

MINUTES- REGULAR MEETING  
BEDFORD TOWNSHIP PLANNING COMMISSION (virtual)  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
May 12, 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  
JODIE L. RECTOR, PLANNING AND ZONING ADMINISTRATOR  
KATRINA INGRAM, PLANNING AND ZONING, RECORDING SECRETARY

Mahoney called the Bedford Township Planning Commission meeting to order at 7:01 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 Steiner, to approve the minutes of February 10, 2021. Motion carried.**

***PUBLIC COMMENT (LIMIT 3 MINUTES)***

*None*

***NEW BUSINESS***

- A) REQUEST FOR MODIFICATIONS TO LANDSCAPE REQUIREMENTS FOR STORM WATER DETENTION PONDS, IN AN AG, AGRICULTURAL ZONING DISTRICT, FOR BRIDGEPOINT CHURCH, ON PARCEL NUMBER 5802-010-053-00, OTHERWISE KNOWN AS 9875 LEWIS AVE, TEMPERANCE MI 48182**

Rector reviewed the analysis stating the agriculturally zoned subject 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. 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.

Rector stated on May 22, 2019, Bedford Township Planning Commission granted site plan approval for Bridgepoint Church. Rector noted approval for fencing, screening, buffering and landscaping was at that time as follows:

**Fencing, Screening, Buffering and Landscaping:** 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. During construction several site modifications have been required on the site plan to accommodate installation of public water lines, gas lines, railroad easements, etc. Due to all the changes, the applicant reached out to the Planning/Building Departments to discuss other options of landscaping requirements as those modifications to the site were encroaching in the required detention pond landscaping.

Rector further stated the applicant is requesting a modification from landscape requirements from section 400.1907 # 12, Storm water detention ponds. There are two storm water detention ponds on site located on Erie Road and Lewis Avenue as previously mentioned and at the time of approval the submitted landscaping plan complied by ordinance.

Rector noted the Planning and Building Departments have had lengthy discussions and several meetings in regards to the landscape requirements with the applicant. The applicant has submitted a new proposed landscape rendering, which has been reviewed and agreed upon with the Planning and Building Departments, subject to review and a decision from the Planning Commission to modify from the required storm water detention pond landscape to increase the entire site foundation landscaping.

**Terry McCormack-Representative for Bridgepoint Church-** Mr. McCormack was available for comment.

Steiner questioned the changes in the landscaping from the previous plan to the new plan. Rector clarified the changes were due to placement of water lines and easements on the property which caused them to have to remove the required detention pond landscaping.

Mr. McCormack explained they have added foundation landscaping, plantings around the area of a potential future expansion, screening around the playground, as well as the intent to remove the old Bridgepoint sign to make the site as presentable as possible for the public. Mahoney questioned if the sign had been removed and when the planting would start. Mr. McCormack stated the intent to remove the sign and placement of plantings is under way currently. Rector clarified the foundation landscaping is not required so the applicant is permitted to move forward with installation. Angerer voiced support for the layout of the trees and how the proposed landscaping breaks up the large structure. Mahoney was in favor of the ball park on the parcel and Fritz agreed stating it was a better option to modify landscaping in case issues arise with water lines.

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

***MOTION BY ANGERER, SUPPORTED BY FRITZ, TO GRANT THE REQUEST AS PRESENTED FOR MODIFICATIONS TO LANDSCAPE REQUIREMENTS FOR STORM WATER DETENTION PONDS, IN AN AG, AGRICULTURAL ZONING DISTRICT, FOR BRIDGEPOINT CHURCH, ON***

***PARCEL NUMBER 5802-010-053-00, OTHERWISE KNOWN AS 9875 LEWIS AVE, TEMPERANCE MI 48182 AS PER SECTION 400.1907.20(a) TOPIGRAPHICAL FEATURES OR OTHER UNIQUE FEATURES OF THE SITE CREATE CONDITIONS SUCH THAT STRICT APPLICATION OF THE LANDSCAPE REGULATIONS WOULD RESULT IN A LESS EFFECTIVE LANDSCAPE DESIGN THAN AN ALTERNATE LANDSCAPE DESIGN.***

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

**B) OPEN THE PUBLIC HEARING REGARDING THE REQUEST FROM SMILE PROPERTIES, LLC, THERESA WARREN, FOR A REZONING REQUEST OF PARCEL NUMBER 5802-028-011-00, FROM PBO, PROFESSIONAL BUSINESS OFFICE, TO R-2A, SINGLE FAMILY RESIDENTIAL, LOCATED ON THE WEST SIDE OF JACKMAN ROAD, SOUTH OF DEAN ROAD, TEMPERANCE, MI 48182, OTHERWISE KNOWN AS 8153 JACKMAN ROAD, TEMPERANCE, MI 48182**

***Motion by Steiner, supported by Angerer, to open the public hearing at 7:21 p.m. Motion carried.***

Rector reviewed the analysis stating the subject parcel was once R-2A, Single Family Residential and on October 3, 2017, this parcel was rezoned at the previous owner's request to PBO, Professional Business Office to market the sale of the site for a dental office for the now owners. The applicant originally intended to remodel the existing structure and move their dental office on the subject site; however, they now have since purchased the existing dental office location within Bedford Township and are seeking to rezone back to R-2A and the intent is to remodel and live in the home.

Rector stated the request is to rezone from PBO, Professional Business Office to R-2A, Single Family Residential. The subject parcel has +/- 264 feet of frontage on Jackman Road and 2 acres with an existing dwelling and accessory structure. Rector informed the board the surrounding zonings are: North, PBO, Professional Business Office, South and West, R-2A, Single Family Residential, East, RM-1, Multi-Family Residential. Rector continued stating the Master Plan designates this site as Suburban Residential. This is intended to accommodate neighborhood development and housing for people seeking suburban style amenities found in modern construction such as two and increasingly three car-attached garages, larger setbacks for landscaped yards, decks, play equipment, and private swimming pools.

Rector stated the Planning Department requested a review of the rezoning request be conducted by Lucie Fortin of The Mannik & Smith Group and Planner for Bedford Township. Ms. Fortin prepared an overall review of the subject area and concluded the proposed zoning and use is consistent with the goals, policies and future land use map of the Township's Master Plan. In conclusion, it was suggested the Planning Commission make a recommendation to the Township Board to approve the rezoning request for the following key reasons:

- **The subject property is currently occupied by a residential building;**
- **A suburban density residential land use is consistent with the Township Master Plan;**
- **The subject property is located in an area of predominantly residential land uses.**

**Theresa Warren-7356 Country Commons Ln-Applicant-** Ms. Warren explained the history of the property and that it was rezoned for their business to relocate however now they are looking to rezone back to residential.

There was no public comment.

***Motion by Angerer, supported by Fritz, to close the public hearing at 7:28 p.m. Motion carried.***

Mahoney questioned if the driveway on the property is a connected driveway. Steiner stated it is a single driveway. Gaverick stated he has no issue with the request as the dental practice is established at its current location and rezoning back to residential is optimal for the surrounding area.

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

***MOTION BY HELM, SUPPORTED BY STEINER, TO RECOMMEND TO APPROVE THE REQUEST FROM SMILE PROPERTIES, LLC, THERESA WARREN, FOR A REZONING REQUEST OF PARCEL NUMBER 5802-028-011-00, FROM PBO, PROFESSIONAL BUSINESS OFFICE, TO R-2A, SINGLE FAMILY RESIDENTIAL, LOCATED ON THE WEST SIDE OF JACKMAN ROAD, SOUTH OF DEAN ROAD, TEMPERANCE, MI 48182, OTHERWISE KNOWN AS 8153 JACKMAN ROAD, TEMPERANCE, MI 48182 FOR THE FOLLOWING REASONS:***

- *The subject property is currently occupied by a residential building;*
- *A suburban density residential land use is consistent with the Township Master Plan;*
- *The subject property is located in an area of predominantly residential land uses.*

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

**Voting Nay: None**

**Excused: None**

**Motion carried.**

Rector reminded the applicant this ruling is a recommendation to the Township Board and that it would be placed on the Township Board agenda for June.

**c) REQUEST FOR A SIGN WAIVER ON A MULTI-UNIT BUILDING, IN A C-1, LOCAL COMMERCIAL ZONING DISTRICT, FOR QUAIL MEADOWS LLC, (Pienta, LLC) ON PARCEL NUMBER 5802-031-090-07, OTHERWISE KNOWN AS 6650 SUMMERLYN LAKES RD, LAMBERTVILLE, MI 48144**

Rector reviewed the analysis stating the applicant is seeking to install a 15.4 square foot wall sign, 2.5 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 subject unit is 14 feet wide and 80% of the width of the unit is 11.2 feet. Therefore, the proposed sign requires a 4.2 square foot area waiver.

Rector stated the applicant informed the Planning Department the proposed sign will utilize the entire space over the existing two-unit entrances on the southeastern end of the building. A letter of approval for this unit to utilize the entire space has been submitted by the owner. The applicant indicated the intent is that the southernmost unit (proposed coffee shop) will not utilize the southeastern entrance as its main entrance. The proposed use for the southern portion of the structure will instead utilize an entrance located on the south side of the building.

Rector noted 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.

Rector stated should the request be considered; the following waivers are required:

- A 4.2 square foot area waiver for wall sign
- To allow one unit to utilize the entire space on the southeastern entrance, where two wall signs, one for each unit would be permitted

Rector noted the following shall be considered for inclusion in any motion to approve, all required permits shall be obtained from Bedford Township

**J.R. Hoppenjans-Representative-1339 N Telegraph-Fast Signs Company-** Mr. Hoppenjans was available for comment.

Fritz voiced support for the sign as it will match the other sign on the property and the owner supporting to permit only one sign for the entire subject area. Frits stated the sign will be appealing even if it is a little larger as the proposed sign is appropriate for the size of the structure. Garverick stated he had no issues with the sign. Angerer voiced support for the design of the sign. Angerer questioned how many signs are permitted. Rector clarified each unit is permitted one wall sign 2 ½ feet in height and 50 square feet in area or 80% of the width of the unit whichever is less. Mahoney questioned where DaCapo coffee shop will propose a sign. Rector stated DaCapo's is working to install the sign on the south side of the structure as is permitted by ordinance as the site has two front yards. Rector clarified any additional signs would require a sign waiver. Steiner voiced opinion that two signs would appear to congested and having only one business utilizing the area is beneficial to reduce to one sign where two signs would be permitted. Mahoney agreed.

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

Mr. Hoppenjans clarified that Dacapo would not request a sign above the entrance on the southeastern side but they do intend to allow the entrance to be utilized.

Fritz questioned if handicap and curb cuts will be revisited if the entrance is located on the side of building as they currently have access in the front of the building. Rector stated that would be a building code question and she will follow up with Dennis Kolar, Building Official.

***MOTION BY FRITZ, SUPPORTED BY STEINER, TO GRANT A 4.2 SQUARE FOOT AREA WIAIVER FOR A WALL SIGN AND TO ALLOW ONE UNIT TO UTILIZE THE ENTIRE SPACE ON THE SOUTHEASTERN ENTRANCE, ON A MULTI-UNIT BUILDING, IN A C-1, LOCAL COMMERCIAL ZONING DISTRICT, FOR QUAIL MEADOWS LLC, (Pienta, LLC) ON PARCEL NUMBER 5802-031-090-07, OTHERWISE KNOWN AS 6650 SUMMERLYN LAKES RD, LAMBERTVILLE, MI 48144 AS PER OWNERS' AGREEMENT FOR THE UNIT TO UTILIZE THE ENTIRE SPACE OVER THE EXISTING TWO-UNIT ENTRANCE ON THE SOUTHEASTERN SIDE OF THE BUILDING WHERE TWO WALL SIGNS WOULD BE PERMITTED. CONDITIONED UPON ALL REQUIRED PERMITS SHALL BE OBTAINED FROM BEDFORD TOWNSHIP.***

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

**Excused: None**  
**Motion carried.**

**D) DISCUSSION REGARDING ORDINANCE LANGUAGE TO ALLOW CHICKEN KEEPING  
IN RESIDENTIALLY ZONED DISTRICT**

Rector reviewed the memo stating on February 10, 2021, the Planning Commission had discussion on moving forward with drafting language to permit chickens in a residential zoning district as directed from the Township Board.

Rector stated at this time, the Planning Department is seeking further discussion and direction from the Planning Commission on moving forward. Below are the items that were previously discussed (in red discussion/direction). The Planning Department is requesting a more defining decision on these to begin working with legal to draft the language in legal format to then present to the Planning Commission, holding a public hearing with discussion and a recommendation to the Township Board.

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)-only in R-1 through R-3, Single Family & RT, Two-Family only if Single Family is developed.
2. Requirements (if any) on acreage-minimum .5-acre
3. Requirements (if any) on setbacks-discussion on setback requirements of accessory buildings, dwelling or minimum 10-15 feet
4. Limit the number of chickens permitted-2 chickens for every .5-acre, maximum of 6 or 8 chickens
5. Permitting roosters-no permitting of roosters
6. Permitting chickens in any or all subdivisions or requirements by acreage-acreage requirement of .5-acre
7. How maintaining: noise, nuisances, odor, trespassing, waste disposal, feed storage, etc. -no direction discussed
8. Requirements on coops (setbacks-home, property line, neighboring home, etc.) discussion on setback requirements of accessory buildings, dwelling or minimum 10-15 feet-no decision on setback from dwelling
9. Allow on site-sales (eggs)-no onsite sales, no signage permitted
10. Slaughtering of chickens-no slaughtering of chickens
11. Should there be a process on violations? How many? Repercussion on violations to guide Ordinance Enforcement? -discussion of three violations, but no determination of enforcement

Rector 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.

Angerer stated in his research he found the 0.5-acre requirement is similar to requirements in other areas and some allow slightly smaller acreage to serve but he agrees with the 10-foot setback due to odor. Garverick questioned Attorney Kamprath if deed restrictions would supersede the ordinance. Attorney Kamprath stated deed restrictions and association rules would have priority over ordinance. Rector noted letter L in the rough draft ordinance language states that as well. Mahoney stated he would like clear repercussions for those who don't follow ordinance requirements. Steiner noted that due to lack of ordinance language currently residents believe if it doesn't say they can't, they can, so he would like to see something that clearly outlines what is and is not permitted. Mahoney mentioned creating a handout which would outline basic facts about owning chickens to disperse to those looking to move forward with owning chickens. Steiner questioned if there would be a fee structure for the permit process and Rector stated that would be a decision from the Commission.

Angerer agrees with permitting only in R-1 through R-3, Single family and RT, Two Family only if developed as single family. Angerer stated support for the 0.5-acre requirement and mentioned possibly lowering to 0.3 acre or 0.4 acre. Angerer stated he agreed with the minimum setback of 10 to 15 feet and limiting number of chickens to 2 per every 0.5 acre with a max number of 6 chickens. Angerer stated he agrees with no roosters and no slaughtering. Angerer stated support for onsite sales if ordinance allows. Angerer voiced support for a 3-violation process with ordinance violations, after which the permit would be revoked and all chickens would be required to be removed from the site. Angerer mentioned setting a minimum number of years before they can reapply for permit or revoke the permit in its entirety.

Garverick stated permits were unnecessary and would just require more paperwork for ordinance. Garverick questioned how Ordinance Enforcement would proceed with violations. Attorney Kamprath stated violations would follow the ordinance violation process but that chickens cannot be removed unless there is a sanctuary or facility to take them. Rector stated Dennis Kolar, Building Official, Damon Cecil, Ordinance Officer, and herself all agreed with the permitting process to ensure compliance is met when following up with residents. Steiner stated he thought the permit process is beneficial as it gives opportunity to clearly outline what residents can and cannot do before they proceed. Steiner added through that process each resident would be provided the information to ensure understanding and be informed with requirements to comply. Rector stated the permitting process would be handled through Building and Planning and Zoning Departments and Ordinance Department would handle enforcement. Gaverick questioned if coop structures would be regulated with the permit or if the permit would regulate setbacks and other basic requirements. Angerer stated a basic plot layout would be required for initial permit as chickens do not require large area. Gaverick stated he has received weekly calls to take in chickens and ducks that residents have no longer desired to keep. Garverick also noted it is cheaper to buy eggs than feed chickens.

Mahoney asked the Board to move forward with reviewing the guidelines outlined and questioned the permitted acreage size. Mahoney questioned if the Board would like to make any changes to permitting chickens in R-1 through R-3, Single Family and RT, Two-Family, if developed as Single Family. The Commission members agreed to the listed zonings. Steiner voiced support to minimum acreage. Steiner requested to set the minimum to a 0.5 acre. Fritz agreed. Angerer stated he would prefer 0.4 acre or 0.3 acre but supports 0.5 acre as residents can seek variance if required. Steiner stated a 10-foot setback seemed close. Fritz stated supported of a 10-foot setback requirement from a property line. However, Fritz requested a requirement of 15-foot setback from a main building. Discussion continued on accessory structures not being permitted on property line and permits not being required for up to 200 square foot accessory structure. Steiner stated a 15-foot setback from both the property line and main building would restrict the resident in area. Steiner advised he would support a minimum 10-foot setback for both. Fritz reiterated support for a 10-foot property line setback and 15-foot main building setback requirement. Mahoney agreed.

Mahoney questioned the Board on limiting chickens to 2 chickens per 0.5-acre and setting the maximum number allotted at 6 chickens' total. Steiner, Fritz and Mahoney all agreed. The Commission Members agreed

with prohibiting roosters. Steiner referred to permitting chickens in any or all subdivisions and requirements by acreage and stated it should be subject to deed restrictions. Mahoney agreed. Mahoney stated when looking at how to maintain noise, nuisances, odor, trespassing, waste disposal, feed storage and other issues it should be complaint based. Steiner voiced support for a certain number of violations and then proceed with legal action. Attorney Kamprath stated these criteria may be an issue for ordinance as they are subjective to measure and would need objective standards. Angerer stated the proposed ordinance language would need measures in place to eliminate possibility of issues, examples include no waste stored on property or feed must be stored in secure storage area. Mahoney voiced concern with enforcing such measures. Garverick agreed with Attorney Kamprath and stated these types of criteria are open to interpretation as there is no equipment to measure violations. Steiner agreed.

Mahoney voiced opinion of no signage or on-site sales permitted. Angerer stated he would support on site sales if it was permitted by ordinance. Attorney Kamprath stated he would prefer no on-site sales to deter the use turning into a commercial enterprise. Attorney Kamprath added retail sales in residential is not permitted by ordinance and the Township would not want to interfere with the Right to Farm Act. Rector reiterated signage is not permitted in Residential districts. The Commission members agreed to no on-site sales and no signage permitted. The Commission members agreed to no slaughtering of chickens. Mahoney questioned the process for violations and Attorney Kamprath stated he was unsure but in regards to violations he believed ordinance policy was a civil infraction for the first and second offense and possibly the third offense as well or it could escalate to a misdemeanor. Attorney Kamprath also advised if using a permit process, the Commission could allow for a certain number of violations and then revoke the permit if compliance is not met without involving a legal process. Steiner confirmed that the violations would be actual violations of the ordinance and not just by complaints filed. Attorney Kamprath stated it would be a violation of the permit restrictions and not compliance with the ordinance. Mahoney requested documentation for the next meeting from Attorney Kamprath that would outline the process. Attorney Kamprath agreed to prepare documentation. Garverick questioned who would be called to handle violations where chickens need to be removed as the dog warden and other agencies would not remove chickens. Mahoney requested for the Planning Department to refine the information discussed and return to the language to the Commission for further discussion.

**E) DISCUSSION REGARDING ORDINANCE LANGUAGE TO ALLOW ONSITE SALES IN AN I-2, LIGHT INDUSTRIAL ZONING DISTRICT, FOR COMPOSTING FACILITY**

Rector reviewed the memo stating on October 20, 2020, a request was made from the owner of Mulch King, Andrew Nycz, to amend the current ordinance to allow other commercial sales on site. Per Section 400.1502.5.z I-2, Light Industrial Zoning District for “Principal uses permitted subject to special approval for Commercial composting facilities” states:

*The owner/operator shall submit a Composting Facility Operations Plan (CFOP) for the facility that demonstrates compliance with this Ordinance and all applicable Federal and State regulations. The CFOP shall describe or provide information pertaining to the following: Site design considerations including material flow and other procedures; the location of different activity areas (E.G., receiving, windrows, curing, disposing of waste materials found in incoming materials, location of on-site commercial sales of product produced on-site from the composting operation); volume limits and where the operator will send material if site limitations are achieved; typical carbon - to - nitrogen ratios for expected materials and how the materials will be mixed to maintain reasonable ratios for successful composting; planned processing activities from receipt at the gate from the end user of the finished compost; the frequency with which the yard clippings will be rotated; the steps that will be taken to*



*maintain yard clippings at the appropriate content and temperature; the means by which the temperature and moisture of the compost piles will be measured; the steps that will be taken to ensure that the decomposition process will be properly managed and maintained in an aerobic condition; the monitoring, record keeping and reporting program that will be maintained; the length of time for which yard waste will remain on the site; product quality standards and testing for pathogens; the owner/operator's staffing plan and how many people will be working on-site throughout the year; the operating staffs' qualifications and what training is planned for both operations and safety; and a plan for how the owner/operator will troubleshoot typical composting difficulties such as litter control, odor, inappropriate temperature, dust, noise, flies and pests, and neighborhood complaints. The CFOP must be amended to reflect changes in operation and be available and a current copy filed with the Township Clerk.*

Rector further explained at the October 20, 2020 meeting, Township Board gave approval for Legal Counsel and the Planning Department to move forward with the zoning text amendment change to the Zoning Ordinance with regards to the sale of “landscaping material”. Planning Department and Legal Counsel have discussed amending to allow sales of rock, millings, screenings and other landscape type materials that are not produced on site. Planning Department is seeking direction from the Planning Commission on language to only allow “specific items to be listed” or “other landscape type materials” permitted for onsite sales in an I-2, Light Industrial Zoning District for a composting facility.

Steiner stated the ordinance request was brought forward by the owner of Much King; however, the Commission Members need to keep in mind that any and all properties that could comply with ordinance this proposed language change would apply. Discussion occurred on the need to be specific on what would be permitted and ensure properties are in compliance with ordinance and have the appropriate approvals from the necessary agencies. Steiner and Gaverick agreed. Fritz questioned businesses, such as Housel’s Nursery, selling mulch in large batch quantities. Rector clarified the ordinance request is for composting facilities, permitted in an I-2, zoning District with special approval. Attorney Kamprath further clarified the subject parcel is likely not Industrial zoned. Mahoney questioned the items that are currently permitted for on site sales. Rector stated ordinance currently permits sale of items produced on site such as wood chips and mulch, however bringing in items for sale from off site at this time is not permitted by ordinance. Rector stated it is the decision of the Commission on the specific materials or a list of specific items, as landscape materials can be open to interpretation. Angerer agreed with Steiner and stated stone and such materials should be permitted however the site should be required to be in full compliance with ordinance.

Discussion continued on permitting additional items for sale on site and Helm stated he agreed with permitting additional materials as receiving all items at one site is beneficial. Helm agreed that a site should be in compliance to allow additional sales. Mahoney questioned if the Planning Department was able to visit similar composting facilities. Rector stated she had found in researching to create language to allow for composting facilities, most but not all permitted the sale of product produced on site only. Steiner questioned when researching was more composting facilities found to be zoned Agricultural and not Industrially zoned. Rector stated yes. Mahoney questioned if composting is permitted in Agriculturally zoned areas. Attorney Kamprath stated he would have to research the request. Angerer

stated should the ordinance be changed to permit bulk material for sale the materials would need to be in a contained space and not just piled areas on the property. Fritz voiced support in permitting the sale of additional landscape materials.

Attorney Kamprath advised the Commission members to keep the relative zoning districts in mind as similar businesses are likely zoned Commercial and not Industrial. Attorney Kamprath added retail sales are the intended use in Commercial Zoning Districts within Bedford Township. Discussion continued on changing the underlying zoning. Rector stated composting facilities are only permitted in an I-2, with special approval. Steiner noted other uses within I-2, Light Industrial Zoned districts are not permitted sale of items produced off site and an exception has already been granted for composting facilities by permitting sale of items produced on site.

Discussion continued on a possible listing of specific materials requested to be permitted for sale. Rector stated the Commission could request research of specific landscape materials. Gaverick voiced support. Steiner questioned whether the initial request to change the ordinance was made for specific or general landscape materials. Rector stated, the request was made to legal counsel for the sale of rocks, millings, screenings and other landscape type materials at a Township Board meeting. Rector explained that during discussion with legal counsel, the opinion was given and agreed upon with the Planning Department that more clarification was needed on other landscape type materials, as that can be open to interpretation. Rector further explained that composting facilities do require special approval and are required to have a public hearing so should the desire be to have additional materials for sale on site, location of those items can be shown on the site plan. Fritz questioned if additional sales on site could be permitted solely for composting and no other uses within I-2, light industrial district. Mahoney clarified the ordinance is written for the specific zoning district. The Commission members had no further discussion.

***PUBLIC COMMENT –***  
NONE

***INFORMATION –***  
Rector advised there will be a meeting on May 26, 2021 as an item has been submitted.

***COMMISSION / STAFF COMMENT –***  
Mahoney thanked Rector for the information supplied in the packet and providing a copy of the ordinance book.

***ADJOURNMENT –***  
The meeting was duly adjourned at 8:45 p.m.

*Respectfully submitted,*

*Katrina Ingram, Recording Secretary*