

MINUTES- REGULAR MEETING
BEDFORD TOWNSHIP PLANNING COMMISSION (virtual)
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
FEBRUARY 10, 2021

PRESENT:

JOE GARVERICK, SECRETARY
MATTHEW ANGERER
BRAD HELM
RON FRITZ, VICE-CHAIR
PATRICK MAHONEY, CHAIR
RICK STEINER, TOWNSHIP LIASION

EXCUSED:

NONE

ABSENT:

NO COMMISSION MEMBER WAS APPOINTED AS OF THIS DATE

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

Mahoney called the Bedford Township Planning Commission meeting to order at 7:00 p.m. The Pledge of Allegiance was said. Garverick called the roll. Quorum present.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

Motion by Fritz, supported by Angerer, to approve the minutes of January 13, 2021. Steiner Abstained. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

- A) REQUEST FOR A SIGN WAIVER IN A C-1, LOCAL COMMERCIAL ZONING DISTRICT, FOR ROBERT LAYMAN, ON PARCEL NUMBER 5802-031-090-07, OTHERWISE KNOWN AS 6650 SUMMERLYN LAKES RD, LAMBERTVILLE, MI 48144**

Kincaid reviewed the analysis stating the applicant is seeking to install a 49.92 square foot wall sign, 4.75 feet overall height in a C-1, Local Commercial Zoning District on a newly constructed multi-unit building. Per section 400.1922 7) B, one wall sign for each unit located on the parcel is permitted 2.5 feet in height and 50 square feet in area or 80% of the width of the unit whichever is less. The applicant informed the Planning Department the proposed sign is for the main entrance and this use will utilize the majority of the building. Therefore, the proposed sign requires a 2.25-foot height waiver. Should any other units submit for a wall sign, the proposed signage would have to be submitted to the Planning Department, be reviewed and meet the ordinance requirements, or a new submittal for a sign waiver would be required.

Kincaid noted the applicant is also seeking to install a monument sign with 44.13 square foot base area and 32 square feet of signage with an overall height of 8.28 feet, and to include a LED message board. Per Section 400.1922 7) A, one monument sign to serve as identification for multiple unit buildings in a C-1, Local Commercial Zoning District is permitted up to 50 square feet in area, plus 50 square feet additional for the decorative structure of the monument sign) and 7 feet in height. Per Section 400.1922 1) O, states no flashing, moving, oscillating, or intermittent type of illuminated sign or display shall be permitted in any zoning district. Therefore, the Planning Commission shall determine how often the message can change so not to create a safety issue by distracting passing traffic. Therefore, a 1.28-foot height waiver and to allow an LED message board to be installed is required.

Kincaid said the applicant is requesting the proposed LED sign extend beyond the foundation base. Per section 400.1922 1) L (1), a monument sign shall be a sign where the bottom of the sign above ground is an extension of an underground foundation and decorative structure on top of the foundation that runs at least the entire width of the widest part of the sign. Therefore, the proposed LED sign requires a waiver on the requirement for the foundation of the sign to run the entire width of the widest part of the sign.

Kincaid advised the applicant has indicated the proposed monument sign will have landscaping around the perimeter of the base and will be located at the southeastern corner of the parcel, outside of the road-right-of-way.

Kincaid noted should the request be considered; the following waivers are required:

- A 2.25-foot height waiver for wall sign
- A 1.28-foot height waiver for monument sign
- Waiver for the foundation of the sign to run the entire width of the widest part of the sign
- Approval to allow a LED message board

Kincaid noted the following shall be considered for inclusion in any motion to approve:

- all required permits shall be obtained from Bedford Township
- 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.
- Sign must be located outside of the road right-of-way and corner clearance.

Kincaid offered clarification that the design of the individual unit inserts as well as the LED sign is where the sign extends beyond the base. Kincaid continued clarifying that the sign will feature two LED inserts, one on each side of the sign, however it was conveyed to the sign company that the message displayed would have to be the same on both sides.

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

Dr. Robert Layman-Applicant- Dr. Layman stated the sign was designed to look proportional and upscale so as to complement the neighborhood and not detract from it.

Mahoney questioned if the requirement for the same display on both sides of the LED sign would be an issue and Dr. Layman stated it would not. Angerer then clarified that the requirements for LED typically include no sooner than 5 second interval changes and dimming the sign in the evening. Angerer went on to complement the sign design and building, stating it adds to the Township and the sign design enhances it even more.

Garverick stated he has no issues with the proposed sign and reiterated that for safety purposes the sign should be limited to 5 second interval changes and dimming in the evening. Kincaid clarified that due to the access being off of Summerlyn Lakes Drive, and not Smith or Secor Roads, a sign that well identifies the location is important.

Gary Harrell- Graphic Signs-4442 W Alexis Rd- Mr. Harrell stated the digital display on the sign has the capabilities for dimming as well as the ability to control the intervals of the message displayed.

Mahoney questioned the number of units within the building and Dr. Layman stated there are 5 units and the 5 panels on the sign will serve as identification for those units. Dr. Layman advised the units will include Pinnacle Eye Group, a coffee shop, an attorney, a financial planner and an accountant. Dr. Layman continued explaining that the height of the sign is to allow for display of all 5 units as well as the digital display providing exposure for all units.

Mahoney complimented the wall sign and supports the sign as proposed. Fritz voiced support for the wall sign, stating it is proportional for the building and added support for the monument sign as well. Steiner questioned if the 5 inserts will be illuminated. Mr. Harrell confirmed they would be. Steiner then questioned why the overhang of the unit inserts and the LED portion of the sign. Mr. Harrell stated it was designed that way to add to the decorative look of the sign. Steiner continued stating that safety is a concern for the Commission, but appreciated it being addressed. Steiner supports the proposed monument sign. Steiner informed the Commission he has no issue with the proposed wall sign. Helm agreed with the Commission Members.

MOTION BY ANGERER, SUPPORTED BY FRITZ, TO GRANT A SIGN WAIVER IN A C-1, LOCAL COMMERCIAL ZONING DISTRICT, FOR ROBERT LAYMAN, ON PARCEL NUMBER 5802-031-090-07, OTHERWISE KNOWN AS 6650 SUMMERLYN LAKES DRIVE, LAMBERTVILLE, MI 48144 A 2.25-FOOT HEIGHT WIAVER FOR A WALL SIGN, A 1.28-FOOT HEIGHT WAIVER FOR A MONUMENT SIGN, TO ALLOW AN LED MESSAGE BOARD, AND TO ALLOW THE LED PORTION OF THE SIGN AND INSERTS TO ENTEND BEYOUND THE FOUNDATION OF THE SIGN. CONDITIONED UPON ALL REQUIRED PERMITS SHALL BE OBTAINED FROM BEDFORD TOWNSHIP, 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, THE SIGN MUST BE LOCATED OUTSIDE THE ROAD RIGHT-OF-WAY, MESSAGE CHANGE NO MORE THAN FIVE SECOND INTERVALS, AND THE SIGN MUST EITHER BE DIMMED OR TURNED OFF AT DUSK.

Roll call as follows: Voting Aye: Angerer, Fritz, Helm, Steiner, Garverick and Mahoney
Voting Nay: None
Excused: None
Motion carried.

B) OPEN REQUEST FOR A SIGN WAIVER IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT, FOR WALID MAHMOUD, ON PARCEL NUMBER 5802-570-014-00, OTHERWISE KNOWN AS 6601 LEWIS AVE, TEMPERANCE, MI 48182

Kincaid reviewed the analysis stating that on July 9, 2009, the then property owner was issued a sign permit (PB090160) to replace a sign insert on a non-conforming 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.”

When the permit was issued on July 9, 2009, the property owner signed (notarized signature) the agreement to bring the non-conforming sign into compliance on or before July 22, 2016. Unfortunately, the sign was never brought into compliance and the property is under new ownership (10/2020). When the owners’ sign company made contact with the Township, she was informed the non-conforming monument sign must be brought into compliance.

Kincaid advised an email was provided to the Planning Department with measurements of the existing sign to calculate the required waivers. The applicant is seeking a sign waiver to allow the existing 15-foot tall, 70 square foot sign to remain where a 7-foot tall 50 square foot in area sign is permitted for an insert change to the new urgent care facility. While these requests have become cumbersome for a new property owner, the Planning Department has been working on trying to resolve these issues moving forward; however, there is no mechanism in place to follow up on previously granted/signed 7-year contracts.

Kincaid stated 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 referred to an aerial map that was provided to identify the sign located within the vicinity of the subject site.

Kincaid noted should the request be considered, the following waivers are required: to dismiss the July 9, 2009, owner-signed seven-year grace period commitment that required the previous 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 remain, to permit an 8-foot height waiver, to permit a 20 square foot area of signage waiver.

Kincaid noted the following shall be considered for inclusion in any motion to approve: 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

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

Jennifer Mahmoud- 4508 Promenade Lane-Wife of Applicant- Mrs. Mahmoud voiced appreciation for the board taking time to hear and review the request as the issue was not disclosed when they purchased the building.

Fritz questioned the intention for the lower area of the sign highlighted in yellow. Mrs. Mahmoud clarified that the area is empty space and there is no intention to use the space as an area for signage. Garverick stated support for the sign. Steiner questioned when the sign was originally constructed and Rector stated an exact date is unknown but she believed the 7 feet in height was not a requirement at the time of installation. Steiner then questioned what year the Ordinance Section 400.1922 was adopted. Rector noted on the sign waiver it states Ordinance 44A-223 was adopted July 29, 2003 and became effective August 9, 2003. Rector believes that is when the sign waiver was created. Steiner clarified that it appears both the building and the sign were constructed prior to the Ordinance going into effect in 2003. Steiner continued stating he has no issue with the sign maintaining, due to the lack of any issues at the intersection and the sign being in good condition and well maintained. Mahoney questioned the process of disclosing the sign contracts on properties and the inability to follow up on the enforcement of the signed contracts. Mahoney then stated he supports the request due to the four corners being commercially zoned and the sign enhancing the area. Fritz stated support for the request.

Jerry Miller- Miller Diversified- Mr. Miller reiterated that the signage issue was not disclosed to Mr. Mahmoud. Mr. Miller appreciated the review and consideration of the Commission. Mr. Miller clarified that the building was constructed in 1990.

MOTION BY STEINER, SUPPORTED BY FRITZ, TO GRANT A SIGN WAIVER IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT, FOR WALID MAHMOUD, ON PARCEL NUMBER 5802-570-014-00, OTHERWISE KNOWN AS 6601 LEWIS AVE, TEMPERANCE, MI 48182 TO DISMISS THE JULY 9, 2009, OWNER-SIGNED (NOTARIZED) SEVEN-YEAR GRACE PERIOD COMMITMENT THAT REQUIRED THE OWNER TO BRING THE NON-CONFORMING SIGN INTO COMPLIANCE (JULY 22, 2016) WITH THE NOW EXISTING SIGN ORDINANCE REQUIREMENTS FOR THE ZONING DISTRICT, TO PERMIT THE NON-COMFORMING FREESTANDING SIGN DESIGN TO REMIAN, ALLOW AN 8-FOOT HEIGHT WAIVER, AND A 20 SQUARE FOOT AREA SIGNAGE WAIVER FOR THE TOTAL OF BOTH SIGNS. CONDITIONED UPON ALL REQUIRED PERMITS SHALL BE OBTAINED FROM BEDFORD TOWNSHIP, 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 AND NO ADDITIONAL SIGNAGE SHALL TO BE ADDED TO THE EXISTING SIGN.

Roll call as follows: Voting Aye: Steiner, Fritz, Angerer, Helm, Garverick and Mahoney

Voting Nay: None
Excused: None
Motion carried.

***c) DISCUSSION REGARDING ORDINANCE LANGUAGE TO ALLOW CHICKEN KEEPING
IN RESIDENTIALLY ZONED DISTRICTS***

Kincaid reviewed the memo stating on November 18, 2020 the Planning Commission recommended to the Township Board to deny the request of an ordinance amendment, Section 400.1927 No Poultry Keeping other than in an AG, Agricultural Zoning District. Then on December 15, 2020, the Township Board agreed with the recommendation and denied the proposed ordinance amendment and requested the Planning Department move forward to create an ordinance to permit chickens within Residentially Zoned Districts. Kincaid stated at this time, the Planning Department is seeking direction from the Planning Commission on moving forward to permit chickens in residential zoning districts. After reviewing several communities, these are a few items Planning Department is requesting discussion and input from the Planning Commission on the following questions/requirements:

1. Residential Zoning Districts-Single Family (R-1, R-2A, R-2B & R-3), Two-Family (RT), Multi-Family (RM-1 & RM-2) (backyard chickens)
2. Requirements (if any) on acreage
3. Requirements (if any) on setbacks
4. Limit the number of chickens permitted
5. Permitting roosters
6. Permitting chickens in any or all subdivisions or requirements by acreage
7. How maintaining: noise, nuisances, odor, trespassing, waste disposal, feed storage, etc.
8. Requirements on coops (setbacks-home, property line, neighboring home, etc.)
9. Allow on site-sales (eggs)
10. Slaughtering of chickens
11. Should there be a process on violations? How many? Repercussion on violations to guide Ordinance Enforcement?

Kincaid stated lastly, any further questions, comments, input or concerns from Planning Commission Members would be greatly appreciated to continue to move the ordinance language process forward. Kincaid noted three items with further information were provided before the meeting for review.

Kincaid noted for the Commission to review the submitted e-mail dated Monday, January 4, 2021 from Mr. and Mrs. Hotchkiss to Ms. Hershberger regarding Poultry Ordinance issue (information).

Kincaid referred to the email sent from Attorney Kamprath with further information on chicken keeping and Mahoney questioned whether the article would apply as it speaks to larger farms with a residential home. Attorney Kamprath clarified the article states new or expanded animal operations are not acceptable within category 4, higher density residential areas, however it is possible if permitted within local governmental ordinance. Attorney Kamprath continued to advised that detailed or strict controls should be required.

Mahoney questioned how infractions should or would be enforced. Attorney Kamprath stated compliance and violations would be the handled through the Ordinance Enforcement Department. Garverick questioned what would be considered higher density zoned areas. Garverick also voiced opinion that chickens should not be allowed in subdivisions and is not in favor of permitting roosters. Steiner advised the Township is complaint based in regards to noncompliance by ordinance. Steiner spoke on violations and noted due to varying lot sizes within subdivisions, direction on defining the ordinance as residential properties with a required minimum acreage and proper setbacks may be more beneficial. Fritz stated some deed restrictions within subdivisions already prohibit certain types of animals, including chickens.

Kincaid directed the Commission Members to review and discuss specific residentially zoned districts R-1 through R-3, Single Family, RT, two-family and RM-1 & RM-2, multiple-family are all considered residentially zoned. Mahoney voiced opinion that at minimum follow the GAAMP definition of category 4 sites, which defines "primarily residential" as more than 13 nonfarm residents within a 1/8 mile of the site. Discussion continued on excluding RM-1 and RM-2, multiple-family, due to apartments and excluding RT, Two-Family, as well. Kincaid clarified RT, Two Family Residential, permits all uses permitted and as regulated in One-Family Residential Districts. Kincaid noted language could be added into the ordinance to allow chickens in RT if occupied by single family. Fritz agreed to only permit chickens in single family zoning districts. Steiner continued stating RT zoned properties may not be able to meet the possible acreage and setbacks requirements. Gaverick reiterated no roosters. Steiner voiced concern over repetitive infractions leading to involving legal services and going to court. Steiner stated he would be willing to consider half-acre to 1-acre minimum requirement but more discussion is needed.

Angerer voiced support, as he previously owned chickens, for a minimum acreage requirement and to include a maximum number of chickens per acreage, as adequate area is needed for the chickens to roam. Mahoney questioned if chickens could be kept on low lands or wetland areas and still be maintained properly. Attorney Kamprath stated those requirements are within the State of Michigan GAAMPs and manure management. Attorney Kamprath advised the Commission that those policies could be added as a requirement within the proposed ordinance language. Angerer went on to request further discussion on requiring a half-acre minimum to allow for 2 chickens and increase by 2 chickens for every additional half-acre, up to a maximum allotment of 6 chickens. Mahoney supported the minimum requirement being a half-acre. Kincaid clarified one acre would permit up to 4 chickens and 1.5 acre and above would permit up to 6 chickens.

The Commission Members agreed with prohibiting roosters.

Angerer considered setbacks of the coop being required similar to those existing by ordinance for a garage or dwelling on the property. Kincaid noted that an accessory structure setback is minimally 5 feet from the property line depending on the size of the structure. Kincaid advised the required dwelling setback depends on the zoning district. Fritz questioned appropriate setbacks to deter from smells traveling. Angerer noted that

the only time there was odor from his coop is when he was actually inside of the coop. Fritz stated there should be language to require an appropriate coop size to provide enough area for the number of chickens and proper maintenance requirements. Garverick stated appropriate enclosures should be required, as free range could cause more issues.

Steiner agreed with setback requirements for the coop, however, should the site provide for outdoor runs, an additional setback should be required. Steiner continued, raising questions concerning how to define sanitary conditions and appropriate waste management as each individual may have a different definition or understanding. Angerer explained he cleaned his coop only twice a year, however, having 4 acres of land provided plenty of area for free range, thus in his opinion did not require frequent cleanings. Kincaid questioned Angerer on his coop size as she believed the coop size requirement in Toledo's ordinance seemed small. Angerer stated he had read that 2 square feet per hen is ideal.

Angerer voiced support to require a 10-to-15-foot setback. Mahoney mentioned it would be a good idea to include a fence requirement.

Garverick inquired on the number of chicken complaints that have been filed in the ordinance department.

Mahoney mentioned no onsite sale of eggs or slaughtering of chickens and Garverick agreed. Attorney Kamprath stated that regulating commercial sales from chickens is an unsettled legal question at the moment. Attorney Kamprath continued saying that these are residentially zoned districts and it would lend more credence to a defense, however it is an unsettled law. Mahoney stated no signage should be permitted. The Commission Members agreed to no slaughtering of chickens.

Garverick spoke in favor of a minimum a half-acre requirement and not specifically excluding subdivisions. Garverick was not supportive of only permitting two chickens on half-acre parcel. Garverick stated in his opinion residents will want more than just two chickens. Angerer agreed.

Mahoney again addressed the density issue by referring to the GAAMP definition for category 4 "primarily residential" sites. Angerer mentioned Ann Arbor's permit process and referred to the language stating that after 1 violation it would exclude the property from owning chickens. Mahoney agreed on setting a violation process, allowing for up to 3 violations. Mahoney voiced strong support for the Ordinance Department as in his opinion permitting chickens in a residential district would become an enforcement nightmare. Steiner questioned how a fee would be collected with a permitting process. Angerer supported a permitting process.

There was no further discussion by the Commission on this subject.

PUBLIC COMMENT –

James Worley-7052 Telegraph Rd- Mr. Worley advised he lives on a half-acre parcel and previously owned chickens before he was made aware chickens are not permitted in a residential zoning district by ordinance. Mr. Worley advised with the cost of a coop, most of which are intended for 4 to 8 chickens, should it be decided to limited the number to 2 chickens for a half-acre, that decision would be very restrictive. Mr. Worley supported some of the suggestions made by the Commission. Mr. Worley agreed that the smell is typically limited to the coop. Lastly, Mr. Worley supported permitting a certain number of chickens by ordinance and stated only those who are not complying by ordinance would require enforcement through the Ordinance department.

Steve Roznowski-9316 Jackman Road- Mr. Roznowski thanked the Planning Commission and the Township Board for recommending to move forward to draft language to permit chickens in a residential zoning district. Mr. Roznowski encouraged the Commission Members to review rules which afford greater latitude to larger parcels where area for chickens does not become an issue. Mr. Roznowski noted he lives on over 4 acres of land and area requirements for chickens are significantly less than those required for other types of animals. Mr. Roznowski spoke in favor of a threshold of 2-3 acres over which chickens could be maintained in the same way as AG zoned properties. Mr. Roznowski advised he is willing to discuss further with any interested Commission Member and would like to be involved in the process. Mr. Roznowski concluded by supporting a proposed ordinance to allow chickens.

INFORMATION –

Kincaid advised at this time there are no items scheduled for the February 24, 2021 meeting agenda.

COMMISSION / STAFF COMMENT – None

ADJOURNMENT –

The meeting was duly adjourned at 8:51 p.m.

Respectfully submitted,

Jodie L. Rector, Recording Secretary