

MINUTES- SPECIAL MEETING
BEDFORD TOWNSHIP PLANNING COMMISSION
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
November 15, 2017

PRESENT:

JAKE LAKE
MATTHEW ANGERER
LAMAR FREDERICK
TOM ZDYBEK
DENNIS JENKINS
JOE GARVERICK

EXCUSED:

DAN STEFFEN

ABSENT:

NONE

ALSO PRESENT:

MARTY KAMPRATH, LENNARD, GRAHAM & GOLDSMITH, LEGAL COUNSEL
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 7:00 p.m. The Pledge of Allegiance was said. Angerer called the roll. Quorum present.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

Motion by Frederick, supported by Angerer, to approve the minutes of October 25, 2017. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

Ryan Luksaik- 8042 Douglas-Mr. Luksaik voiced his displeasure with the Commission regarding the approval of Forest View Lanes. Mr. Luksaik also voiced disapproval of the process in contacting anyone when there is a complaint and the lack of follow up he has received on his phone calls.

NEW BUSINESS

- A) OPEN THE PUBLIC HEARING REGARDING THE REQUEST OF JAMES AND JUNE COYNE, 226 SCOTT STREET, MONROE, MI 48161 AND JOHN AND VICKI KREUCHAUF, 10212 JACKMAN ROAD, TEMPERANCE, MI 48182 TO REZONE FROM AG, AGRICULTURAL DISTRICT WITHIN THE SAMARIA VILLAGE OVERLAY DISTRICT TO R-3, SINGLE FAMILY RESIDENTIAL**

**WITHIN THE SAMARIA VILLAGE OVERLAY DISTRICT ON A PORTION OF
A VACANT PARCEL LOCATED ON JACKMAN ROAD, SOUTH OF SAMARIA
ROAD, OTHERWISE KNOWN AS PARCEL NUMBER 5802-010-038-12**

Motion by Angerer, supported by Jenkins, to open the public hearing at 7:10 p.m. Motion carried.

Kincaid reviewed the analysis stating the subject parcel is approximately 3.218 acres and the request is to rezone approximately +/- .747 of the 3.218 acres from AG, Agricultural to R-3, Single Family Residential. The existing surrounding zonings are to the East R-3, Single Family Residential within the Samaria Village Overlay District, to the North, R-3 and R-2B, Single Family Residential within the Samaria Village Overlay District and to the West and South, AG, Agricultural, also within the Samaria Village Overlay District. Kincaid stated the applicant has indicated the proposed .747-acre area requested to be rezoned will be attached to parcel #5802-010-038-05 with frontage on Samaria Road and the rear portion (1.988 ac) is to remain AG zoned and attached to the parcel to the south, Lennard & Sons, Inc. (Lennard Farms). Should the request to rezone be granted the applicant will have to go through the land division approval process. Kincaid said the uses permitted in an R-1 through R-3, One-family Residential Districts were included in the packet of information provided to the Planning Commission. Kincaid noted the Master Plan designates this site as Village Center. Kincaid also provided further clarification in identifying the area that is subject to rezoning and the portions that would remain agriculturally zoned, saying all documents required for the land division process must be submitted to the Land Division Administrator prior to the rezoning request going before the Township Board.

Lake informed the applicant the Commission was one member short, offering the option to defer to a later date when all members could be present. Mr. Kreuchauf opted to move forward as scheduled.

John Kreuchauf- 10212 Jackman Road- One of the Applicants – Mr. Kreuchauf gave a brief history of the parcels on Jackman Road and advised currently there is a verbal agreement with Mr. Lennard on the purchase of the remaining AG portion, saying they are waiting on confirmation on a closing date.

Kincaid provided further clarification, while referring to the map included in the packet of information provided to the Planning Commission, on what portion of the property is subject to rezoning, what portion is planned to be attached to Lennard & Sons property, and what portion will remain and continue to have frontage on Jackman Road.

Mr. Kamprath advised this is a two-step process that needs to parallel one another. Mr. Kamprath stated if the Commission was so inclined to recommend to approve the rezoning request, they could require the applicant provide the land division application, proceed with the legal descriptions of all resulting parcels, including the parcels to be combined, and to supply sufficient information for the Land Division Administrator to tentatively approve before being presented for approval to the Township Board. Mr. Kamprath stated there are things that could

happen that are out of our control and if approved without information being submitted, a split-zoned parcel could result if the request should be approved without proper application for the land division and/or combination.

Motion by Jenkins, supported by Zdybek, to close the public hearing at 7:15 p.m. Motion carried.

Commission Members continued to discuss the agreement contract with Mr. Lennard and the process for the land division. Jenkins asked for clarification on the tentative closing date. Mr. Kreuchauf stated Joe Keane, the Land Division Administrator, advised the process would more than likely take place in January. Mr. Kamprath inquired if the subject area is within a subdivision. Kincaid advised by the parcel number, it appears to be a meets and bounds parcel. Jenkins agreed. Frederick inquired on the street location. Kincaid added there is a paper street, which is undeveloped and is not under ownership of the applicant. Kincaid advised it was only highlighted for indication purposes. Frederick indicated Mr. Lennard could use for a farming access. Mr. Kreuchauf advised he did not believe it is Mr. Lennard's intent to use the paper street. Mr. Kreuchauf explained Mr. Lennard has access to the farm property off Jackman Road.

MOTION BY JENKINS, SUPPORTED BY FREDERICK, TO RECOMMEND APPROVAL REGARDING THE REQUEST OF JAMES AND JUNE COYNE, 226 SCOTT STREET, MONROE, MI 48161 AND JOHN AND VICKI KREUCHAUF, 10212 JACKMAN ROAD, TEMPERANCE, MI 48182 TO REZONE FROM AG, AGRICULTURAL DISTRICT WITHIN THE SAMARIA VILLAGE OVERLAY DISTRICT TO R-3, SINGLE FAMILY RESIDENTIAL WITHIN THE SAMARIA VILLAGE OVERLAY DISTRICT A PORTION OF A VACANT PARCEL LOCATED ON JACKMAN ROAD, SOUTH OF SAMARIA ROAD, OTHERWISE KNOWN AS PARCEL NUMBER 5802-010-038-12, AS IT COMPLIES WITH THE MASTER PLAN AND MEETS THE INTENT OF THE SAMARIA VILLAGE OVERLAY DISTRICT.

Lake inquired on amending to add contingent upon documents submitted to avoid creating a split zoned parcel. Frederick stated the request to rezone only pertains to a portion of the parcel which has been clearly identified on the submitted documents. Jenkins stated it could not be a condition/contingency of the motion. Kincaid stated the information will be reflected in the minutes.

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

Excused: Steffen

Absent: None

Motion carried.

- B) REQUEST FOR A FINAL SITE PLAN APPROVAL FOR JACOB'S SUPPLY ON PARCEL NUMBER 5802-027-059-10, OTHERWISE KNOWN AS 7555 LEWIS AVENUE**

Lake informed the applicant the commission was one member short, offering the option to defer to a later date when all members could be present. Mr. Jacobs, representative for the applicant, opted to move forward as scheduled.

Kincaid reviewed the analysis stating the subject site consists of approximately 8.49 +/- acres which was once the location of Whitman Ford and more recently Bedford Car Lot. The applicant is proposing a change in use to a retail store of home improvement/building material products. While there is no proposed change to the foot print of existing building or the hard surface area, there are three additional structures being proposed to the rear of the building. The three three-sided lean-to structures, two of which are 198' X 20' and one 288' X 16', which are indicated on the plan and to be utilized for outdoor product/material storage. The properties to the west are RM-2, Multiple Family Residential zoned and is the location of Bainbridge Place and Oliver Place Apartments (recently approved on 9/27/17). The properties east of Lewis Avenue, north and south of the site are all commercially zoned properties (C-1, Local Commercial. C-2, Shopping Center and C-3 General Commercial).

Kincaid continued, stating the landscaping plan meets the landscaping requirements. As noted on sheet C-1, an additional portion of fencing is being proposed along the northeasterly portion of the property for an additional buffer and the existing 8' tall chain link fencing to the rear is stated to be painted black. It should be noted the existing overall fence is 8' in height (original 6' with a 2' addition) with an additional height comprised of 3 strands of barbed cradle wire that overhangs the adjacent parcels. Per Section 400.1912, a fence taller than 6' is only permitted within an Industrial zoning district, and barbed wire is only permitted within Agricultural and Industrial zoning districts with conditions that barbed wire shall be permitted in an Agricultural district in conjunction with a bona fide agricultural use, stable or kennel, and in an Industrial district on the portion of the fence that is greater than 6 feet in height; and stipulated that the barbed cradle wires shall only overhand the property that is intended to be protected. Kincaid noted the fencing should be further discussed.

Kincaid referred to the parking per Section 400.1904.c.1.C, stating retail stores with 15,001 to 30,000 square feet requires one parking space for each 250 square feet of usable floor area. The site plan indicates there is a total of 17,106 of usable floor area, which requires 69 parking spaces. The site currently has 71 parking spaces, including three barrier free spaces, which meets the requirements of the ordinance.

Kincaid stated in reviewing the illumination plan per Section 400.1908, the foot candle readings and the existing pole height exceed what is permitted by ordinance. Kincaid said it should be noted the previous use was for new and used car sales where the intensity of light for that specific use only shall not exceed 20 foot-candles at ground level while being required to comply with the 10 foot-candle reading at the property line where adjacent to another commercial property and .5 foot-candles at ground level at the property line when adjacent to a residentially zoned property. The proposed use is for a retail store and the maximum height of parking lot light fixtures shall be 20', where the existing pole fixtures range from 22.5 to 27.5 feet above grade. The existing light poles exceed the parking lot maximum pole height above grade and exceed the permitted foot candle within the site and onto the northwest property line abutting a

residentially zoned property. It should be noted that all poles are existing on the site and no new light poles are being proposed. As noted per ordinance, the Planning Commission may permit taller or require shorter fixtures only when it is determined that unique conditions exist. The maximum light reading permitted for the proposed use is 10 foot-candles at ground level where in some areas the existing fixtures exceed 60-foot candles at ground level. Kincaid noted the site lighting should be further discussed.

Kincaid said a dumpster location has been identified on the plan, however screening should be verified to comply with the requirements of the ordinance.

Kincaid referred to Section 400.1906.B per usable gross floor area two 10' by 70' loading/unloading spaces are required. The site plan indicates that no designated loading/unloading areas are proposed as all loading and unloading of materials shall take place within the screened product storage area located behind the building.

Kincaid advised the proposed wall signage meets the requirements of the ordinance, however no monument sign is being proposed.

Kincaid stated approvals have been received from MSG dated 11/6/17 with comments/conditions, MCRC dated 10/26/17 with comments/conditions, MCDC dated 11/7/17 with comments/conditions and the BTFD dated 11/8/17 with comments. Kincaid advised should Final Site Plan Approval be granted, you may want to include that the approval shall be contingent upon addressing all comments/conditions of the MSG, MCDC, BTFD and MCRC review letters.

Jim Jacobs-Jacobs Architect-Representative for the Applicant-Mr. Jacobs advised the fencing has been modified and that the barbed wire has been removed. Mr. Jacobs advised the applicant has outgrown his facility and found this location, which is adequately sized with the additional out buildings to supply enough area for the use. Mr. Jacobs advised Mr. Armentrout is aware of the requirements of the building code with the proposed changes within the building, as there has been contact with the Building Official. Mr. Jacobs described the proposed barrier fencing that will be attached to the existing east side fencing while maintaining the existing rolling gates. Mr. Jacobs stated the intent is to maintain the existing lighting, as the applicant looked into replacing or eliminating some poles, and it would become cost prohibitive. Mr. Jacobs advised the applicant is proposing an alternative to control the lighting manually.

Jenkins said the height is not necessarily his concern, however the intensity is extensive. Mr. Jacobs advised in doing the calculations, a 400-watt bulb would bring the lighting closer to compliance.

Jacob Armentrout-4099 School Road – Mr. Armentrout explained the rendering of the proposed fencing maintaining a wood appearance with less deterioration. Mr. Armentrout also stated he is still maintaining the previous use of the used cars sales at this time.

Zdybek agreed with Jenkins on the extreme pole height and voiced his opinion in not supporting the existing poles without some type of compromise on the lighting, especially to the west abutting residentially zoned properties. Frederick asked Kincaid if this was reviewed by the Building Official. Kincaid stated the use is a permitted use within the zoning district, however the applicant is aware of the requirements needed to comply with the building code.

A lengthily discussion continued on the lighting requirements and the foot candle readings at the property line and within the site. Commission Members voiced concern to the residential neighboring properties. Commission Members discussed options with the applicant such as replacement of bulbs, some type of dimmer switch, and replacing or removal of some light poles. Mr. Jacobs advised the Commission the applicant is willing to work with the decision or recommendation the Commission may have. Mr. Armentrout agreed.

Frederick inquired on the shared detention pond. Mr. Jacobs advised there are recorded covenant deeds in place with easements.

Angerer commended the applicant with his proposed use and moving forward to not have another vacant building within the community.

MOTION BY JENKINS, SUPPORTED BY ANGERER, TO APPROVE FINAL SITE PLAN APPROVAL FOR JACOB'S SUPPLY ON PARCEL NUMBER 5802-027-059-10, OTHERWISE KNOWN AS 7555 LEWIS AVENUE CONDITIONED UPON ADDRESSING ALL ISSUES OUTLINED IN THE MCDC, MCRC, MSG AND THE BEDFORD TOWNSHIP FIRE DEPARTMENT REVIEW LETTERS. ALSO, NO BUILDING PERMIT SHALL BE ISSUED UNTIL LIGHTING IS BROUGHT CLOSER INTO COMPLIANCE.

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

PUBLIC COMMENT –
None.

INFORMATION –

Kincaid advised the Meeting on November 22nd has been cancelled due to the holiday and the next meeting will be December 13th where a public hearing is already scheduled.

COMMISSION / STAFF COMMENT –

Rector wished the Commission a Happy and Safe Thanksgiving.

Jenkins commented on the Composting Facility and the possible issues as it is not currently being manned. Jenkins noted the Planning Department has been working with the owner to resolve any issues.

Frederick reiterated the comments from the Township Board Meeting on DTE.

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Zdybek also commented on the Mulch King Composting Facility.

ADJOURNMENT –

The meeting was duly adjourned at 8:04 p.m.

*Respectfully submitted,
Jodie L. Rector, Recording Secretary*