

MINUTES- REGULAR MEETING (virtual)
BEDFORD TOWNSHIP PLANNING COMMISSION
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
SEPTEMBER 9, 2020

PRESENT:

MATTHEW ANGERER, CHAIR
JOE GARVERICK, SECRETARY
NANCY TIENVIERI, TOWNSHIP BOARD LIAISON
BRAD HELM
RON FRITZ, VICE-CHAIR (via phone)
PATRICK MAHONEY
DENNIS JENKINS

EXCUSED:

NONE

ALSO PRESENT:

MARTY KAMPRATH, LENNARD, GRAHAM & GOLDSMITH, LEGAL COUNSEL
KAREN M. KINCAID, PLANNING AND ZONING ADMINISTRATOR
JODIE L. RECTOR, PLANNING AND ZONING, ASSISTANT, RECORDING SECRETARY

Angerer 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 Mahoney, supported by Jenkins, to approve the agenda. Motion carried.

APPROVAL OF THE MINUTES

Motion by Fritz, supported by Helm, to approve the minutes of August 26, 2020. Angerer abstained. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

A) REQUEST FOR FINAL SITE PLAN APPROVAL FOR TEMPERANCE ANIMAL HOSPITAL ON PARCEL NUMBER 5802-034-020-01, OTHERWISE KNOWN AS 7375 LEWIS AVENUE, TEMPERANCE, MI 48182

Kincaid reviewed the analysis stating portions of the existing parcel were rezoned from C-1 to C-3 in January 2020 to combine and create one 3.354-acre parcel, including the parcel where the existing animal hospital is now located. Kincaid noted the existing structure located to the west of the animal hospital will be demoed and will become the location of the new animal hospital.

Kincaid stated the 12,578 square foot single-story structure oriented to face Lewis Avenue will be set back near the west property line, with the detention basin located on the northeast corner of the site. The existing hospital will remain in place during construction of the new hospital, while the existing structure

located on the west side of the site will be demoed to clear the area for the new construction. The existing hospital structure is scheduled to be demoed in the second phase to provide additional parking area.

Kincaid advised a portion of the subject parcel went through a rezoning and land combination to create a larger parcel to accommodate the development. The subject parcel is C-3, General Business zoned, while the properties to the south, including the homes on Sycamore Lane that abut the property, are C-1, Local Business zoned. The property to the north is C-2, Shopping Center zoned, while the properties to the east are C-3, General Business zoned.

Kincaid stated the overall building is 29'3" to the roof ridge where 40 feet in height is permitted by ordinance. A 53.11' front yard setback is proposed on Sterns Road where a minimum of 52 feet is required, as is the requirement for Lewis Avenue where a 172' front yard setback is provided. A 20' setback is provided along the west residential property line where a minimum of 20' is required, and an 83.57' setback is provided along the south property line where a minimum of 10' feet is required by ordinance when abutting another commercial zoning district, or as stipulated by the Building Code.

Kincaid referred to the plan stating parking is provided on the north, east and south of the structure, where parking is permitted within the front yard subject to 50 percent of the required front yard remaining as green space. Parking spaces as calculated by Section 400.1904 "Off-Street Parking Requirements", for the proposed use requires 53 spaces where 78 spaces are provided, including 4 barrier free spaces. While a portion of the provided parking, which is permitted by ordinance, is located within the commercial parcel to the south (under the same ownership), it should be noted that even with the elimination of the parking spaces located on the southern parcel, the provided parking within the subject site exceeds what is required by ordinance.

Kincaid stated it should be noted a dumpster is located on the south side of the site, and while not located more westerly behind the structure, the location of the dumpster pad provides separation from the residentially zoned property to the west and is more conveniently located to minimize required truck maneuvering. The dumpster is enclosed with masonry walls and arborvitae plantings on three sides with wood siding locking gates located on the north side of the enclosure.

Kincaid noted a 12' x 60' loading/unloading area is proposed on the south side of the structure. While a 10' x 70' area is required by ordinance, the proposed area exceeds the 700 square foot loading/unloading area required for a structure between 5001 and 20,000 square feet, and meets or exceeds the needs of the facility, as no semi-truck deliveries requiring 70 feet in length are made to the site. Therefore, the increased width and shortened length will adequately serve for a box truck delivery area.

Kincaid said at this time no additional fencing is proposed for the site, and is not required by ordinance. Kincaid advised it should be noted, existing privacy fencing is located along the south property line, and the applicant may want to consider installing fencing along the west property line, adjacent to a residential zoning district, to comply with maintaining headlight pollution within the subject site. In speaking with the applicant, it was indicated the intent is to install a fence along the west property line.

Kincaid clarified in addition to the detention basin landscaping and road frontage landscaping, in accordance with Section 400.1907, perimeter landscaping is proposed along the south and southwest parcel lines to provide further buffering and contain headlight pollution on site. Foundation landscaping

is proposed to the east of the entrance canopy, the south entrance sidewalk, and around the dumpster.

Kincaid stated five 20' tall full-cutoff, backlight control, single-fixture light poles are proposed within the parking lot. A total of eight wallpacks are proposed on the south, west and north sides of the structure, with 16 LED downlights proposed in the ceiling of the canopy at the front entrance. Kincaid advised it shall be confirmed the fixtures do not exceed 20 feet in height, and all lighting is directed downward to avoid offsite glare. The provided photometrics plan meets the requirements of the ordinance where a commercial zoning district is adjacent to a residential zoning district.

Kincaid directed that the elevation plan identifies the building materials consistent on all sides of brick veneer, manufactured stone veneer, and metal roofing in earth tone colors.

Kincaid informed that the applicant is seeking to maintain the two existing freestanding signs, one on Sterns Road and one on Lewis Avenue, both of which border the detention basin between the basin and the road, which is located on the northwest corner of the intersection. The signs do not comply with the monument sign requirement; however, the Zoning Ordinance, per Section 400.1922.8.b., Signs, 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 (which I did not include in this reference), 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 provision of this Section 400.1922, or it shall immediately become nonconforming and illegal. 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 this Section 400.1922.”*

Kincaid advised the applicant has been informed the freestanding signs will have to be brought into compliance within seven years. While a C-3 zoned parcel does not permit by ordinance two monument signs; on this particular parcel, the road right-of-way curves around the corner and does not provide an area outside of the corner clearance to place a sign that would be visible from both Sterns Road and Lewis Avenue. On this particular site, the placement of the two existing freestanding signs are located well outside of the corner clearance, and provides identification for both highly traveled roads.

Kincaid stated the applicant is seeking to place a 53.2 square foot wall sign on the east side (Lewis Avenue) of the structure, where a 50 square foot sign is permitted by ordinance. On Sterns Road, a 79.04, including the logo, is proposed where a 50 square foot sign is permitted.

Kincaid advised sanitary sewer and municipal water are available to the site.

Kincaid noted per Section 400.1303, the installation of sidewalks is not required in a C-3 zoning district.

Kincaid stated letters of approval have been received from: 1) the Mannik & Smith Group with comments and conditions on July 23, 2020, 2) the Bedford Township Fire Department with comments and conditions on July 13, 2020, 3) an email from the MCRC with comments and conditions on August 28, 2020, and 4) an email from the MCDC with comments and conditions on August 27, 2020.

Kincaid made aware the overall site plan meets the requirements of the ordinance and all reviewing

agencies have issued letters of approval with comments and conditions. It shall be confirmed if a fence will be installed along the west property line.

Kincaid said inclusion with any motion for approval any Site Plan Approval shall be conditioned upon 1) addressing all comments and conditions of the MCDC, MCRC, BTFD, and MSG, 2) all light fixtures shall not exceed 20 feet in height and are directed downward to avoid off-site glare, 3) the two existing freestanding signs shall be permitted to continue, as a sign cannot be placed on the corner and be located outside of the corner clearance area due to the detention basin location; however, the two permitted signs must be brought into compliance within seven years to comply with the then existing Sign Ordinance, 4) the wall signage has been approved as 53.2 square feet for the east elevation wall sign and 79.04 square feet for the north elevation wall sign, 5) there shall be no outdoor kennels or dog runs, and 6) a privacy fence shall be installed along the west property line to maintain headlight pollution within the subject parcel.

Jim Colony-Colony & colony civil Engineering- Mr. Colony was available to answer any questions.

Dr. Chris Ravary- Ms. Ravary was available to answer any questions.

Colin Campbell-BDA Architecture- Mr. Campbell was available to answer any questions.

Angerer confirmed with the applicant the intent is to install a privacy fence on the west side of the parcel. Dr. Ravary stated they intend to install a vinyl fence at the tallest height permitted by ordinance to protect the neighboring property from lighting and noise. Tienvieri asked for clarification on location of proposed signage. Dr. Ravary stated on the north side would be the larger sign. Angerer stated the proposed size of sign is not oversized due to the large size of the building. Garverick agreed. Mahoney commended the beautiful design and the applicant investing in Bedford. Jenkins voiced opinion this was the most well-prepared plan submitted in his time with the township. Angerer inquired on requirements for sidewalks. Kincaid advised sidewalks are not required by ordinance in a C-3 zoning district. Mr. Colony appreciated the positive comments from the Commission Members.

Mr. Kamprath inquired if the parcel to the south was combined to the new development and what were the conditions of the existing parking area. Dr. Ravary stated she owns both subject parcels and that area will provide some shared parking. Kincaid stated both parcels are under one ownership, however should they ever be sold each of the subject parcels maintain enough required parking for each structure.

There was no further discussion.

MOTION BY JENKINS, SUPPORTED BY ANGERER, TO APPROVE THE FINAL SITE PLAN APPROVAL FOR TEMPERANCE ANIMAL HOSPITAL ON PARCEL NUMBER 5802-034-020-01, OTHERWISE KNOWN AS 7375 LEWIS AVENUE, TEMPERANCE, MI 48182 CONDITIONED UPON 1) ADDRESSING ALL COMMENTS AND CONDITIONS OF THE MCDC, MCRC, BTFD, AND MSG, 2) ALL LIGHT FIXTURES SHALL NOT EXCEED 20 FEET IN HEIGHT AND ARE DIRECTED DOWNWARD TO AVOID OFF-SITE GLARE, 3) THE TWO EXISTING FREESTANDING SIGNS SHALL BE PERMITTED TO CONTINUE, AS A SIGN CANNOT BE PLACED ON THE CORNER AND BE LOCATED OUTSIDE OF THE CORNER CLEARANCE AREA DUE TO THE DETENTION BASIN LOCATION; HOWEVER, THE TWO PERMITTED

SIGNS MUST BE BROUGHT INTO COMPLIANCE WITHIN SEVEN YEARS TO COMPLY WITH THE THEN EXISTING SIGN ORDINANCE, 4) THE WALL SIGNAGE HAS BEEN APPROVED AS 53.2 SQUARE FEET FOR THE EAST ELEVATION WALL SIGN AND 79.04 SQUARE FEET FOR THE NORTH ELEVATION WALL SIGN, 5) THERE SHALL BE NO OUTDOOR KENNELS OR DOG RUNS, AND 6) A PRIVACY FENCE SHALL BE INSTALLED ALONG THE WEST PROPERTY LINE TO MAINTAIN HEADLIGHT POLLUTION WITHIN THE SUBJECT PARCEL.

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

Voting Nay: None

Excused: None

Motion carried.

B) REQUEST FOR A SIGN WAIVER FOR EXPRESSIVE PROPERTIES, BARRON INSURANCE, ON PARCEL NUMBER 5802-015-069-00, OTHERWISE KNOWN AS 9041 LEWIS AVENUE, TEMPERANCE, MI 48182

Kincaid reviewed the analysis stating on June 11, 2007, the then property owner was issued a sign permit (PB070277) to install new signage to the structure and replace facing on a non-conforming pylon sign, which at the time 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 noted when the permit was issued on June 11, 2007, the property owner signed (notarized signature) the agreement to bring the non-conforming sign into compliance on or before June 17, 2014. Unfortunately, the sign was never brought into compliance and the property is under new ownership. When the owners made contact with the Township, Ms. Nusbaum was informed there was no waiver required for the wall sign as a previous determination on 6/29/2007 was made that the signage could be installed on the face of the building as presented; however, the non-conforming pylon sign must be brought into compliance as a monument sign is required by ordinance.

Kincaid stated the applicant has stated the hardship is due to the very limited area to install a monument sign on Lewis Avenue. The applicant has stated she is willing to sign a new agreement that will meet

the new ordinance within the next 10 years as they eventually plan to modify the building within 5-10 years and will provide space for a monument sign.

Kincaid informed that while the 7.52 square foot wall sign meets the requirements by ordinance as determined on 6/29/2007, a waiver is required to permit the 28.29 square foot existing non-conforming freestanding sign to continue where a monument sign is required.

Kincaid instructed that the following is the criteria for sign waiver consideration

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 should the request be considered, the following waivers are required; to dismiss the June 11, 2007, owner-signed (notarized) seven-year grace period commitment that required the owner to bring the non-conforming sign into compliance (June 17, 2014) 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 and all required permits shall be obtained from Bedford Township.

Amanda Mills- 9041 Lewis Avenue-Ms. Mills stated the request is due to the restricted amount of area to install a monument sign, however the intent is to expand in the 5-10 years and then at that time maintain enough area to provide for a monument sign.

Angerer inquired on the proposed change. Ms. Mills advised the change is due to a logo change and maintaining the existing signage. Garverick voiced concern on safety and supported the request. Tienvieri expressed that normally she would not support to maintain non-conforming signage when a 7-year contract is in place, however in this circumstance there is cause for safety and supports the request. Mr. Kamprath advised when a 7-year contract is signed and notarized that contract maintains with the property, not each property owner.

MOTION BY JENKINS, SUPPORTED BY MAHONEY, TO APPROVE THE A SIGN WAIVER FOR EXPRESSIVE PROPERTIES, BARRON INSURANCE, ON PARCEL NUMBER 5802-015-069-00, OTHERWISE KNOWN AS 9041 LEWIS AVENUE, TEMPERANCE, MI 48182 TO DISMISS THE JUNE 11, 2007, OWNER-SIGNED (NOTARIZED) SEVEN-YEAR GRACE PERIOD COMMITMENT THAT REQUIRED THE OWNER TO BRING THE NON-CONFORMING SIGN INTO COMPLIANCE (JUNE 17, 2014) 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 AND ALL REQUIRED PERMITS SHALL BE OBTAINED FROM BEDFORD TOWNSHIP

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

Ms. Mills thanked the Commission.

c) DISCUSSION AND DIRECTION ON PROPOSED LANGUAGE FOR A ZONING TEXT AMENDMENT REGARDING THE AGRICULTURAL ZONING DISTRICT, FROM AG TO AN AG-2 DISTRICT TO BRING THE ZONING ORDINANCE INTO COMPLIANCE WITH THE 2015 ADOPTED MASTER PLAN ZONING DESIGNATION

Kincaid stated on August 26, 2020 the Planning Commission reviewed and discussed a draft of the Zoning Amendment language for the AG District. Comments and questions on three proposed “pocket” areas and Section 400.1802 “Subdivision Open Space Plan” were requested for further clarification from the Planning Department. The Planning Department reached out to Lucie Fortin, MSG, and further clarification has been provided. Kincaid advised Ms. Fortin also provided an amended draft dated, September 2, 2020, with the requested changes.

Kincaid read Ms. Fortin’s response in regards to the three “pocket” AG-2 areas, the proposed changes to the zoning map evolved over time and the focus had been primarily on preserving agricultural land and large parcels, or the “AG-1” district so to speak, with AG-2 being what was left-over. The original selection criteria included: prime ag land, active farmland, large parcel size, distance to high density residential areas, and continuity. We see now, with the map amendment being focused on AG-2, that these three areas have become outlying areas. The Planning Department has looked at the three areas in greater details and we discussed their removal from the proposed AG-2 rezoning for the following key reasons:

- The parcel sizes and frontage on roadways are not conducive to the proposed minimum lot sizes of AG-2;
- Some of these areas are more suitable for rezoning to residential and industrial uses.

In regards to why AG-2 was included in the subdivision open space plan.

The intent with including AG-2 in this development option was to allow for the reduction of lot sizes and widths to encourage the remaining open space to be preserved for agricultural uses. However, with the understanding that this development option has not been favored by developers in Bedford Township and that common open spaces can result in maintenance and legal issues, we concur with the Planning Department that AG-2 be removed from the proposed Section 400.1802 Subdivision Open Space Plan.

At this time, the Planning Department is requesting direction from the Planning Commission on the amended draft Zoning Amendment language to move forward with scheduling the public hearing.

Jenkins stated this has been an ongoing amendment since the adoption of the Master Plan and requested the Commission to approve direction for the Planning Department to move forward with scheduling the public hearing. Mr. Kamprath advised this will not only be a text amendment but also a rezoning of the subject parcels within the proposed map area.

MOTION BY JENKINS, SUPPORTED BY TIENVIERI, TO MOVE FORWARD WITH SCHEDULING A PUBLIC HEARING FOR A ZONING TEXT AMENDMENT AND REZONING OF PARCELS REGARDING THE AGRICULTURAL ZONING DISTRICT, FROM AG TO AN AG-2 DISTRICT TO BRING THE ZONING ORDINANCE INTO COMPLIANCE WITH THE 2015 ADOPTED MASTER PLAN ZONING DESIGNATION.

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

PUBLIC COMMENT – None.

Discussion on the process for a public hearing continued. Mr. Kamprath advised there was discussion on the state requirements of a 300' public notice, however Mr. Kamprath was looking into the language for clarification on the number of subject parcels and there being no state requirement of notification. Tienvieri stated those property owners deserve the right to know if a governmental entity is rezoning their property, even if the cost falls back onto the township. Tienvieri highly recommended a notice to all property owners within the subject area be notified of the public hearing. Angerer voiced opposition of the mailings due to the cost upon the township. Mahoney agreed with Tienvieri as a courtesy to the property owners, they should receive a notification. There were no further comments.

INFORMATION – None.

ADJOURNMENT –

The meeting was duly adjourned at 7:57 p.m.

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