

MINUTES- REGULAR MEETING
BEDFORD TOWNSHIP PLANNING COMMISSION
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
JANUARY 13, 2010

PRESENT:

ROLLIE ABEL, CHAIR
GEORGE WELLING
TOM PEITZ
MIKE BASSINGER
JIM GOEBEL
MARYANNE BOURQUE
JEFF BIGGS

EXCUSED:

NONE

ALSO PRESENT:

MARTY KAMPRATH, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH
DENNIS JENKINS, PLANNING AND ZONING COORDINATOR
KAREN M. KINCAID, PLANNING ASSISTANT, RECORDING SECRETARY

Abel called the Bedford Township Planning Commission meeting to order at 7:00 p.m. The Pledge of Allegiance was said. Abel welcomed Jeff Biggs to the Planning Commission. Bourque called the roll. Quorum present.

ELECTION OF PLANNING COMMISSION OFFICERS FOR 2010

Motion by Peitz, supported by Bourque, to nominate Rollie Abel as Chairman.

There were no further nominations. Abel accepted the nomination.

Roll call as follows: Voting Aye: Goebel, Peitz, Bassinger, Bourque, Welling, Biggs, Abel. Voting Nay: None. Motion carried.

Motion by Peitz, supported by Goebel, to nominate Mike Bassinger as Vice-Chairman.

There were no further nominations. Bassinger accepted the nomination.

Roll call as follows: Voting Aye: Biggs, Goebel, Welling, Bourque, Bassinger, Peitz, Abel. Voting Nay: None. Motion carried.

Motion by Goebel, supported by Peitz, to nominate Maryanne Bourque as Secretary.

There were no further nominations. Bourque accepted the nomination.

Roll call as follows: Voting Aye: Bassinger, Welling, Abel, Peitz, Goebel, Biggs, Bourque. Voting Nay: None. Motion carried.

Motion by Peitz, supported by Welling, to nominate and recommend Mike Bassinger as the Planning Commission representative to the Board of Zoning Appeals.

There were no further nominations. Bassinger accepted the nomination.

Roll call as follows: Voting Aye: Biggs, Abel, Welling, Peitz, Goebel, Bourque, Bassinger. Voting Nay: None. Motion carried.

SET THE DATES AND TIMES FOR THE 2010 PLANNING COMMISSION MEETINGS

Motion by Peitz, supported by Welling, to continue with the current meeting schedule. The first Wednesday of the month shall be utilized on an as-needed basis, with the second and fourth Wednesdays of the month being dedicated as Regular Meetings. All meetings shall begin at 7:00 p.m. and end no later than 10:00 p.m. at the Bedford Township Government Center. However, there shall be flexibility allowed to reschedule any meeting to a different date if so needed.

Roll call as follows: Voting Aye: Abel, Welling, Bassinger, Peitz, Goebel, Biggs, Bourque. Voting Nay: None. Motion carried.

APPROVAL OF THE AGENDA

Motion by Bourque, supported by Goebel, to approve the agenda. Motion carried.

APPROVAL OF THE MINUTES

Motion by Peitz, supported by Goebel, to approve the minutes of November 18, 2009. Motion carried. Welling abstained due to meeting absence.

PUBLIC COMMENT (LIMIT 3 MINUTES)

Doug Bermick, 1031 Birchwood, member of BedfordWatch.com, said the group is asking the Planning Commission and Township Board to initiate the review process to change the C-1, C-2 and C-3 zonings to reflect the will of the people. Mr. Bermick commented on a May 5, 2009 Toledo Blade article regarding Bedford Township voting results. Mr. Bermick said building size restrictions are needed, further commenting on a zoning amendment of 2002 regarding specific building size limitations and a zoning amendment of 2005 regarding building size being based on net parcel area. Mr. Bermick said there would be massive infrastructure damage to roads, and the size of police and fire departments would need to be increased if building size limitations are not put in place, further asking how the increased expenses would be funded.

Judy Frankowski, 1115 Ashland, commented on the May 5, 2009 referendum, saying 55% of the voters who voted wish to encourage reasonable retail development, while preserving the character of the community. Ms. Frankowski said construction of huge retail stores would threaten the viability of local merchants, create traffic congestion and put an undo burden on the Township infrastructure, further saying amending the land use ordinance in regard to building

size and density as was done in 2002, prior to an amendment in 2005 to base building size on land mass, will support the local economy, preserve the scale and character of the community, and support the vision of the Master Plan.

Chuck Faller, 113 W. Dean, said it would be a mistake to consider enacting changes to the zoning ordinance, as it would be a disservice to commercial property owners, possibly leaving the Township open to litigation at some point. Mr. Faller said the ordinance amendment of 2002, mostly due to the square footage limitations, virtually left every business in the Township in a legal non-conforming status, which had the effect of devaluing nearly every business in the Township. Mr. Faller said, as a result, concerned businesspersons then formed the Bedford Industrial and Commercial Association (BICA). Mr. Faller said the proposed ordinance amendment would reduce the size of any possible commercial development to 75,000 square feet or less no matter what size parcel is being developed. Mr. Faller commented on what size building could be built on a 10-acre parcel under the existing ordinance and the proposed ordinance. Mr. Faller commented on the struggling economy forcing franchises to close, saying the proposed ordinance would decrease the property value because the use for the property would be far more restrictive in that you would not be able to construct a building according to the number of acres available, but would be restricted to a specific building size, making the property less appealing. Mr. Faller said before proceeding with an ordinance amendment, it should 1) be determined if there are any problems occurring that causes the need for the change, 2) would there be a negative effect when making the change, and 3) is there a negative effect to doing nothing. Mr. Faller said there is no problem to cause a need for the change, the negative effect would be the financial devaluation of commercial property, and there is no negative effect to doing nothing, as the existing ordinances are working fine. Mr. Faller said he has a letter he would like to submit that explains how BICA came into effect.

Jim Duggan, 8690 Mary Meadows, said they are here to ask the Planning Commission to consider, and to have, a discussion of judicious planning techniques/considerations, and to put this in the framework that the law codifies. Mr. Duggan said the Michigan Enabling Act permits a local government unit to adopt land development regulations that designates or limits the size of dwellings, buildings or structures that may be erected, saying it is done with the intent to ensure that the uses of land shall be situated in appropriate locations and relationships to avoid overcrowding of population, lessen congestion on public roads, reduce hazards to life and property, facilitate adequate provision for systems of transportation, sewage disposal, safe and adequate water supply, and conserve the expenditure of funds for public improvements and services. Mr. Duggan spoke on government responsibility, said Bedford Township is predominantly residential with a Master Plan that focuses commercial activities to support the needs of the local residents, said 55% of the people who voted in the referendum said no large scale development in Bedford Township, and said they respect the rights of those trying to make a living in Bedford Township and those living in the Township. Mr. Duggan said sound planning principles shall be based on the Master Plan and the needs of the Township, economic conditions, infrastructure, State resources, and funding from within the Township and the State. Mr. Duggan spoke on the ordinance proposal, its intent, existing commercial developments within the Township, their not being opposed to any construction that can be built within the proposed maximum square foot size limitation according to the zoning district, and the lack of demonstrable need for large-scale big box development in Bedford Township.

Rick Lake, 1138 Ashland, said he moved to Bedford Township in 1970 for the rural character, said there is no need for big box development which would have a negative impact on smaller businesses, said big box stores have recently been closing, and said people should be able to develop their property within limitations. Mr. Lake commented on infrastructure and traffic.

NEW BUSINESS

A) REQUEST FROM BEDFORD WATCH LLC TO AMEND THE ZONING ORDINANCE TO INCLUDE SIZE LIMITATIONS ON ALL COMMERCIAL AND OFFICE BUILDINGS

Peitz said it was requested that the 2002 ordinance be re-reviewed because the ordinance was too restrictive, further commenting on the inclusion of residents, the business community and lending institutions during the review process that led to the 2005 ordinance amendment that bases building size on net parcel area. Peitz said the 2002 ordinance created many non-conforming businesses within Bedford Township, and lenders will not lend money on properties that are non-conforming. Peitz commented on the difficulty in borrowing money at this time, saying entertaining the idea of reverting back to an ordinance that would create non-conforming business parcels would not be in the best interest of the community. Peitz said he is not in favor of presenting the proposal to the Township Board for consideration.

Welling asked if a non-conforming business were destroyed, could it be rebuilt. Jenkins said it could not unless it met the ordinance requirement.

Goebel asked how the non-conforming businesses came to be. Jenkins said the businesses were in existence prior to the 2002 ordinance amendment. Goebel commented on the points outlined in the Wade-Trim letter of January 11, 2010 and said the proposed plan is not as definitive as it should be.

When asked by Goebel, Jenkins said the proposed ordinance would make the 65,000 square foot Kroger store non-conforming, along with several other commercial sites.

Abel commented on smaller businesses and the size parcels that would be required for a small business to comply using the calculations in the proposed ordinance. Abel questioned if the land cost/building cost ratio would make further commercial development in Bedford Township unfeasible. Bassinger said his concern is restricting buildings to a specific size while not taking into consideration the parcel size, saying, 1) no one would buy a large piece of property if a building cannot be developed according to how much land is available, and 2) the type of business that would be attracted to a certain parcel would be limited.

Bassinger questioned if it is the Township's position to tell an owner or potential new business coming into the Township what is an adequate size for their business, further saying if there was interest in developing something of a Levis Commons (Perrysburg) design in the Township, it could not under the proposed ordinance. Bassinger further commented on property taxes.

Welling asked if the newly constructed Taco Bell would meet the ordinance requirements of the proposed ordinance. Jenkins said it would not, saying under the proposed formula

approximately 2.5 to 3 acres would be required to develop the building as it has been constructed. Welling said, speaking from experience in losing a building due to a fire, the loss of a business due to a catastrophe and trying to find a new location to keep the business operation up and running because the non-conforming building could not be rebuilt would be devastating.

Bourque said it was mentioned that zoning should be based on sound planning principles; further saying the existing ordinance has been, as it was developed with established standards and based on parcel size. Bourque further stated there are building size limitations in place, as the building size is based on meeting all other ordinance requirements, such as setbacks, parking, landscaping, drainage, etc. and being able to fit the building on the site after all ordinance requirements are met.

Motion by Peitz, supported by Welling, to not forward the proposed ordinance on to the Township Board to take into consideration to rewrite the zoning ordinance, and to leave the zoning ordinance in place as it was adopted in 2005.

Roll call as follows: Voting Aye: Peitz, Welling, Bassinger, Goebel, Biggs, Bourque, Abel. Voting Nay: None. Excused: None. Motion carried.

PUBLIC COMMENTS –

Doug Bermick, 1031 Birchwood, asked if the Planning Commission meetings are broadcast on TV. Abel confirmed they are. Mr. Bermick questioned the speaking time limitations under the Public Comment period. Mr. Bermick commented on 1) the amount of time Bedford Watch has put into researching this issue, 2) other public comments made, 3) the effects development has on infrastructure, traffic, police and fire departments, 4) citizen input through a referendum, 5) portions of the Michigan Zoning Enabling Act of 2006, 6) the 2005 ordinance amendment, 7) existing large development, 8) how the police and fire departments will be affected, 9) the effects increased traffic will have on roads and how repairs to roads will be funded, 10) the need to keep communication open, and 11) the need to reinstate the previous commercial size limits that were in effect in 2002, or change the commercial size limits to something more reasonable to reflect the size of Bedford Township and the wishes of the residents. Mr. Bermick commented on the results of the May 5, 2009 referendum.

Kevin Tracy, 7498 Indian, said the ordinance is a proposal, further saying the existing ordinance allows for very large development and should be reviewed.

Judy Frankowski, 1115 Ashland, expressed disappointment in the lack of help and protection from the Township, saying Bedford Watch has done the legwork to protect the citizens. Ms. Frankowski commented on tax revenue.

Jim Duggan, 8690 Mary Meadows, said 1) the majority of the Township's income is derived from residential property taxes, 2) their goal is not to create non-conforming land uses, 3) their goal is to create a township culture and a township financial condition that everyone can afford to live in and with, and 3) size cap restrictions can be implemented in a strategy to accommodate existing land uses, further saying some proposed land uses may not jive with size restrictions and

are not the land uses that the citizens of Bedford Township want nor is how the Master Plan has dictated we want to project growth in the Township. Mr. Duggan said he appreciates the commercial issues and commercial property owners, but the vast majority of the land within Bedford Township is residential and those property values by State law are more important, further commenting on the public's health, welfare and safety.

INFORMATION –

None.

COMMISSION / STAFF COMMENT –

Jenkins said the next scheduled meeting is January 27, 2010. The Planning Commission welcomed Jeff Biggs to the board and congratulated those members who were elected to office. Goebel commented on recognizing Martin Luther King, Jr. day. Peitz said it has been discussed in the past that sign waiver requests be turned over to the Board of Zoning Appeals for consideration, saying the Sign Ordinance has been in place long enough to now consider making that change. Abel thanked Schneider for her service on the Planning Commission.

ADJOURNMENT –

The meeting duly adjourned at 7:55 p.m.

Respectfully submitted,

Karen M. Kincaid,
Recording Secretary