

MINUTES  
BEDFORD TOWNSHIP PLANNING COMMISSION  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
July 24, 2019

PRESENT:

MATTHEW ANGERER, CHAIR  
DENNIS JENKINS, VICE-CHAIR  
NANCY TIENVIERI, TOWNSHIP BOARD LIAISON  
DAN STEFFEN, SECRETARY  
TOM ZDYBEK  
RON FRITZ

EXCUSED:

JOE GARVERICK

ABSENT:

NONE

ALSO PRESENT:

MARTY KAMPRATH, LENNARD, GRAHAM & GOLDSMITH, LEGAL COUNSEL  
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 Tienvieri, supported by Jenkins, to approve the agenda. Motion carried.

*APPROVAL OF THE MINUTES OF JUNE 26, 2019*

Motion by Steffen, supported by Tienvieri, to approve the minutes of June 26, 2019. Motion carried.

*PUBLIC COMMENT (LIMIT 3 MINUTES)*

None

*NEW BUSINESS*

**A) REQUEST FOR FINAL SITE PLAN APPROVAL ON A PATIO AND COOLER ADDITION FOR DEMIRI PROPERTIES, LLC, LOCATED ON PARCEL NUMBER 5802-030-132-10, OTHERWISE KNOWN AS 7495 SECOR ROAD (OLD SPRING ARBOR COLLEGE), LAMBERTVILLE, MI 48144**

Rector reviewed the request stating per Section 400.1913.1.g Site plan review (all districts) states any alteration, addition, deletion, expansion, change, or conversion, to an existing development, building, structure, or use that did require or would now require a site plan, which either requires additional off-street parking or constitutes an increase or decrease in size of the building, structure, or use area of 1,000 or more square feet or ten percent, whichever is less.

Rector stated the owner is proposing a 200 square foot cooler to the west of the existing building and a 1,176 square foot enclosed patio addition to be attached to the east side of the existing 4,613 square foot building (old Spring Arbor College) on a 1.459-acre parcel. The applicant has indicated on the site plan the addition will be for a covered outdoor patio seating area and additional cooler/freezer.

Rector advised per Section 400.1904, parking for an establishment for sale and consumption on the premises of beverages, food or refreshments requires one for each 75 square feet of usable floor space. In speaking with Mr. Kwasnik, there is a total of 4,778 square feet of usable floor space, which would require 64 parking spaces. The site plan indicates there are 94 spaces, which includes four barrier free spaces, therefore, exceeding the ordinance requirement.

Rector stated per section 400.1906 Loading/unloading states in a commercial zoning district, a building of 2,000 to 5,000 square feet, one 10' X 30' loading/unloading space is required. The site plan indicates a 10' X 30' loading/unloading area located on the northwest end of the site near the rear of the building.

Rector noted in Section 400.1907 a site with less than 149 parking spaces is not required to provide interior landscaping. The site plan indicates several existing plantings will remain or be relocated on site. Specific requirements for a commercial district states landscaping adjacent to roads that includes front yard parking, a visual barrier of minimum of 3-feet high, consisting of a wall or landscape material or both is required. Proposed additional landscaping is shown on Secor Road, and to the rear of the property which meets the requirements of the ordinance. A dumpster enclosure is proposed on the northwest side of the site, north of the loading/unloading area. Screening of a 6-foot high solid vinyl privacy fence with gates is being proposed, which meets the intent of the ordinance.

Rector said there is no proposed sign change at this time, however the site plan indicates a new sign design will be submitted separately for review and approval.

Rector advised per Section 400.1908, light poles within a site that requires less than 100 parking spaces, shall not exceed 20 feet in height. There are six light poles, 20 feet in height shown within the parking area. There are four existing and four new building-mounted lights on all sides of the structure at 19 feet in height. All exterior lighting shall be fully shielded and directed downward to prevent off-site glare, including building-mounted lighting with more than 60-watt bulbs. As required by ordinance, the intensity of light within the site shall not exceed 10.0 foot-candles at ground level and at the property line when adjacent to other commercial property. The submitted lighting plan complies with the foot candle requirements; however, it should be verified that all wall lighting is directed so to prevent off-site glare. Rector said elevations have been included and the proposed patio façade meets the intent of the ordinance.

Rector noted the Fire Department reviewed and approved the site plan with comments and conditions on 7/8/2019, the MSG reviewed and approved the site plan with comments and conditions on 7/2/2019 and the Monroe County Drain Commission had no review comments, as there is no proposed change to the pavement surface area.

Rector advised should site plan approval be granted, a motion should include that the approval shall be contingent upon addressing all conditions of the Bedford Township Fire Department and the MSG letters of approval

**Steve Kwasnik-Architectural Intelligence, LLC**-Mr. Kwasnik stated the new addition will improve the building and stated the applicants are excited to move forward.

Angerer was glad to see a vacant building moving forward to be utilized. Steffen gave clarification that there would be no change to the building footprint. Mr. Kwasnik stated that is correct, the patio and cooler are just an addition to the existing structure. Rector advised the Commission the applicant is working with Kroger's to obtain an easement for additional access. Tienvieri inquired if the patio would be enclosed. Mr. Kwasnik advised there will be an approximate 3-foot wall with 9-foot windows that will open up to provide a feeling of being outdoors. Tienvieri was excited to see a new project within the vacant building.

There was no further discussion.

Angerer 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. Kwasnik opted to move forward as scheduled.

**MOTION BY STEFFEN, SUPPORTED BY TIENVIERI, TO APPROVE FINAL SITE PLAN APPROVAL ON A PATIO AND COOLER ADDITION FOR DEMIRI PROPERTIES, LLC, LOCATED ON PARCEL NUMBER 5802-030-132-10, OTHERWISE KNOWN AS 7495 SECOR ROAD (OLD SPRING ARBOR COLLEGE), LAMBERTVILLE, MI 48144 CONTINGENT UPON ADDRESSING ALL ITEMS IN THE MSG AND THE BEDFORD TOWNSHIP FIRE DEPARTMENT REVIEW LETTERS.**

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

**Nay: None**

**Excused: Garverick**

**Absent: None**

**Motion carried.**

**B) OPEN THE PUBLIC HEARING REGARDING THE REQUEST OF BEDFORD PUBLIC SCHOOLS FOR A REZONING OF PARCEL NUMBER 5802—022-038-00, FROM R-2B, ONE FAMILY RESIDENTIAL ZONING DISTRICT, TO PBO, PROFESSIONAL BUSINESS OFFICE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF TEMPERANCE ROAD AND EAST OF JACKMAN ROAD, OTHERWISE KNOWN AS 1575 W. TEMPERANCE ROAD, TEMPERANCE, MI 48182**

*Motion by Zdybek, supported by Tienvieri, to open the public hearing at 7:11 p.m. Motion carried.*

Rector reviewed the analysis, saying the applicant is requesting to rezone from R-2B, One Family Residential to PBO, Professional Business Office, a parcel located at 1575 W. Temperance Road, which is the location of Temperance Road Elementary. The building has been vacant and the applicant's vision is to seek the rezoning for his own personal business and to create other tenant space within the structure. Included in your packet are the principal uses permitted, uses permitted subject to special approval, and the site development standards for the PBO District.

The surrounding zonings are:

NORTH: AG, Agricultural

R-1/R-2A, One Family Residential

SOUTH/EAST/WEST: R-2A/R-2B/R-3, One Family Residential

Rector stated the Master Plan adopted on October 28, 2015 designates this area as Public & Semi-Public and Recreation & Open Space, with the intent to accommodate the community facilities and designed to fit into the established character of the surrounding area which, in this case, is primarily residential.

Rector advised the Planning Department requested a review of the rezoning be conducted by Lucie Fortin of The Mannik & Smith Group and Planner for Bedford Township. Ms. Fortin prepared an overall review suggesting in her conclusion the Planning Commission make a recommendation to the Township Board to approve the rezoning request for parcel number 5802-022-038-00 from R-2B, One-family Residential District, to PBO, Professional and Business Office, based on the following key reasons:

- The re-use and repurposing of the existing building and the site is a good outcome for this property and certainly better than a vacant building;
- A professional and business office rezoning offers the least intense non-residential redevelopment for this property making this rezoning more appropriate than a commercial one;
- The subject property is located about ½ mile and potential walking distance from Temperance, which presents an opportunity to provide pedestrian-friendly features that are consistent with the Temperance Village Center area; and
- The subject property has access to public sanitary sewer and water services.

**Carl Shultz- Superintendent of Bedford Public Schools- 8238 Hunters Ridge, New Port, MI-** Mr. Shultz advised this location has been vacant for over 5 years. Mr. Shultz stated the district and the Board of Education has been very cognizant of the concerns of the community and the local neighbors. Mr. Shultz stated there were different uses proposed, however, after review of the proposed bid and plan by Mr. LaScala, the Board of Education made a decision that Mr. LaScala's plan added to the community and the neighborhood. Mr. Shultz stated Mr. LaScala already has an established business.

***Motion by Jenkins, supported by Tienvieri, to close the public hearing at 7:18 p.m. Motion carried.***

Angerer 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. Shultz opted to move forward as scheduled.

Tienvieri asked if the School will be selling the property, pending the rezoning request. Mr. Shultz stated yes, the sale of the property is contingent upon the rezoning being approved. Tienvieri inquired if the sale was for the entire parcel. Mr. Shultz stated it is for the entire parcel and building. Tienvieri spoke on the submitted rendering of the existing building and if there was any intention of developing on the remaining acreage to the rear of the building.

**Greg LaScala-7670 Coventry, Temperance-**Mr. LaScala advised there are no intended plans for the remainder of the property at this time. Mr. LaScala did state the rendering before the Commission is conceptual. Mr. LaScala stated once his business is settled into the building, they will reassess the building and needs of the community before moving forward.

Tienvieri discussed traffic concerns. Mr. LaScala did not feel the intended use would increase traffic and would have less traffic than the school. Mr. Shultz stated he researched the traffic and the last year the school was open there were eight bus routes, morning and afternoon, approximately 100 parents dropping off and picking up, and 26 staff members arriving and leaving daily. Mr. Shultz agreed with Mr. LaScala on there being much less traffic than the school use.

Steffen discussed on the gas line through the rear of the property and the challenge for a residential type of development. Mr. Shultz explained the district has no intentions of reopening this building due to the cost and the population moving away from that specific area of the community. Mr. Shultz stated there were options looked at internally, but the challenge is the size of the building. Mr. Shultz spoke on the gas line saying to does cause some challenges, especially for a residential development. Mr. Shultz stated he did have several conversations and meetings with different developers, however, there is better property available for their purposes. Mr. Shultz was hoping for different options for the Board of Education, however, he is very pleased with the potential for this option and has since moved forward.

Jenkins stated he has lived directly west of the property for over 40 years and has met with Mr. Schultz regarding the proposed rezoning request. Jenkins said, after his meeting with Mr. Shultz, he felt assured the

Board of Education took a lot of time to investigate what the impact would be on the community. Jenkins stated he has no issues with the request.

Tienvieri spoke on the permitted uses within a PBO district. Rector read several of the uses permitted and the required conditions by ordinance. Rector stated should the rezoning request be approved by the Township Board, the site will have to be brought into compliance by ordinance with the requested zoning district. Angerer felt this proposed use is a great alternative to the existing vacant building. Steffen asked what the applicants had interests on leasing within the building. Mr. LaScala advised there has been several inquiries to lease options, however, he needs to move forward with his business first and then go from there.

**Keith Kolar-Kolar Architect-** Mr. Kolar had renderings of the proposed location. Mr. Kolar said he is very excited to work on this project. Mr. Kolar showed several areas to be repurposed. Mr. Kolar advised this is the beginning stages but there are several great ideas on how to reuse the building.

**MOTION BY JENKINS, SUPPORTED BY STEFFEN, TO RECOMMEND TO APPROVE THE REQUEST OF BEDFORD PUBLIC SCHOOLS FOR A REZONING OF PARCEL NUMBER 5802-022-038-00, FROM R-2B, ONE FAMILY RESIDENTIAL ZONING DISTRICT, TO PBO, PROFESSIONAL BUSINESS OFFICE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF TEMPERANCE ROAD AND EAST OF JACKMAN ROAD, OTHERWISE KNOWN AS 1575 W. TEMPERANCE ROAD, TEMPERANCE, MI 48182 AS IT IS A GOOD REPURPOSING OF THE BUILDING IN THAT AREA, NO SIGNIFICANT IMPACT ON THE AREA AND RECOMMENDED BY BEDFORD TOWNSHIP PLANNER, LUCIE FORTIN, REVIEW LETTER.**

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

**Nay: None**

**Excused: Garverick**

**Absent: None**

**Motion carried.**

- C) OPEN THE PUBLIC HEARING REGARDING THE REQUEST TO AMEND THE PROVISIONS TO REGULATE OUTDOOR DISPLAY FOR SALES IN A C-3 ZONING DISTRICT; WHICH SHALL INCLUDE AN AMENDMENT TO SECTION 400.1302 “PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL APPROVAL”, TO RENUMBER EXISTING PARAGRAPH 12 TO PARAGRAPH 13, AND TO ADD A NEW PARAGRAPH 12; AND AN AMENDMENT TO SECTION 400.1303 “SITE DEVELOPMENT STANDARDS FOR C-3, GENERAL BUSINESS DISTRICTS TO ADD A NEW PARAGRAPH G TO SECTION 400.1303.**

***Motion by Steffen, supported by Jenkins, to open the public hearing at 7:34 p.m. Motion carried.***

Rector stated this request, which is a public hearing, is for an ordinance amendment to allow commercial outdoor display of sales in a C-3 Zoning District with Special Approval.

Rector advised an inquiry was presented to the Planning Department for a new business to develop in the Township which would include a large area for outdoor display of sales. Rector stated once the Planning Department had an opportunity to review the ordinance, it was discovered there was no provision to allow such an intense outdoor use. Further discussions commenced with the Planning Department and LG&G to

move forward with amending the language to permit outdoor display of sales within a C-3 Zoning District with Special Approval.

Rector said the language was drafted by LG&G and was emailed to Planning Commission Members on July 2, 2019 for review and comments.

Rector advised that the Notice of Public Hearing was published on July 9, 2019.

***Motion by Zdybek, supported by Tienvieri, to close the public hearing at 7:36 p.m. Motion carried.***

Steffen asked if this amendment is to allow a permanent display area for outdoor sales. Rector stated yes. Rector stated this amendment is to allow 5% or 400 square feet, whichever is less, for display of outdoor sales without special approval and any amount of area over and above, within the requirements of the proposed language, would have to be presented to the Planning Commission with a site plan subject to special approval showing the outdoor display area, which would require a public hearing.

Tienvieri voiced strong opposition to the ordinance amendment for several reasons. Tienvieri first stated she felt it would be a “nightmare” for the Ordinance Department to enforce, second, she is opposed to how the amendment was created, as the subject site was recently rezoned to C-3 at Secor/Sterns and now for a specific property for development, they are asking for approval to allow an additional use for a certain type of business. Tienvieri stated the existing C-3 Ordinance has worked in Bedford Township for many years, and she is opposed to an amendment for a site recently rezoned. Tienvieri understands it will apply to other locations and not just this one, however, to amend the ordinance to allow this specific business to be able to develop in this community is a wrong reason to amend the ordinance. Tienvieri stated if there have been issues or problems that required an amendment to the ordinance be made, that would be a different case. Tienvieri believes it is wrong to service one particular business. Tienvieri spoke on the surrounding residential districts and senior living and added she did not believe this is the right place for this type of use. Tienvieri reiterated she is totally opposed to amending the ordinance in this fashion.

Zdybek agreed with Tienvieri that the initiative for the ordinance amendment was due to a specific business wanting to develop in the community. Zdybek assumed the company he thought to be developing this property is usually on a major highway and not on sites similar to this one. Tienvieri supported the C-3 rezoning for that area, however this proposed amendment could change C-3 district all together and not only this location but other areas where C-3 is abutting or near a residential zoning district. Tienvieri supports development but is not in favor of economic development in the wrong places. Tienvieri again reiterated she is against amending the C-3 uses to allow this amendment.

Angerer inquired on what is permitted for outdoor sales. Mr. Kamprath advised that information provided to him was that there is no provision within the ordinance for outdoor display of sales. Mr. Kamprath advised that is why this language was created to address that absence of language to deal with those types of situations. Mr. Kamprath stated there may be locations already within the community that have outdoor display of sales, which are not necessarily permitted under the current ordinance. Mr. Kamprath advised those are the types of situations this amendment is trying to deal with and potential future development could utilize this type of use. Mr. Kamprath advised, in his opinion and the other legal opinions (LG&G), this is a “gaping hole” in the Township Ordinances and it is important that it is addressed. Mr. Kamprath also indicated that the last subparagraph on page six indicates that “the allowance for additional outdoor display area for sales pursuant to the paragraph 12 of this Section 1302, shall be considered discretionary with the Planning Commission, which shall be charged with the duty to consider the location of the parcel, and the type of outdoor display for sales requested, and the existing uses and allowed future uses of adjacent and nearby parcels, and the possible negative impact to the area and the Township as a whole”.

Mr. Kamprath continued to say that there is provision within the proposed language that gives the Planning Commission the ability to decide whether outdoor display of sales would be appropriate for the particular parcel which is zoned C-3. Mr. Kamprath said this use is with Special Approval and it is a whole other level of scrutiny that any business wanting to provide outdoor display would have to go through, with no guarantee of approval. Tienvieri asked if an outdoor display of sales is allowed in an Industrial Zoning District. Rector stated the intent of an Industrial zoning district is to provide for manufacturing and processing of a product.

Steffen appreciated the language, as it provides provisions and guidelines on the overall site plan of the outdoor sales area. Steffen added he agreed with Mr. Kamprath, as he could recall several businesses within the community operating currently with outdoor display of sales. Steffen felt the language provides guidance to ensure the area of outdoor display is properly maintained. Jenkins referred to the language read by Mr. Kamprath and not agreeing with the “discretionary” verbiage. Mr. Kamprath advised there are several portions of the proposed language that allows for Planning Commission discretion as to screening, setbacks, fencing, lighting etc. including the outdoor display area itself. Jenkins inquired should the Planning Commission make a discretionary decision what criteria is it based on. Mr. Kamprath advised the Planning Commission would have to give their reasons, and each of the paragraphs spells out some of the criteria to be analyzed and considered with a decision. Mr. Kamprath said with any special approval, if it meets the criteria of the ordinance the use must be approved. Mr. Kamprath noted several portions of the criteria are subjective, so there must be a reason for the determined criteria and not just because one does not like it. Tienvieri agreed with Jenkins as she also does not agree with the language use of “discretionary”. Tienvieri added she prefers to see rules outline what can and cannot be done.

Tienvieri asked for clarification on Mr. Kamprath’s comment of a “gaping hole”. Mr. Kamprath stated, with the absence of any provision in our ordinance, for outdoor display of sales, that would be the “gap”. Tienvieri said that means we do not want it, there is no “hole”, it is a decision made that we do not want to entertain, so it is not included in the ordinance. Mr. Kamprath agreed with Tienvieri that this is a permissive ordinance and the list of permitted uses are set forth in each zoning district, and if that use is not listed it is presumably not allowed. Mr. Kamprath said you get into gray areas that would be discussed in order to bring it close enough to a listed permitted use. Mr. Kamprath advised it is always best if you could anticipate an issue and head it off at the path. In this case, there are some businesses within the community already doing this activity and there is nothing stated within the ordinance which specifically permits outdoor display of sales, though it is likely going on. Tienvieri stated that is when Ordinance Enforcement is called in to advise that the use is not permitted by our ordinance. Mr. Kamprath said it is a difficult situation. Tienvieri said those may be “grand-fathered”. Mr. Kamprath stated there is no “grand-fathering” unless there was an ordinance that prohibited it.

Steffen said this ordinance would be a “tool” for the Planning Commission to regulate. Mr. Kamprath agreed. Mr. Kamprath stated he can appreciate Tienvieri’s concerns with using the term “discretionary”, as it makes him shiver at times. Mr. Kamprath said that the language includes as much objective criteria as possible, but every site is different. Mr. Kamprath stated some sites may be abutting or near residential uses and some may be closer to high traffic corridors. Mr. Kamprath advised those are some of the reasons why there has to be some flexibility where the use may be more appropriate than others. Angerer inquired whether the amendment change, the business could not have an outdoor display of sales. Tienvieri stated if this amendment is not approved, we can say you can not do it. Angerer voiced concern for those sites that already have outdoor sales that have been in existence for many years. Mr. Kamprath asked if Township wanted to go down that road. Tienvieri noted when people have chickens, they have to be told they cannot have chickens in a residential district. Tienvieri stated that is another subject which is an issue for the Township.

Fritz asked for clarification on a C-3 district being required to bring the site up to ordinance standards. Mr.

Kamprath said there would have to be a site plan submitted, having satisfied all the criteria in the site plan ordinance for lighting, screening, fencing, and setbacks all of those items set forth in the proposed language. Fritz stated that is not provided for currently. Mr. Kamprath agreed. Fritz referred to the proposed amendment language on page 2 ii. Mr. Kamprath advised it would be a Special Approval for principal uses permitted subject to a public hearing, a site plan submitted and reviewed, satisfying all the criteria of the ordinance, presented, reviewed and approved by the Planning Commission. Tienvieri voiced concern for law suits should one site be approved and not another. Mr. Kamprath clarified that is why a statement providing the reasons and the uniqueness of the parcels are important when making a record. Jenkins added this is why he is objecting to the discretionary language, because when it is before the Planning Commission with a public hearing it is each individual Commissioners decision, not a decision by specific criteria. Mr. Kamprath advised there are plenty of good reasons to provide additional criteria. Jenkins asked if the word discretionary was even needed. Mr. Kamprath said if it is made completely objective and take all the discretion out of it, then every place, should it meet the criteria, could have outdoor display of sales. Mr. Kamprath said it may be a tough road to anticipate every parcel that is currently zoned C-3, or future parcels that could be rezoned to C-3, and determine at this point in time, by the design of the criteria whether or not that specific parcel would qualify or not. Mr. Kamprath ended saying that is why some things are best left to discretion if the people making that decision use the correct process and apply the correct criteria, rather than just say it looks good. Mr. Kamprath stated he prefers objective criteria, but there are certain times you have to grow with the community.

**MOTION BY TIENVIERI, SUPPORTED BY JENKINS, TO RECOMMEND TO DENY THE REQUEST TO AMEND THE PROVISIONS TO REGULATE OUTDOOR DISPLAY FOR SALES IN A C-3 ZONING DISTRICT; WHICH SHALL INCLUDE AN AMENDMENT TO SECTION 400.1302 “PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL APPROVAL”, TO RENUMBER EXISTIN GPARAGRAPH 12 TO PARAGRAPH 13, AND TO ADD A NEW PARAGRPAH 12; AND AN AMENDMENT TO SECTION 400.1303 “SITE DEVELOPMENT STANDARDS FOR C-3, GENERAL BUSINESS DISTRICTS TO ADD A NEW PARAGRAPH G TO SECTION 400.1303 AS WITH THE POSSIBLITY OF BEING AN INTENSE USE AND OBJECTION TO THE DISCRESTIONARY AUTHORITY TO THE PLANNING COMMISSION TO MAKE THE SUBJECTIVE DECISIONS.**

**Roll call as follows: Voting Aye: Tienvieri, Jenkins and Zdybek**

**Nay: Steffen, Fritz and Angerer**

**Excused: Garverick**

**Absent: None**

**Motion failed.**

**MOTION BY STEFFEN, SUPPORTED BY ANGERER, TO RECOMMEND TO APPROVE THE REQUEST TO AMEND THE PROVISIONS TO REGULATE OUTDOOR DISPLAY FOR SALES IN A C-3 ZONING DISTRICT; WHICH SHALL INCLUDE AN AMENDMENT TO SECTION 400.1302 “PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL APPROVAL”, TO RENUMBER EXISTIN GPARAGRAPH 12 TO PARAGRAPH 13, AND TO ADD A NEW PARAGRPAH 12; AND AN AMENDMENT TO SECTION 400.1303 “SITE DEVELOPMENT STANDARDS FOR C-3, GENERAL BUSINESS DISTRICTS TO ADD A NEW PARAGRAPH G TO SECTION 400.1303 AS IT PROVIDES GUIDELINES AND CRITERIA FOR THE PLANNING COMMISSION TO REVIEW AND APPROVE FOR OUTDOOR SALES, IT IS A TYPE OF SALES USE MOVING FORWARD WITHIN THE TOWNSHIP AND THE LANGUAGE PROVIDES DISCRETION TO THE PLANNING COMMISSION FOR THE OUTDOOR SALES AND HOW THEY ARE DISPLAYED.**

**Roll call as follows: Voting Aye: Steffen, Angerer and Fritz**



**Nay: Tienvieri, Zdybek and Jenkins**

**Excused: Garverick**

**Absent: None**

**Motion failed.**

***Mr. Kamprath advised the amendment moves forward to Monroe County Planning without a recommendation from the Planning Commission then on to the Township Board for a decision.***

Jenkins understood there was a problem with the location, however other ordinances he has worked on in the past 25-30 years, had a lot of thought and study put into them, and it seems like this ordinance was rushed through. Jenkins voiced concern on other areas in the Township that are currently zoned C-3 that will be allowed to have outdoor display of sales and it may not be compatible with those areas, so in that case you refer to the Master Plan. Jenkins advised he would need some further information to make him feel more comfortable to approve it. Angerer is more concerned for the existing outdoor display of sales use. Tienvieri wondered if the use is already in existence would that site be required to come for special approval. Mr. Kamprath advised he did not believe we could accept a site plan for a use that is not permitted. Tienvieri asked if the language was approved would those existing sites have to come for approval. Mr. Kamprath stated it would automatically approve outdoor sales of 400 square feet or no more than 5% (Section 400.1303.4). Anything greater than that would have to go through special approval process.

*PUBLIC COMMENT* – None.

*INFORMATION* – None

*COMMISSION / STAFF COMMENT* – None.

*ADJOURNMENT* – The meeting was duly adjourned at 8:07: p.m.

*Respectfully submitted,*

*Jodie L. Rector, Recording Secretary*