from the preliminary approval. Mr. Greeley advised the plan had changed being reduced by two lots to install a larger detention area. Mr. Greeley stated his company has a fully staffed office available from 8-5 five days a week and they would be happy to review the plans with anyone interested. Ms. Marsh inquired on the company that requested the original approval. Mr. Greeley stated this is the actual holding company that owns the land, but is same developer. Ms. Marsh asked with 95 additional residences what consideration has been taken on the additional damage to Adler Road. Ms. Marsh would like to know who will pay for the repairs. Mr. Greeley spoke on doing everything possible to minimize any further damage on the roads, but to keep in mind they are public roads. Mr. Greeley stated they will follow all the rules. Mr. Greeley said the additional homes may provide more voices of concern for the current condition of Adler and help in being heard to have the road repaired. Ms. Marsh asked if the Road Commission would report back if there is funding to assist in repairing the damage. Kincaid advised additional information from the Road Commission for this particular

project, as the road within the project are private. Kincaid added the Road Commission takes into consideration the access to the development during the review process. Ms. Marsh understands the Road Commission takes into consideration the access; however, Ms. Marsh said she is more concerned about the additional damage to Adler Road with the construction and heavy equipment. Garverick stated it is a public road and if traffic meets the weight requirements there would be no restrictions on usage. Lake advised Adler is under the jurisdiction of the Road Commission, it is speculation on how much additional damage the development could create. Ms. Marsh asked who will be accountable for it. Lake advised this Commission cannot. Ms. Marsh again voiced her concern on who is responsible for damage to road. Kincaid read aloud the review letter from the MCRC. Kincaid advised to contact the Road Commission.

Judy Schlagheck-4257 Clegg- Ms. Schlagheck agreed with Ms. Marsh. Ms. Schlagheck advised there are so many potholes that are continued to just be patched. Ms. Schlagheck inquired on a streetlight at Adler and Sterns. Commission made clarification that the comment was not on a streetlight but a traffic light. Kincaid advised the determination for a traffic signal would be by the MCRC. Frederick added the issue of a traffic signal at that intersection has been questioned several times in the previous years, however the determination has always been no. Kincaid again reiterated the contact would need to be made with the MCRC.

Unknown resident-never gave name and address- added comments regarding the poor condition of Adler Road.

Kincaid said she would check with the Supervisor on the Township's Road Plan. Kincaid also advised a portion of Adler Road is within Whiteford Township and would have to be a joint agreement to repair the road.

Kurt Schlagheck-4257 Clegg-Mr. Schlagheck asked if the plan is approved tonight without any understanding if Adler Road will be repaired. Mr. Schlagheck voiced concern on the condition of Adler Road and the additional deterioration the construction will cause due to the increase in traffic. Mr. Schlagheck felt once the development is completed the road will need repaired. Mr. Schlagheck felt a determination on if and when the road will be repaired before a decision is made on this development. Mr. Schlagheck spoke on his discussion with the Road Commission regarding the potholes on Adler Road.

Bruce Minnich-7666 Adler-Mr. Minnich also spoke on the condition of Adler Road and the need for repairs to the road.

Sue Marsh- 4211 Clegg-Ms. Marsh said she thought the residents moved to this area for a certain quality of life and it was not to live in a densely populated area. Ms. Marsh again reiterated the condition of the road and there being no consideration being given to fixing the road. Ms. Marsh continued saying it really is the quality of life issue and said she does not know how Whiteford Township would weigh in on contributing to repairing the road as there would be no benefit to their Township. Ms. Marsh asked if there was a way to find out if Whiteford Township would be willing to assist in the repair of Adler Road before approving the plan tonight. Kincaid stated this board makes a recommendation to the Township Board on the plan as submitted according to the ordinance, tonight is not a final decision. Ms. Marsh asked to insure the residents' concerns are heard especially the quality of life issue. Kincaid said all the comments made this evening will be documented in the minutes.

Judy Schlagheck-4257 Clegg-Ms. Schlagheck hoped the Commission would take into consideration the concern of the road and the issues it has caused the property owner. Ms. Schlagheck was saddened by the

property owners' issues due to the development and added she felt no one on the Commission would approve the plan if it was an issue with their property.

Frederick inquired when the property was acquired. Mr. Greeley said the main parcel has been owned for about 15-20 years and the second 5 acre parcel around 18 months to satisfy the Township's requirements of a second entrance.

Kurt Schlagheck-4257 Clegg-Mr. Schlagheck inquired on the connection to Canterbury Forest as the plot plan he was supplied showed a connection to that subdivision. Mr. Greeley clarified that this was originally designed as a subdivision. Mr. Greeley advised they have several other products within the Township and one of the developments was pushed into turnaround due to wetland issues with the MDEQ. Mr. Greeley continued to explain due to that issue that stopped development on that site, they decided to change this development to a condominium project due to being the most popular in their portfolio. Mr. Greeley stated with the original plan the Township and the Road Commission would have required the developer to connect into Canterbury Forest. Mr. Greeley spoke on other options they explored to connect to Canterbury Forest. Mr. Greeley explained due to the change in site plan the connection to Canterbury Forest was no longer an option due to Canterbury Forest being public roads and Alder Estates being private roads, the MCRC does not allow connection from private roads to public roads. Mr. Greeley did add the development still shows a pedestrian connection to allow the residents of Canterbury Forest to walk, ride bikes and comingle. Mr. Greeley lastly felt this was the best layout plan they could design. Mr. Greeley gave detailed explanation of public verses private roads.

Sue Marsh- 4211 Clegg-Ms. Marsh inquired on the layout of sidewalks. Mr. Greeley advised sidewalks would be around the inner loop only. Ms. Marsh asked if the plan is approved are the phases locked in with that approval or can the order of the phasing be changed. Kincaid advised any change to the PUD would be presented to the Planning Commission for a determination if the change is a minor or major amendment. Kincaid read aloud the ordinance language regarding the criteria for a minor or major PUD Amendment and the process for both determinations. Ms. Marsh asked if a plan phase revision would be a major amendment. Kincaid advised that would be at the discretion of the Planning Commission. Frederick said if the developer was to submit a plan with a change of the proposed phasing, it would bring up red flags with all the agencies. Ms. Marsh asked about the infrastructure. Kincaid stated infrastructure will be done with each phase and each phase will be required to be presented for Final Site Plan Approval, however there is no mailing, as Final Site Plan Approval does not require a public hearing once the PUD has received final approval.

Motion by Jenkins, supported by Frederick, to close the public hearing at 7:44 p.m. Motion carried.

Frederick asked about the request from the Planning Department on the corrections of the plan. Kincaid stated the developer has clarified the corrections, however the Planning Department has not yet received a revised plan. Frederick inquired on the correct location of Longfellow Drain. Mr. Greeley stated MCDC is satisfied with the location. Frederick asked Kincaid if the proposed development meets the intent of the Master Plan and Kincaid responded yes it does. Jenkins asked regarding the second access being due to the Fire Code. Mr. Greeley stated a second entrance was required at the time the plan was originally submitted, however since then the Fire Code has changed. Mr. Greeley continued saying this design of the project has been in the works for approximately 18 months of purchasing additional property to supply the second access to continue to move forward meeting the guidelines. Angerer inquired on the sidewalks being shown on only interior loop as referred to in the MSG review letter. Mr. Greeley explained in most of their developments people are walking in the roadway and with a PUD development it is required to supply some type of walking access.

Kincaid stated in Platted subdivisions sidewalks are required on both sides of the streets within the development, however, in a PUD some type of internal non-vehicular path is required.

Motion by Jenkins, supported by Steffen, to recommend approval the Final PUD and Final Site Plan Approval for Phase I of Adler Estates on Parcel Numbers 5802-030-100-10 & 5802-030-099-08, located off Adler Road south of Clegg Road conditioned upon meeting the requirements of the MSG, MCRC, MCDC and the Township Fire Departments review letters. Also, there shall be a determination regarding the street lighting within Phase I and the PUD Agreement and Master Deed shall be submitted to the Township attorney for review and approval.

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

Motion by Jenkins, supported by Angerer, to recommend approval to rezone parcel numbers 5802-030-100-10 & 5802-030-099-08 from R-2A Single Family Residential to PUD, Planned Unit Development for Adler Estates, a 95-unit site condominium Planned Unit Development project located off Adler Road south of Clegg Road, as it provides a less dense development than a platted subdivision and is consistent with the Master Plan.

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

- B) OPEN THE PUBLIC HEARING REGARDING THE REQUEST TO AMEND ARTICLE XI, C-1, LOCAL BUSINESS DISTRICT, SECTION 400.1101, "PRINCIPAL USES PERMITTED" TO INSERT LANGUAGE TO ALLOW A MICRO-BREWERY AND BREW PUB USE AND TO AMEND ARTICLE II, SECTION 400.200 "CONSTRUCTION OF LANGUAGE AND DEFINITIONS" TO ADD DEFINITIONS REGARDING MICRO-BREWERIES AND BREW PUBS

Motion by Jenkins, supported by Steffen, to open the public hearing at 7:54 p.m. Motion carried.

Kincaid stated an interest in establishing a microbrewery and/or a brewpub within the Township has been expressed, and the Planning Department has conducted a great deal of research over the past several months regarding how other communities address the use through their zoning ordinances. Kincaid noted while the licenses required by the State differ for the brewing and sale of the brewed beer made on site (microbrewery [brewers license]) and alcohol brought in for consumption (bars, restaurants serving alcohol, etc. [Class C license]), we have found most communities do not regulate the uses differently by ordinance. Kincaid advised in some instances communities regulate the use by zoning district only, while others regulate not only by zoning district, but by a minimum area (acreage) size as well. After lengthy discussions with the attorneys, Liquor Control (State), and the Ordinance Enforcement Department, who conducts monthly liquor inspections, it was determined the use should be allowed in the same zoning district as any establishment serving beer and alcohol for consumption on site.

Kincaid continued to say, therefore, it is being proposed to allow the use in a C-1 zoning district as a permitted use, which would allow the use in a C-2 and C-3 zoning district through existing language within the C-2 and C-3 ordinances and the size of the operation would be restricted by the size of the building (stand-alone) or unit (multi-unit) where the establishment is located rather than by minimum acreage. Kincaid said the entire operation, including all functions of the processing, must be located within the fully enclosed building of the facility/establishment, and that the area where the microbrewery function takes place shall not exceed 65% of the total gross floor space of the establishment, and not more than 50% for a brewpub. The percentage difference is due to the food service establishment required for a brewpub (required by the State of Michigan). It should be noted, that while all processing operation must take place inside the unit or building, and no beer tents shall be permitted on any off-street parking lot or off-street loading/unloading area, seasonal outdoor dining may be permitted subject to the requirement of the existing ordinance.

Kincaid stated a few serving establishments located within a C-1 Zoning District: Nick & Jimmy's, DooLittles, Sidelines, Sidelines Italian, and E.T.'s.

Kincaid advised it should be noted that the Township is only considering a "microbrewery" and a "brewpub" use at this time, as a "brewery" can be a much larger operation and due to the possible size, distribution, and operation allowances, etc., the use would more typically fit within our industrial use districts.

Kincaid informed the Commission, the Planning Department has a copy of the State requirements for a brewer's license and a brewpub license, and it is available for review.

Motion by Steffen, supported by Angerer, to close the public hearing at 7:55 p.m. Motion carried.

Kincaid reviewed the process of determining the number of barrels permitted.

Lake asked on being State regulated. Kincaid stated Ordinance Enforcement Department would be required to visit the site on a monthly basis as with Liquor Inspections to determine the location is meeting all the requirements of the State. Kincaid discussed the differences on the Micro-brewery and the Brew Pub License requirements with the State. A lengthy discussion ensued regarding the number of barrels and the amount of usable floor space. Kincaid explained the determination of limiting 30,000 barrels within a C-1 zoning district as the State allows 60,000 barrels in total for all microbreweries under the same ownership, further explaining if a brewer had a location in Bedford Township and one in Florida, the total would be for both establishments. Kincaid also touched base on the 9,000 barrels for a Brew Pub to the State permitted 18,000 barrels. Kincaid stated the Planning Department is proposing to allow the use within the Commercial Zoning Districts, and the size of the building's usable floor space would keep the use more in line with existing permitted uses in the commercial zoning districts. Discussion continued on the existing area sites zoned Commercial, site layouts and language requirements. Frederick thought the use will add value to the citizens within the community. Kincaid stated any site will still need to meet the parking, lighting and landscaping requirements of the ordinance.

Motion by Jenkins, supported by Steffen, to recommend to approve Article XI, C-1, Local Business District, Section 400.1101, "Principal Uses Permitted" to insert language to allow a Micro-Brewery and Brew Pub use and to amend Article II, Section 400.200 "Construction of Language and Definitions" to add definitions regarding Micro-breweries and Brew Pubs.

**Roll call as follows: Voting Aye: Jenkins, Steffen, Garverick, Frederick, Angerer and Lake
Voting Nay: None
Excused: Zdybek**

Motion carried.

- c) OPEN THE PUBLIC HEARING REGARDING THE REQUEST TO AMEND ARTICLE XIX, SECTION 400.1920, “STORAGE OF RECREATIONAL VEHICLES, NON-COMMERCIAL TRAILERS AND EQUIPMENT” TO INSERT CLARIFYING LANGUAGE REGARDING THE STORAGE OF RECREATIONAL VEHICLES AND NON-COMMERCIAL VEHICLES AND TO AMEND ARTICLE II, SECTION 400.200 “CONSTRUCTION OF LANGUAGE AND DEFINITIONS” TO ADD DEFINITIONS REGARDING RECREATIONAL VEHICLES

Motion by Angerer, supported by Steffen, to open the public hearing at 8:10 p.m. Motion carried.

Kincaid explained this ordinance amendment is more of a housekeeping matter than an actual need for an amendment to the ordinance as it applies. Kincaid said on August 16, 2016, Section 400.1920, “*Storage of Recreational Vehicles, Non-Commercial Trailers and Equipment*” the ordinance was amended; however, the statement referring to the disallowance of “occupancy” in any recreational vehicle was inadvertently omitted. The existing ordinance was provided to the Planning Commission with the proposed language changes identified by red type.

Kincaid continued saying as well, the second paragraph is an amendment to the *Construction of Language*, which is the definition of a Recreation Vehicle, saying again, the language identified in red is being proposed for addition to the existing language and the ‘strike through’ language in black has been relocated within the ordinance and not removed. Damon Cecil, Ordinance Enforcement Supervisor, provided a memo to further clarify his request for this amendment.

Motion by Angerer, supported by Steffen, to close the public hearing at 8:11 p.m. Motion carried.

Frederick inquired on the determination if a resident has a practical impossibility to maintain the recreational vehicle behind the front building line. Mr. Kamprath stated it is not the Township’s responsibility to locate a storage facility if the resident cannot meet the requirement of the ordinance. Jenkins stated the Ordinance Department handles these complaints. Kincaid added the Ordinance Department response is on a complaint basis. Steffen inquired on a variance for the storage location. Kincaid stated a variance would not be an option as that request is for a use variance, and BZA is not permitted to grant a use variance. Kincaid did advise there is a provision to allow for temporary occupancy (if granted) on a site while a home is being rebuilt in the case of a home being destroyed by fire or another means.

Motion by Frederick, supported by Steffen, to recommend to approve Article XIX, Section 400.1920, “Storage of Recreational Vehicles, Non-Commercial Trailers and Equipment” to insert clarifying language regarding the storage of recreational vehicles and non-commercial vehicles and to amend Article II, Section 400.200 “Construction of Language and Definitions” to add definitions regarding Recreational Vehicles.

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

Voting Nay: None

Excused: Zdybek

Motion carried

- D) OPEN THE PUBLIC HEARING REGARDING THE REQUEST TO AMEND ARTICLE XXII, SECTION 400.2200, "BOARD OF ZONING APPEALS" TO ADD C-2, SHOPPING CENTER DISTRICT, AS A PERMITTED ZONING DISTRICT FOR OUTDOOR ASSEMBLY

Motion by Steffen, supported by Angerer, to open the public hearing at 8:18 p.m. Motion carried.

Kincaid explained the Planning Department has received a couple of calls regarding interest in the possibility of having an outdoor festival in an area that would include a C-2, Shopping Center zoning district. Currently, "outdoor assembly which reasonably may be expected to attract more than 500 persons" are allowed in AG, C-3, I-2 and I-3 after the Planning Commission reviews the request and makes a recommendation to the Board of Zoning Appeals, saying this is the same process and through the same section of the ordinance where previous considerations for temporary special approval uses have been granted, such as the Farmer's Market use at the YMCA and the Lambertville United Methodist Church, the carnival use at the Masonic Temple on Samaria and Jackman roads, and previously for a temporary greenhouse for the sale of flowers at the former Foodtown in Lambertville, to name a few.

Kincaid stated the reason C-2 is being considered is that there is a minimum three-acre requirement for a C-2 zoning, saying there are some prior legal non-conforming C-2 parcels that do not meet the minimum acreage requirement and would not be able to support the requirements for a festival type use. An example of a C-2 zoned parcel consisting of more than 3 acres is Kroger Plaza, the northeast corner of Smith Road and Lewis Avenue, Forest View Lanes, and land east of the northeast corner of Sterns Road and Lewis Avenue.

Kincaid advised to please keep in mind that if a parcel is C-2 zoned and does not consist of a minimum of 3 acres, consideration could still be sought, and the applicant would move through the approval process. As well, even if a parcel is large and lends itself to a festival use, the requirements for approval are the same. The addition of a C-2 zoning will not change the existing requirements for approval. Kincaid explained a plot plan must be submitted to the Planning Commission for review and recommendation to the Board of Zoning Appeals. A submitted plot plan is required to provide a layout, traffic flow, parking, hours of operation, safety plan, and any additional information requested by the Township. After the Planning Commission reviews the submitted request and makes their recommendation, the request will be scheduled for a public hearing with the Board of Zoning Appeals and all property owners and occupants located within 300 feet of the subject site will be notified by mail of the public hearing.

Motion by Garverick, supported by Steffen, to close the public hearing at 8:19 p.m. Motion carried.

Angerer stated he supports the proposed language and thinks it would be an asset to allow in our community. Commission Members agreed.

Motion by Steffen, supported by Jenkins, to recommend to approve Article XXII, Section 400.2200, "Board of Zoning Appeals" to add C-2, Shopping Center District, as a permitted zoning district for outdoor assembly as it will be an asset to the community.

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

Voting Nay: None

Excused: Zdybek

Motion carried

PUBLIC COMMENT –

None

INFORMATION –

Kincaid advised of the change in meeting schedule as both November 8th and 22nd will be cancelled and we will be having the November meeting on November 15, 2017.

COMMISSION / STAFF COMMENT –

Kincaid appreciated Jenkins serving on the Commission.
Frederick also appreciated Jenkins serving on the Planning Commission.

ADJOURNMENT –

The meeting was duly adjourned at 8:24 p.m.

Respectfully submitted,

Jodie L. Rector, Recording Secretary