

MINUTES
BEDFORD TOWNSHIP PLANNING COMMISSION
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
NOVEMBER 14, 2018

PRESENT:

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

EXCUSED:

DAN STEFFEN, SECRETARY

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 7:00 p.m. The Pledge of Allegiance was said. Kincaid called the roll. Quorum present.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES OF OCTOBER 24, 2018

Motion by Frederick, supported by Zdybek, to approve the minutes of October 24, 2018. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

Terry Johnston-950 Hickory Creek Drive- Mr. Johnston voiced concern on the effects to his property as it directly abuts the parcel proposed for parking. Angerer advised tonight's meeting is just to make a determination of a major or minor amendment to the existing PUD and not the site plan for development.

Larry Slagnewhite-910 Hickory Creek Drive- Mr. Slagnewhite voiced concern of only one access for the large existing development and what impact this will create on traffic. Mr. Slagnewhite also stated he had spoken with Mr. Wehrle and he indicated another access off Sterns Road in the future and that Mr. Wehrle was looking to turn the association over to the homeowners. Kincaid added the proposed development is in the review process and the plan does indicate there is a second means of access off Sterns Road.

NEW BUSINESS

A) REQUEST TO DETERMINE IF THE PROPOSED AMENDMENT TO THE HICKORY CREEK PUD IS A MINOR OR MAJOR CHANGE, LOCATED ON THE EAST SIDE OF LEWIS AVENUE, SOUTH OF STERNS ROAD

Kincaid reviewed the analysis stating on 6/13/2007, the Planning Commission approved the site plan for the existing 37,707 square foot structure. The subject parcel is a part of Hickory Creek Planned Unit Development that was approved on December 16, 1997 with stipulations on the commercial lots A through E. Lot B contains the existing structure, and the proposed employee parking lot would be located on Lot A.

Kincaid noted approximately three or four years ago, the Planning Department was contacted regarding a plan to construct an addition to the existing structure. While the facility was under the same ownership as it is today, the plan was prepared and submitted for review by a different Architectural group. At that time the proposed addition was 1) approximately 1500 feet larger than the now submitted addition, 2) encroached on both the Lewis Avenue and Hickory Creek Boulevard front yard setbacks, and 3) the curb cut off of Hickory Creek Boulevard was eliminated and a direct cut was proposed from Lewis Avenue. Detailed review took place by the Planning Department, the MCRC, the Bedford Township Fire Department, the MCDC, the Mannik & Smith Group, and Lennard, Graham & Goldsmith.

Kincaid stated at the time the Hickory Creek PUD was approved (1997), no PUD Agreement was prepared and recorded, and stipulations of the PUD approval were identified in the Township Board minutes of December 16, 1997 when the PUD was approved. The minutes clearly state the commercial curb cuts shall be restricted to the service drive and shall have no direct curb cut from Lewis Avenue. No direct access to Lewis Avenue was also supported by the MCRC for safety purposes. The proposed plan was then amended to reduce the addition size and to place the curb cut off the service drive to the east of the boulevard island to enable vehicles leaving the site to make a left onto Hickory Creek Boulevard to Lewis Avenue. Kincaid said at this time the Fire Department has conducted a cursory review of the ingress/egress, and has no objection to the newly proposed curb cut, as the elimination of the parking spaces within the site north of the structure do not negatively impact maneuverability for emergency responders within the parking lot. The parking lot within the subject site has been redesigned to provide visitor parking on site, while staff parking is proposed in the parking lot on the parcel north of Hickory Creek Boulevard. It should be noted the on-site parking will be within the existing retaining wall and fence along Lewis Avenue.

Kincaid stated at this time, the applicant is seeking a determination on whether the proposed change is a major or minor amendment to the PUD. Section 400.1706A of the Zoning Ordinance allows for an applicant to seek such a determination. Should the Planning Commission determine the amendment is minor in nature, they can 1) approve the change without requiring a public hearing and without requiring a submittal to the Township Board, or 2) shall have the authority to determine that a particular change, although a minor PUD plan amendment, is significant enough that it should be referred to the Township Board for final approval. Kincaid said modified setbacks must be approved by the Township Board, and a combination requirement tying the two parcels separated by a road must be reviewed and approved by the Township Board, further saying if the Planning Commission determines the proposed plan to be a minor amendment, the plan must be forwarded to the Township Board for consideration.

Kincaid said the Planning Department, as a courtesy as it is not required, mailed out 175 letters to property owners within the Hickory Creek PUD to inform them of the PUD amendment request before the Planning Commission. The Planning Department, as of Friday, November 9, 2018, received no calls, inquiries, or emails regarding this issue.

Charles Pauling-PH7 Architects-Representative for Hickory Ridge & Darrell Moore-Hickory Ridge Administrator—Mr. Pauling was available to answer any questions from the Commission. Frederick asked about the parking on the vacant parcel. Mr. Pauling explained after evaluating the facility, the determination was made there was a need and a desire to increase the number of beds within the facility. Mr. Pauling explained to increase the building size, parking would be eliminated within the site and since there is a requirement to the number of parking spaces required, the property owner has since acquired the vacant parcel to the north to supply additional parking. Frederick asked if they are working with MCRC on safety crossing for employees. Mr. Pauling stated they are in the reviewing process to ensure the best option for crossing with the MCRC. Fredrick asked Kincaid on buffer requirements. Kincaid noted a landscaping plan will be required once the site is submitted for site plan approval, however buffering is a requirement. Jenkins expressed concern of the size increase and decrease in setbacks, but felt would be a minor amendment as a requirement of the PUD Ordinance setback variance can only be granted by the Township Board.

Mr. Kamprath advised as Kincaid noted this was the first PUD development within the Township and there was no requirement of a recorded PUD Agreement. Mr. Kamprath discussed the process should the determination be made a major amendment the applicant would be required to go through the entire PUD process from start, however should the Planning Commission determine a minor change, the Planning Commission would refer to the Township Board for two important aspects 1) decision on the proposed setback variance and 2) prepare a PUD Agreement between these two parcels that one shall not be sold without the other, due to the adjacent parcel to the north being divided by a road a land combination/restriction agreement is not feasible. Mr. Kamprath explained decreasing the required parking within the site, the Township would not want one parcel sold without the other due to the additional required parking would be provided for on the parcel to the north. Mr. Kamprath express these items can only be done and approved by the Township Board. Jenkins express this is a small part of a much larger PUD and if a determination of a major amendment was made it would be an insurmountable task, knowing what the requirements are.

Angerer informed the applicant's representative the Planning Commission was one member short, offering the option to defer to a later date when all member could be present. Mr. Pauling, representative for the applicant opted to move forward as scheduled.

MOTION BY JENKINS, SUPPORTED BY FREDERICK, TO DETERMINE THE PROPOSED AMENDMENT TO THE HICKORY CREEK PUD IS A MINOR CHANGE TO THE ORIGINAL PUD, LOCATED ON THE EAST SIDE OF LEWIS AVENUE, SOUTH OF STERNS ROAD AND REFER THE REQUEST ON TO THE BEDFORD TOWNSHIP BOARD FOR RELAXING OF THE SETBACK REQUIREMENTS AND TO PREPARE AND RECORD A PUD AGREEMENT FOR THE PURPOSE OF COMBINING THE TWO PARCELS TO RESTRICT THE SALE OF, MORTGAGE OF OR ENCOMBRANCE OF THOSE TWO PARCELS OTHER THAN TOGETHER.

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

PUBLIC COMMENT –

Mr. Pauling thanked the Planning Commission.

Larry Slagnewhite-910 Hickory Creek Drive- Mr. Slagnewhite express concern on the lighting at the entrance of Hickory Creek and who he should contact. Frederick advised Mr. Slagnewhite to contact the MCRC as that would be under their jurisdiction.

INFORMATION –

Kincaid stated there will be a meeting on November 28, 2018.

COMMISSION / STAFF COMMENT –

Frederick recognized all the Veterans within the community and thanked them for their service. Frederick requested everyone to keep Veterans and their families in their thoughts throughout the holiday season and every day.

ADJOURNMENT –

The meeting was duly adjourned at 7:36 p.m.

Respectfully submitted,

Jodie L. Rector, Recording Secretary