

BEDFORD TOWNSHIP PUBLIC HEARING
REGARDING WHITMAN FORD REZONING
ON PARCEL No. 58-02-027-059-40

COPY

Bedford Township Public Hearing Regarding Whitman Ford Rezoning on Parcel No. 58-02-027-059-40 held in the above-entitled action before Rose M. Bagnall, CER-6349, a notary public and certified court reporter/recorder in and for the County of Monroe, State of Michigan, at the Bedford Township Hall 8100 Jackman Road, Temperance, Michigan 48182 on the 2nd day of December, 2008, pursuant to notice.

BEDFORD TOWNSHIP BOARD PRESENT AT THE HEARING:

Walt Wilburn, Supervisor
Bob Schockman, Clerk
Sherri S. Meyer, Treasurer
Paul Francis, Trustee
Larry O'Dell, Trustee
James Goebel, Trustee
Gail Hauser-Hurley, Trustee

BEDFORD REPRESENTATIVES PRESENT AT THE HEARING:

Dennis Jenkins, Community Development and Planning Coordinator
Philip Goldsmith, Attorney for Township

PETITIONER REPRESENTATIVE PRESENT AT HEARING:

Thomas Hansen, Attorney for Petitioner

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1 C2 located at the northeast corner of the Whitman parcel
2 containing approximately 3.27 acres to C3 for the reason
3 that it was recommended for rezoning by our Bedford Township
4 Planning Commission, Bedford Township Planning Consultant,
5 the Monroe County Planning Commission, the Monroe County
6 Planning department staff and for all the reasons cited in
7 the written report submitted by the Bedford Township
8 Planning Consultant and the reasons cited in the Bedford
9 Township Planning Commission in its motion to recommend
0 approval for the rezoning and the reasons cited by the
1 Monroe County Planning Commission in its recommendation for
2 the rezoning and the reason cited by Monroe County Planning
3 department in its written report recommending the rezoning.
4 And in addition, because the rezoning is consistent with the
5 Master Plan and is compatible with the neighboring
6 commercially zoned and used parcels along Lewis Avenue. I
7 will look for a second.

8 MR. WILBURN: We have a motion on the floor. Do
9 you want to second, Mrs. Hurley?

0 MS. HURLEY: Second.

1 MR. WILBURN: Discussion? There being none, Mr.
2 Schockman, please take the roll.

3 MR. SCHOCKMAN: I'm going to --

4 MR. WILBURN: Oh, okay.

5 MR. SCHOCKMAN: I'm going to read a statement at

this point because first of all, I'm actually not going to vote for this one and there is a reason for that. You know, I'd like to thank everyone for being here tonight. We think that's -- that's really great. I mean we really do. That's great. The property at Lewis and Sterns has been the subject of much public discussion. These parcels were in a lawsuit. I mean we all know it's been going on for years. All the arguments now has resulted in little but more of the same. We end up with more of the same. The same being the property remains zoned essentially residential.

I would like to point out that under no circumstances should it be held against anyone and that includes the Whitman family for moving forward with this rezoning. Because many of their good works both personal and public they have been involved in throughout the community. Robert Alexander was right. They shouldn't be blamed for moving forward and making progress. You know, I sat through a Board meeting on June 17, 2003. It was a time when the Board offered a compromise, as I stood up at that map and made compromises every which way to try to come to some reasonable conclusion.

The Township Planners had said no. The County Planning has said no and I went to the experts on the planet earth. Mr. Hansen indicated he had an expert. Well, I had an expert, too, and my expert equals his expert. He's won

an award but I'm going to be -- try to be quick about this and brief about this.

My expert says put a buffer in there boys and girls, put a buffer. By voting the way we voted tonight we have a buffer and when no settlement was arrived at, we went to Court and off to Court we went and we secured a Judgment upholding the zoning.

As a landowner in the area, I'm a landowner just like you are and I'm in the area. My property values may suffer and I know that those on Indian Road will have some impact as sure as I sit here but that doesn't change things. We're still here tonight.

Lewis Avenue has long been considered Bedford Township's commercial corridor and I've seen tremendous changes in the last 10 years and I've seen tremendous changes over the period of my life, which is how long I have lived here, more than 50 years and I'm not going to go any further than that but Gene Stock and I are close together. But with that said, we've seen a lot of commercial developments. How big a big box store is going to impact our commercial development along Lewis in Temperance I have no way of knowing for sure but I fear for those folks in Temperance. I fear that they might lose their businesses because many big box stores do just that, wipe out businesses.

Tonight we're voting for the land use. We're not voting on a store. We're not voting on the possibilities of use. We're not voting on a Meijers. We're not voting on a Walmart. We're voting on the possibility of a use. We don't know what that is going to be.

Tonight we've said we have to vote on this. This zoning request indicates that, at least our Planner has indicated, that five parcels and we have one of our former Planners right here, the Chair said that one of those five parcels shouldn't be touched.

MR. WILBURN: We got stay on track here.

MR. SCHOCKMAN: Alright. Often times we've run into problems so the Board members have required a great deal of research and prayer and it's been that way with this one. So please bear with us. We're going to make our vote based on what we have researched, looked at and that foot high notes, history we all read. I hope we've all read it up here. I know that Sherri has read it. Who else read it? Larry has read it. So please bear with us.

MR. WILBURN: Okay, Ms. Meyer? Where are we at?

MR. O'DELL: We are on parcel -- motion and a second on number four.

AUDIENCE MEMBERS: Five.

MR. O'DELL: Or number five.

MR. WILBURN: Okay, thanks. Thank you.

[AUDIENCE MEMBER]: Many inaudible comments.

MR. WILBURN: Okay, please, please. Let's keep it down everybody. Okay, Ms. Meyer, you had a comment to make?

MS. MEYER: Just -- just I want to make a comment since I have voted no on all of them. I was going to wait until the end but I'll just go ahead and say this now.

I believe that people's homes are the largest single investment that they will make and I'm concerned about how we protect the adjoining home values. I do happen to live in the neighborhood. I live in (inaudible) Estates, which is four blocks north of this.

I am concerned that no impact study has been done. I am concerned with the effect a large commercial business will have on our small local businesses. I am concerned that 200 feet is not a sufficient buffer between the homes. What if that land stays vacant and is not developed and is just open space with bright lights? We can't forget the intensity of the commercial development but currently there is enough C2 and C3 for the owner to build a large commercial store without getting rezoning. So those are my reasons for voting against these different parcels and I just wanted to state that.

MR. WILBURN: Okay, now is there any other discussion? There being none, Mr. Schockman, please take the roll.

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December 2, 2008

MR. SCHOCKMAN: Mr. O'Dell?

MR. O'DELL: Yes.

MR. SCHOCKMAN: Ms. Hurley?

MS. HURLEY: Yes.

MR. SCHOCKMAN: Mr. Francis?

MR. FRANCIS: Yes.

MR. SCHOCKMAN: Ms. Meyer?

MS. MEYER: No.

MR. SCHOCKMAN: Mr. Goebel?

MR. GOEBEL: Yes.

MR. SCHOCKMAN: Schockman votes no. Mr. Wilburn?

MR. WILBURN: Yes. Then parcel number five
changed from C2 to C3 is approved as presented by Mr.
O'Dell.

We will go to parcel six.

MR. O'DELL: Parcel six. Ladies and gentlemen,
this is the -- the parcel that our Planning Commission is in
disagreement with the plan that was presented. I too do not
believe that C2 is part of that buffer zone. So my motion
will be for a denial that would change in zoning.

I hereby move to deny rezoning for the portion of
the Whitman property presently zoned R2A located generally
in the middle of the Whitman property containing
approximately 8.2 acres to C2 for the reasons that it is
inconsistent with the Master Plan which provides for

residential use and possibly mixed office local business use and because more of a buffer in transition is needed between the residential zoning on the west to the general commercial zoning uses on the east.

While it is recognized that existing R2A zone classification does not provide the desired transition from residential uses to commercial uses, neither does the proposed C2 zoning. Rezoning to a less intense transitional use would better fit this parcel.

I am recommending that -- that we vote against this rezoning and I am looking for a second.

MS. HURLEY: I'll second that.

MR. WILBURN: Yes, sir?

MR. GOEBEL: I'll second the motion to deny on parcel six.

MR. WILBURN: Okay, Mr. Goebel. We have a motion and a second. Is there any discussion? Yes, sir, Mr. Goebel.

MR. GOEBEL: You know, this is about more than ~~just lines on a zoning map~~. You know, this is about people and the 16 homes that back up to this property. To those 16 homeowners this is the largest investment they are ever going to make in their life and we've had three planners say we need to have a transition or we need to have a buffer zone. We have a buffer zone. We've had a buffer zone for

30 years that protects their value. If we start having commercial property instead of 600 feet away, only 200 feet away, they have lost a substantial value to their property. ~~That's why I support the denial on this one.~~

MR. WILBURN: Okay. Is there any other discussion? Mr. Francis?

MR. FRANCIS: Mr. Chairman, I guess we're really talking about what constitutes a buffer zone and I don't feel confident to determine that myself so I rely on the experts that we've hired and every single one of them has said what is proposed here qualifies as a reasonable transition in the buffer zone so I defer to them. I think this motion is out of order. I think this whole plan was presented as a package. We're choosing on advice of counsel to vote on each individual piece but it's really a package.

MR. WILBURN: We chose to do that, yes.

MR. FRANCIS: Yeah, right and if we approve this motion to deny, what we're going to have is we're going to have everything but the sector of the package approved.

[Inaudible audience comments.]

MR. FRANCIS: I have the floor. You can speak when you can. It makes no sense to me to have R2 right in the center of something that is designed commercial.

MR. WILBURN: Okay. Is there any other discussion?

MR. GOEBEL: We currently have 28 out of 21 acres providing the buffer. If we reduce that to only 8.8 acres of buffer then we have decreased the insulation and we've decreased the value of those properties that back up to that.

One of the things we're quoting as the Planning Commission at the County having recommended this, I either appointed or voted to approve six of the members on that Board. They have no real estate background. One of them has to be a farm person. One has to be a education person. One has to be a business person, one a union person. They don't bring any real estate background to that organization. Thank you.

MR. WILBURN: Okay. We have a motion for denial. We have a motion and we have a second. Is there any other discussion? Mr. Francis?

* MR. FRANCIS: I don't have any real estate background either. That's why I rely on the experts, the staff at the Monroe County Planning Commission to recommend for the approval for this.

MR. WILBURN: Okay.

MR. FRANCIS: They are the ones with the credentials to make a recommendation like that.

MR. WILBURN: Okay. We still have a motion and we have a second. If there is no discussion, we can take a

1 vote. Okay. So is there any other discussion? If there is
3 none, Mr. Schockman, please take the roll.

3 MR. SCHOCKMAN: Mr. O'Dell?

1 MR. O'DELL: Aye.

3 MR. SCHOCKMAN: Mr. Goebel?

3 MR. GOEBEL: Aye.

1 MR. SCHOCKMAN: Ms. Meyer?

3 MS. MEYER: Aye.

3 MR. SCHOCKMAN: Mr. Francis?

3 MR. FRANCIS: Respectfully, no.

1 MR. SCHOCKMAN: Ms. Hurley?

1 MS. HURLEY: Aye.

3 MR. SCHOCKMAN: Schockman votes aye. Mr. Wilburn?

1 MR. WILBURN: Aye. The parcel as described as
3 number six from R2A to C2 is denied. Is there anything
3 else? I would like to make comment to the public here
1 before everybody leaves. A lot of time and effort -- a lot
1 of time went into this. I don't want anybody -- I would
1 really appreciate it if no one here walks out of here
1 thinking that this has been an easy thing to do. There is a
1 lot of things that had to be looked at here. It had nothing
1 to do with why we -- you know, we can't look at what the
1 empty structure is going to do. The law doesn't allow us to
1 do that. I just want to -- I'm just trying to let you know
1 where we're coming from and I think you all know me well

enough to know that I speak the truth.

There is certain things we can look at when we have these requests in front of us. There is certain things we can't look at. We looked at everything we possibly could. We did find that the R2A did not -- the C2 did not constitute a buffer from the Indian Acres. That was one thing we felt we could hang our hat on for sure.

Now years ago, a couple years ago and I have several friends in here that were at the same place I was. We were in Court. We were not there because we were there to win a Walmart lawsuit. That is not what took place. We were there because there was a mistake made on our map about 10, 12 years ago. No one caught it. It was finally discovered when the Whitman's came in and asked for a rezoning. Actually, one of the people on Indian Road brought it to our attention and that never really happened so that's why we went to Court.

There was no zoning change. There never has been. There can't be a zoning change without public hearings, everybody in the area being notified with Township Board approval or disapproval. So that's the Court case that we won. The Judge said what happened, a mistake on a map does not constitute a zoning change. That's exactly what took place in that court room and I wanted everybody to know that.