

MINUTES
BEDFORD TOWNSHIP PLANNING COMMISSION
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
MAY 22, 2019

PRESENT:

MATTHEW ANGERER, CHAIR
DENNIS JENKINS, VICE-CHAIR
NANCY TIENVIERI, TOWNSHIP BOARD LIAISON
DAN STEFFEN, SECRETARY
TOM ZDYBEK
RON FRITZ
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 7:00 p.m. The Pledge of Allegiance was said. Steffen called the roll. Quorum present.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES OF APRIL 24, 2019

Motion by Tienvieri, supported by Jenkins, to approve the minutes of April 24, 2019. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

- A) REQUEST FOR FINAL SITE PLAN APPROVAL FOR BRIDGEPOINT CHURCH ON PARCEL NUMBER 5802-010-053-00, OTHERWISE KNOWN AS 9875 LEWIS AVENUE, TEMPERANCE, MI 48182

Kincaid advised there has been a meeting with Bridgepoint Church, Township and outside entities regarding the extension of the waterline and working on scheduling another meeting next week for further discussion on clarification.

Kincaid reviewed the request saying the subject agriculturally zoned parcel consists of 14.66 acres with approximately 1,005 feet of frontage on Lewis Avenue and 462.12 feet of frontage on Erie Road, and is the site of the March 2017 fire-destroyed and demoed Bridgepoint Church that was constructed in 1969. Kincaid noted as well, there is an existing ball field that was installed around 1970, has continued to be utilized, and has recently been renovated to increase fence height for safety purposes, including the addition of dugouts and the erection of a scoreboard.

Kincaid stated the applicant is proposing to rebuild the church in approximately the same location as the demoed structure; however, the main entrance of the building will be orientated on the parcel to face Northwest. The structure is designed in multiple phases, with Phase I being considered at this time, consisting of 27,014 square feet. Future phases include a drive under canopy addition consisting of 600 square feet, and other possible addition(s) consisting of a total of 40,920 square feet. The two detention basins located on the west and east side of the church ingress/egress on Erie Road have been sized for current and future possible development identified on the site plan.

Kincaid advised the parcel and the properties to the West and North are AG, Agricultural zoned. Churches, or places of worship, are permitted uses within an agriculturally zoned district. Therefore, the rebuild complies with the zoning ordinance. The property to the East is R-2B, Single Family Residential zoned, and the property to the South is C-3, General Business zoned. As well, the Ann Arbor Railroad runs along the west property line.

Kincaid said the overall building is 35 feet in height where 35 feet is permitted by ordinance, and the front yards (Lewis Avenue and Erie Road), side yard and rear yard setbacks comply with the requirements of Section 400.1800, Schedule of Regulations, of the Bedford Township Zoning Ordinance.

Kincaid said while there are no proposed dimensional changes to the existing parking lot, however, six parking spaces are being eliminated in front (east) of the existing structure to the north of the parking lot to avoid blocking access to the structure. The 248 existing parking spaces exceeds the required number of spaces for Phase I, noting the required number of parking spaces will be recalculated with any future development to ensure compliance. As required, seven (7) barrier free parking spaces have been provided. Typically, parking lot landscaping is required when the number of spaces exceeds 150, as required per Section 400.19076.a. However, Agricultural zoning districts are not included in the landscaping requirement.

Kincaid referred to the plan saying the dumpster location has been identified on the northeast corner of the existing parking lot and is being screened by pine trees. At this time no foundation screening or street landscaping is being proposed, and is not required by ordinance, as the subject site is Agriculturally zoned. Landscaping is, however, proposed around the detention basins where visible from the Erie Road and Lewis Avenue as required by ordinance. As permitted by Section 400.1907.12, cluster plantings, as proposed, are permitted rather than spacing around the entire bank.

Kincaid noted no additional parking lot or site lighting is proposed with the exception of three

down lighted wallpacks located above the three doors on the rear of the building facing Lewis Avenue. The provided photometrics plan indicates each fixture provides an average of 1.0 foot-candle at ground level up to six feet away from the base of the wall, which complies with Section 400.1908.5 "Exterior Lighting Standards" of the Zoning Ordinance.

Kincaid stated the building elevations have been submitted with building material on all elevations consisting of horizontal insulated corrugated metal wall panels, split face CMU veneer, vertical insulated corrugated metal wall panels, and an architectural standing seam metal roof in a gray color scheme (refer to cover sheet for color rendering). While the cover depicts the color and building design from early on, some of the elements are not being developed at this time and is scheduled for future development, such as the over-the-drive canopy and the recessed portion of the building to the south side.

Kincaid mentioned there is no intent to change the existing signage on the site which consists of a Planning Commission approved LED message board sign located near the southeast corner of the parcel, the original identification sign located at the north entrance off Lewis Avenue, and a preschool identification sign located off Erie Road.

Kincaid advised while no additional freestanding signage is proposed, an 80 square foot bronze, backlit logo (cross -- see Sheet A201 / Elevation Plan) is proposed for the bumped-out portion of the East (rear) elevation of the structure facing Lewis Avenue. It should be noted, the zoning ordinance does not address wall signage, or a logo, for other than home occupations in an agricultural zoning district, and no additional wall signage is proposed for the site. If it is determined the logo is "signage", the Planning Commission may consider the signage during site plan approval, and shall take into consideration the requirements of the ordinance to consider a larger than normal 'sign' as follows:

The Planning Commission may waive the requirements of Section 400.1922, but only where exceptional conditions or circumstances exist, which were not contemplated at the time Section 400.1922 was enacted, or which are so unusual that they are not adequately regulated by Section 400.1922, but only if the waiver may be granted without impairing the intent and purpose of Section 400.1922, and without substantial detriment to the public health, safety and welfare. The right to waive the requirements of Section 400.1922 shall include the right to allow larger wall signs or identification signs for units in multiple unit sites or buildings where the building or unit is of such a large size that the sign needs to be larger to fit the large scale of the building or unit. When allowing larger signs, the Planning Commission shall first determine that the building or unit is uniquely large to warrant the waiver, then determine the minimum waiver required to make the sign size reasonable and proportionate for the building or unit size, and then determine that the intent and purpose of Section 400.1922 not be impaired.

Kincaid advised to see Sheet A201 for size and proportion of the proposed logo with respect to the structure. Kincaid informed sanitary sewer is available to the site and will require uncapping, as the line was capped when the structure was demoed. While the site was previously served by well, it has been indicated through callouts on the plan, and by those that have interest in this project, that municipal water is proposed and will be run to the site. At this time, as the water main

extension must be reviewed and approved, the plan does not identify a water line to the site, nor is a timeframe on waterline completion available at this time. I have a meeting scheduled with the MCDC, South County Water, and the Mannik & Smith Group on Friday, May 17, 2019, and hope to obtain additional information at that time. Any Site Plan Approval shall be subject to the drawings being amended to identify the water source, whether it be municipal water lines and connections to the site, or well information should the water main not be extended to the site. All other utilities are available to the site.

Kincaid advised letters of approval have been received from the Mannik & Smith Group with conditions on January 2, 2019, the Bedford Township Fire Department with conditions on March 12, 2019, the MCRC with conditions on March 19, 2019, and the MCDC with conditions on May 10, 2019.

Kincaid made aware the Planning Commission shall make a decision on the logo/sign proposed for the east (rear of building facing the street) side of the structure, and any Final Site Plan Approval shall be conditioned upon addressing all conditions/contingencies of the MSG, BTFD, MCRC and MCDC review letters, amending the site plan to include all lines, connections, and required information regarding the water source (municipal or well) that will serve the site, and submitting the amended site plan for review and approval by the reviewing agencies.

Jeff Hutchinson- McKnight Group- Mr. Hutchinson was available to answer any questions.

Tienvieri inquired as the request is for Final Site Plan, will there be any additional requirements on parking should the addition be constructed. Mr. Hutchinson advised the plan is proposing the idea and goals to increase in the future. Mr. Hutchinson felt that would be addressed when the addition moved forward and at this time there is sufficient parking. Kincaid noted at this the number of spaces provided is above what is required and the parking will be recalculated when another phase of the plan moves forward.

Tienvieri inquired on the “bump-out” area. Mr. Hutchinson advised the area is for youth worship. Tienvieri asked on an area being a drive or sidewalk. Mr. Hutchinson explained that area suggested is a drive for future canopy area to the entrance.

Zdybek stated there has been nice preparation for this request and has no issues and approves the sign logo. Angerer agreed. Jenkins agreed with being well prepared, however voiced concern on the water supply to the site.

A lengthily discussion on the waterline extension took place and Kincaid advised the Township has already set up another meeting for discussion and clarification on the waterline extension, responsibility and time frame with Bridgepoint Church, MSG, Township, SCW and MCDC.

Mr. Hutchinson inquired on permit to start before the waterline is addressed. Kincaid advised that is a discussion and a decision to be with the Building Official.

There was no further discussion.

MOTION BY STEFFEN, SUPPORTED BY ZDYBEK, TO GRANT FINAL SITE PLAN APPROVAL AND APPROVED THE SIGN RENDERING FOR BRIDGEPOINT CHURCH ON PARCEL NUMBER 5802-010-053-00, OTHERWISE KNOWN AS 9875 LEWIS AVENUE, TEMPERANCE, MI 48182 CONDITIONED UPON ADDRESSING ALL CONDITIONS/CONTINGENCIES OF THE MSG, BTFD, MCRC AND MCDC REVIEW LETTERS, AMENDING THE SITE PLAN TO INCLUDE ALL LINES, CONNECTIONS, AND REQUIRED INFORMATION REGARDING THE WATER SOURCE (MUNICIPAL OR WELL) THAT WILL SERVE THE SITE, AND SUBMITTING THE AMENDED SITE PLAN FOR REVIEW AND APPROVAL BY THE REVIEWING AGENCIES.

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

Nay: None

Excused: None

Absent: None

Motion carried.

B) REQUEST FOR A SIGN WAIVER FOR AZOGEO PROPERTIES, CULTIVATION INNOVATIONS, ON PARCEL NUMBER 5802-035-058-10, OTHERWISE KNOWN AS 6800 LEWIS AVENUE, TEMPERANCE, MI 48182

Kincaid reviewed the analysis, saying that on June 17, 2008, the then property owner was issued a sign permit (PB080214) to replace a sign insert on a non-conforming multi-unit sign in that the sign did not meet the requirements of the Sign Ordinance. The Sign Ordinance, Section 400.1922.8.b. includes a provision that states:

“At such time as when any existing sign shall have its face or faces changed in any way, except for painting and maintenance as defined in the next sentence, or have any change made in the name, words or symbols used, or the message displayed on the sign, unless the sign is designed for periodic changes of message such as for a gasoline service station, real estate office, or the like, a seven-year grace period shall begin, which shall mean that within seven years, the sign shall be made to comply with the then-existing provisions of this Section 400.1922, or it shall immediately become non-conforming and illegal. This provision shall not apply to painting (the same or a different color), or maintenance of the sign, but the name, words, symbols or display shall not be changed to a different name, words, symbols or display, or this provision will apply. Any removal of a sign section or insert on a multiple-unit freestanding sign, or the replacement of a sign section or insert on a multiple-unit sign shall constitute a change, which shall initiate the seven-year grace period. At the end of seven years, if not complied with sooner, the owner of the lot or parcel which contains the sign shall have the duty to make the sign comply with the then-existing provision of Section 400.1922.”

Kincaid advised when the permit was issued on June 17, 2008, the property owner signed (notarized signature) the agreement to bring the non-conforming sign into compliance on or before June 17, 2015. Unfortunately, the sign was never brought into compliance and the property is under new ownership. When the owners’ sign company made contact with the

Township, he was informed the wall sign could be installed on the face of the building; however, the non-conforming pylon sign must be brought into compliance.

Kincaid noted the applicant is converting the multi-unit structure to a stand-alone structure and is seeking a sign waiver to allow the existing 15'5' tall 97.68 square foot sign to remain where a 7' tall 50 square foot sign is permitted. It should be noted that converting the multi-use to a single use does not change the sign requirements, as a 7' tall 50 square foot sign is allowed for both structures uses.

Kincaid said the following is the criteria for sign waiver consideration (Section 400.1922.4):

The Planning Commission may waive the requirements of Section 400.1922, but only where exceptional conditions or circumstances exist, which were not contemplated at the time Section 400.1922 was enacted, or which are so unusual that they are not adequately regulated by Section 400.1922, but only if the waiver may be granted without impairing the intent and purpose of Section 400.1922, and without substantial detriment to the public health, safety and welfare. The right to waive the requirements of Section 400.1922 shall include the right to allow larger wall signs or identification signs for units in multiple unit sites or buildings where the building or unit is of such a large size that the sign needs to be larger to fit the large scale of the building or unit. When allowing larger signs, the Planning Commission shall first determine that the building or unit is uniquely large to warrant the waiver, then determine the minimum waiver required to make the sign size reasonable and proportionate for the building or unit size, and then determine that the intent and purpose of Section 400.1922 not be impaired.

Kincaid advised an aerial map has been provided to identify the signs located within the vicinity of the subject site. Should the request be considered, the following waivers are required to dismiss the June 17, 2008, owner-signed (notarized) seven-year grace period commitment that required the owner to bring the non-conforming sign into compliance with the now existing Sign Ordinance requirements for the zoning district, to permit the non-conforming freestanding sign design to continue where a monument sign is required, to permit an 8' 5" height variance, and to permit a 47.68 square foot area variance.

Kincaid stated the following shall be considered for inclusion in any motion to approve that all required permits shall be obtained from Bedford Township and the applicant shall continue to maintain the entire perimeter landscaped area of the base, no less than two feet wide, growing, and in healthy condition.

Gary Harrell-Graphic Signs-3443 Quail Hollow Drive-Mr. Harrell was available to answer any questions from the Commission. Mr. Harrell felt Kincaid covered all the information.

Steffen inquired on the reason to maintain such a large sign. Mr. Harrell explained the applicant was unaware of the contract to bring the sign into compliance when purchasing the property. Mr. Harrell continued to stated the existing sign is in good condition and is inline with other signs in the area. Steffen stated there is no practical difficulty. Zdybek inquired on if a change in ownership has any effect on the terms and requirements of the 7-year signed contract. Mr.

Kamprath advised the contract obligation stays with the land. Mr. Kamprath also advised the purpose was to allow a time frame to bring a sign into compliance and illuminate taller signage. Zdybek asked if the ordinance permits an extension of the 7-year contract. Mr. Kamprath advised he is unaware of any compliance to allow a waiver of the 7-year contract. Garverick stated then all whom have signed a 7-year contract and those that are expired should have to bring the sign into compliance if there is no option for a waiver. Kincaid stated a change to the sign triggers the request and should there be a 7-year contract already in place the then property owner must comply.

Mr. Harrell expressed frustration with the ordinance and all the requirements. Mr. Harrell continued to express the hindering of the requirements to be creative and expressive when designing a sign. Mr. Harrell voiced opinion that the sign ordinance needs to be changed to allow small business to have flexibility on what will provide good advertisement for their business. Garverick agreed.

MOTION BY ZDYBEK, SUPPORTED BY TIENVIERI, TO DENY THE REQUEST FOR A SIGN WAIVER FOR AZOGEO PROPERTIES, CULTIVATION INNOVATIONS, ON PARCEL NUMBER 5802-035-058-10, OTHERWISE KNOWN AS 6800 LEWIS AVENUE, TEMPERANCE, MI 48182 AS IT WOULD BE DISMISSING THE PREVIOUSLY SIGNED 7-YEAR CONTRACT FROM 2008, THE REQUEST IS FOR DOUBLE THE PERMITTED HEIGHT AND THERE IS NO REASONABLE CIRCUMSTANCES TO WARRANT THE REQUEST.

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

PUBLIC COMMENT – None.

INFORMATION – None

COMMISSION / STAFF COMMENT – Commission Members spoke on the sign ordinance and moving forward with the review and discussion. Tienvieri spoke on working meetings to move forward with ordinance language changes. Commission Members and Staff agree.

ADJOURNMENT – The meeting was duly adjourned at 8:12 p.m.

Respectfully submitted,

Jodie L. Rector, Recording Secretary