

AGENDA
BEDFORD TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
JUNE 25, 2014
7:00 P.M.

1. CALL TO ORDER
 2. PLEDGE OF ALLEGIANCE
 3. ROLL CALL
 4. APPROVAL OF THE AGENDA
 5. APPROVAL OF THE MINUTES OF APRIL 30, 2014
 6. PUBLIC COMMENT (limit 3 minutes)
 7. NEW BUSINESS
 - A) OPEN THE PUBLIC HEARING FOR THE REDWOOD ACQUISITION LLC / WHITMAN FORD COMPANY REQUEST TO REZONE TO RM-2, MULTIPLE FAMILY RESIDENTIAL, A LAND AREA COMPRISED OF APPROXIMATELY 17.262 ACRES, THE MAJORITY OF WHICH HAS AN UNDERLYING ZONING CLASSIFICATION OF R-2A, SINGLE FAMILY RESIDENTIAL, AND A SMALL PORTION OF WHICH LOCATED AT THE NORTHEAST CORNER OF THE LAND AREA IS ZONED C-3, GENERAL COMMERCIAL; NOT WITHSTANDING THE UNDERLYING R-2A ZONING CLASSIFICATION, SEGMENTS OF THE LAND AREA HAVE BEEN APPROVED FOR THE FOLLOWING ENUMERATED USES BY JUDGMENT OF THE MONROE COUNTY CIRCUIT COURT IN CASE NUMBER 09-27523-CH, (1) PBO, PROFESSIONAL BUSINESS OFFICE, (2) RM-2, MULTIPLE FAMILY RESIDENTIAL, (3) RME, ELDERLY HOUSING RESIDENTIAL, AND (4) C-2, SHOPPING CENTER BUSINESS, ON A PORTION OF PARCEL NUMBER 5802-027-059-40, OTHERWISE KNOWN AS A VACANT PIECE OF PROPERTY LOCATED ON THE NORTHWEST CORNER OF LEWIS AVENUE AND STERNS ROAD
- Discussion and recommendation regarding Item 7A
8. PUBLIC COMMENT
 9. INFORMATION
 10. COMMISSION / STAFF COMMENT
 11. ADJOURNMENT - 10:00 P.M.

The Township of Bedford will provide necessary reasonable auxiliary aids and services to individuals with disabilities at meetings upon one-week notice to the Township of Bedford. Individuals with disabilities requiring auxiliary aids or services should contact the Township of Bedford by writing or calling the following:

Greg W. Stewart, Township Supervisor
8100 Jackman Road, P.O. Box H
Temperance, MI 48182 Telephone (734) 847-6791

(SEE REVERSE FOR PUBLIC HEARING PROCEDURES)

BEDFORD TOWNSHIP PLANNING COMMISSION

APPLICATION FOR ZONING CHANGE OR AMENDMENT

RECEIVED

MAY 29 2014
BEDFORD TOWNSHIP
PLANNING DEPT.

1. 158-02-027-059-40 _____ approximately 17
Parcel Number _____ Number of Acres _____
Township of Bedford, MI 49020
City / State / Zip _____

2. Whitman Ford Company _____ 734-735-4645 _____ n/a
Property Owner(s) _____ Phone _____ Fax _____
724 St. Anne Lane _____ Monroe, Michigan 48162
Address _____ City / State / Zip _____
jon.whitman66@gmail.com
E-mail Address (used for meeting notification purposes when a fax option is not available)

3. Zoning Change Requested By: (if different than owner):
Redwood Acquisition LLC _____ 216-254-8425 _____ n/a
Name _____ Phone _____ Fax _____
23775 Commerce Park, Suite 7 _____ Beachwood, Ohio 44122
Address _____ City / State / Zip _____

4. Current Zoning: PBO, RM-2, RME, C-2 Use Requested Zoning: RM-2
single-story, attached-garage apartment community
Proposed Use of Property (Attach Plot Plan)

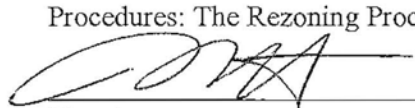
5. I (We), _____, property owner(s),
hereby grant permission for members of the Bedford Township Planning Commission, Planning
Department staff, and consultants to enter the above-described property for the purpose of gathering
information related to this application. (Note to applicant: Failure to grant permission to enter this
property will not affect any decision regarding your application.)

see attached letter

Signature _____	Typed/Printed Name _____	Date _____
Signature _____	Typed/Printed Name _____	Date _____

6. **PLEASE READ BEFORE SIGNING THIS APPLICATION**

The applicant may be requested to provide additional information by the Planning Commission or
Township Board. You may include any information that you believe will be of assistance in reaching
a decision, however, any decision by the Township will be based on the appropriateness of the
proposed zoning change in relation to the Township Master Plan as well as surrounding land zoning
and uses. In the event your escrow account for this project is found to be insufficient, your signature
below indicates that you agree to remit additional funds to rectify the account. Your signature below
also indicates that you have read and understand the accompanying literature "Planning & Zoning
Procedures: The Rezoning Process" and the fee schedule.

	Richard E. Batt	5/28/14
Signature	Typed/Printed Name	Date

Signature _____	Typed/Printed Name _____	Date _____
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Application Accepted By: _____

Planning Department Rep	Date	Copy Given To Applicant	App. or Rep. Initials
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May __, 2014

Bedford Township Government Center
8100 Jackman Rd, PO Box H
Temperance, MI 48182
Dear Sir or Madam:

I, Jon Whitman, President of Whitman Ford Company, a Michigan corporation, property owner(s), hereby grant permission for members of the Bedford Township Planning Commission, Planning Department staff, and consultants to enter the above-described property for the purpose of gathering information related to the following applications by Redwood Acquisition LLC for approximately 17 acres of land situated south of Sterns Road and east of Lewis Avenue in Bedford Township, Michigan:

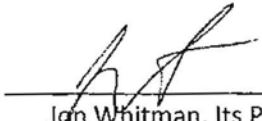
- Application for Zoning Change or Amendment
- Application for Site Plan Review

(Note to applicant: Failure to grant permission to enter this property will not affect any decision regarding your application.)

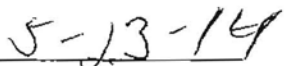
I also consent to and concur in the submittal of the above-described applications.

Whitman Ford Company,
a Michigan corporation

By: _____


Jon Whitman, Its President

Date: _____


5-23-14

Bedford Township

Planning Commission – Site Analysis

Date:	June 16, 2014
Applicant:	Redwood Acquisition LLC
Owner:	Whitman Ford
Current Zoning:	PBO, RM-2, RME and R2-A with C-2 Uses, i, and C-3.
Requested Zoning Change:	RM-2 Multiple Family
Proposed Use:	Apartment Development
Parcel Number and Location:	58-02-027-059-40

Site Characteristics, Zoning, and Land Use Patterns

The subject parcel is currently vacant and farmed as shown on the attached aerial photograph. The total parcel area is 43.31 acres in size and the portion of the property subject to this request is 17.262 acres in size leaving 26.048 acres for further development. The properties adjacent to the site are zoned and used as follows:

North

Zoned - R2-A Single Family.

Use – Monroe County Community College campus.

West

Zoned – R2-A Single Family

Use – Single Family Residential Subdivision

South

Zoned – R2-B Single Family

Use – Single Family Homes

East

Zoned – R2-A Single Family Residential with C-2 Uses and C-3.

Use – Vacant

Utilities

The property has access to all public and private utilities.

Master Plan

The current master plan identifies this property as being future planned for Mixed Residential/Office/Commercial uses and is further described as follows:

Mixed Residential/Office/Commercial

Mixed Residential/Office/Commercial is intended to provide for a mixture of residential, office, and lower intensity commercial uses outside designated Village Centers. Locational criteria for this designation would be to locate mixed use developments at nodes of major intersections such as that at Lewis and Smith Road. This designation allows for any combination of residential, office or local commercial use. Upper floor residential above retail or office would be encouraged. (Note: Currently there is no

zoning district other than Planned Unit Development that would permit a mixed use development.)

This land use designation is also designed to maintain and promote the flexible redevelopment of certain areas of the Township. The emphasis of this designation is a combination of residential, office, and local commercial uses.

The Master Plan further states the following regarding Multiple Family Development:

Multiple-Family Residential

The Multiple-Family Residential classification is intended to provide opportunities for affordable housing and alternatives to traditional subdivision development. Multiple-family developments may serve as a transitional land use; one which buffers single family units from more intensive land uses or the impacts associated with major transportation corridors. Multiple-family developments must be served adequately by essential public facilities and services such as water and sewer, storm drainage, and refuse disposal. Due to the higher density and trip generation potential of multiple-family developments, these uses should be sited so that ingress and egress is provided directly from a major thoroughfare or collector street.

Permitted uses within this district are garden apartments, townhouses, multiple family upscale condominium developments and convalescent or nursing homes. This type of development is encouraged to locate in areas well served by the existing transportation network and where the amenities of urban living may be best provided. However, the undue concentration of any one type of housing in a single area is to be discouraged.

The recommended residential density is 10 units per acre, depending on the dwelling unit type. It is important that multiple family developments are well-designed and include design characteristics such as: adequate distance between structures within the development, appropriate height limitations, served with open space, utilities, access only to paved streets, safe and efficient egress and ingress designed to minimize congestion and interference with normal traffic flow, adequate drainage, and a minimum greenbelt of 20 feet when a multiple-family development adjoins any single-family residential district or any developed nonresidential district.

Permitted Uses in the Requested District

400.600 Intent.

Sec. 600. The RM-2 Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and lower-density single-family districts. The RM-1 Multiple-Family Districts are designed to serve the needs for the apartment type of unit on larger sites where multiple-family densities can be accommodated.

400.601 Principal uses permitted.

Sec. 601. In a Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. All uses permitted and as regulated in the RT Two-Family Residential District.
2. Multiple-family dwellings.
3. Accessory buildings and uses customarily incident to any of the above permitted uses.

Based on the above information, and considering the property as a whole, this request **does** meet the intent of the current Bedford Township Master Plan.

Analysis written by Dennis Jenkins

ⁱ C-2 Shopping Center Commercial Uses per Monroe County Circuit Court in Case No. 09-27523-CH.

Order of
Judgment
09-27523-CH

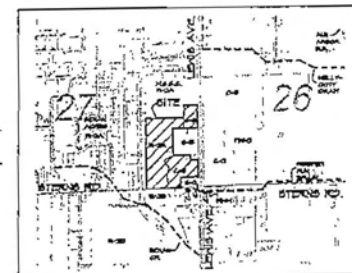
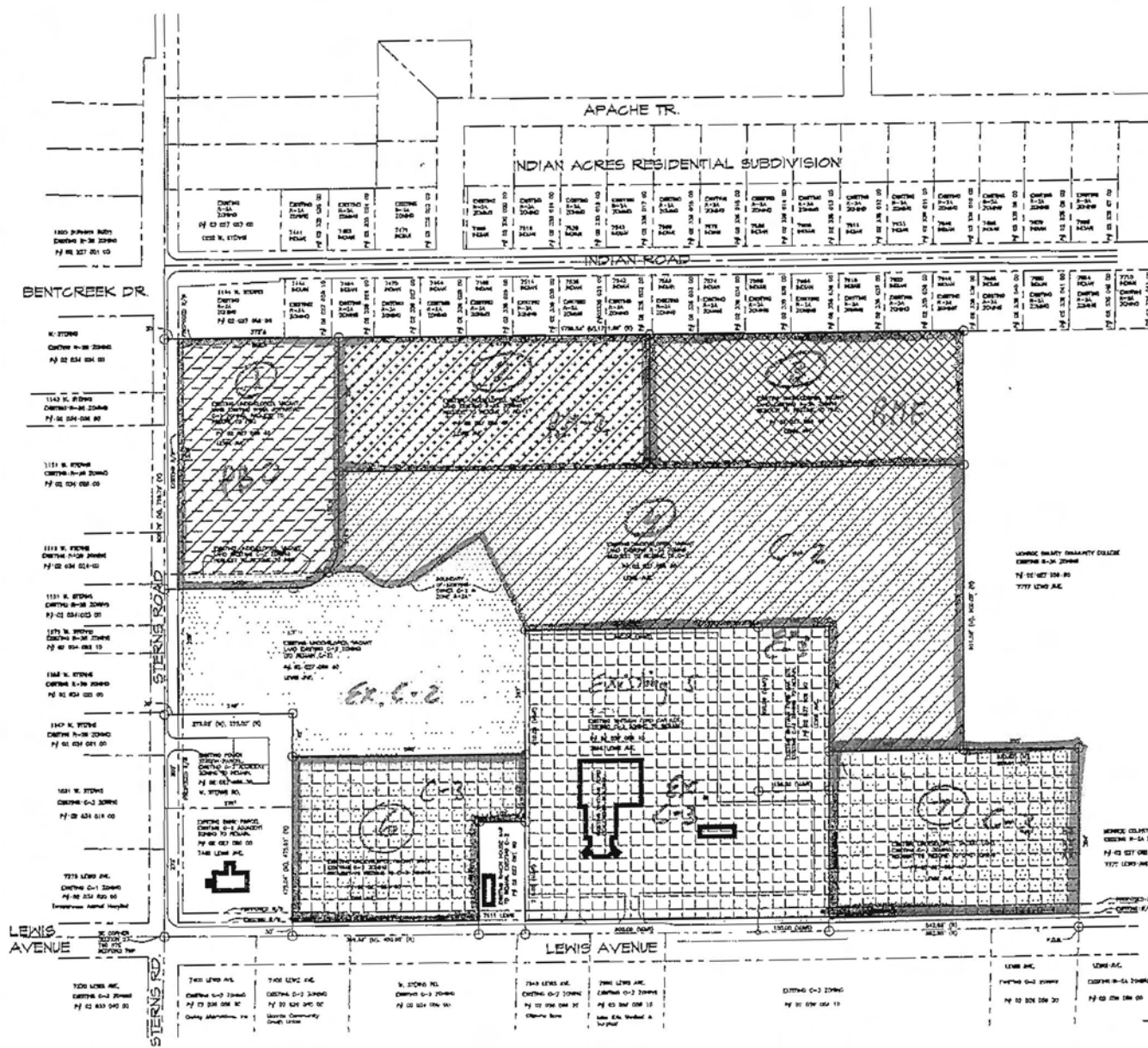
Regarding “equal protection” the Defendant correctly contends that the principle to be applied is that, “similar circumstances be treated similarly”. *Dowerk, supra* at 73. The Plaintiff has the burden of proving the Defendant’s actions were “arbitrary”. *Crego, supra* at 259-260. Proximity of competing land uses is a very important issue for a township to consider. *Belle River, supra* at 132. For the same foregoing reasons that the denial of the reclassification of Lot 6 was improper, and that the referendum action cannot stand, this Court is compelled to find the governmental action to be arbitrary and capricious.

~~A~~ * V. Conclusion.

Regardless on which side of the issue a resident of Bedford Township is on this case, the Bedford Watch group is a great example of our democratic society at work. The group attempted to have the ordinance amended and pursued further relief by way of a referendum. The Township Board denied the proposed amendment to the ordinance, but the referendum was initially successful. Despite claims of a misleading and biased campaign, opponents were free to counter it, but no one did. The Township officials properly stayed out of the fray. The Township attempted to do the right thing by seeking its own application to rezone Lot 6 to a PBO. The fact is the application was withdrawn in light of the referendum and in anticipation of the Plaintiff’s lawsuit. In this Court’s opinion it is left with the prospect of enforcing the referendum, which it cannot legally do as stated in the instant decision and in the decision denying the Defendant’s Motion for Involuntary Dismissal on January 12, 2011. The R-2A parcel does not comply with the Master Plan and the Township recognized this in its own application to rezone it to PBO but subsequently withdrew the application. What now remains is the Plaintiff’s original application as modified²⁹ and the action taken by the Township and referendum.

The Plaintiff’s request was found to be reasonable and in compliance with the Master Plan by virtually all planning commissions and the expert witnesses presented at trial with the exception of Lot 6 as opined by Mr. LeBlanc. The BTPC and the Township Board found that the Plaintiff’s proposal for Lot 6 should not be granted. The Township dropped its application for a PBO classification for Lot 6, leaving the parcel classified as

²⁹ The Plaintiff agreed to drop his request for a C-3 reclassification on Sterns Road.



SITE LOCATION MAP

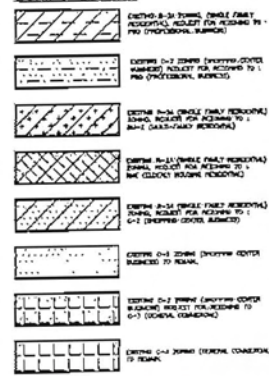
MTS

ANAL. & CE-807-788-85
PROPERTY AGENCY 1200 AVE
 PROPERTY AGEN = (313) 420-025

CLARENCE EDWARD MORGAN (B-34, C-5, G-7)
 NATIONAL JEWELRY MUSEUM (JWS, JWS-2, JWS & C-3)
PROPERTY CARPETS & APPLIANCE: WASHINGTON FORD CO.

FINANCE	FINANCIAL
JOHN WATSON	TRUCKS QUINCY & JACOBY
WATSON FORD CO.	
1200 N. WASH.	WED. E. HENDERSON JR. SLAVE
TULSA, OKLA. 74101	WED. E. HENDERSON JR. SLAVE
TEL. (918) 487-2027	WED. E. HENDERSON JR. SLAVE
FAX (918) 487-2000	WED. E. HENDERSON JR. SLAVE
CELL (918) 487-2000	WED. E. HENDERSON JR. SLAVE

ZONING LEGEND



Gx zones
to be
legally
described.
by a P.S.
EXHIBIT PLAN
N.T.S.

TOU	DATE
JOHN RICE	06-18-06
JOHN RICE	06-28-06
JOHN RICE	06-27-06

MIXED USE DEVELOPMENT
NORTHEAST CORNER OF LEWIS AVENUE & STRENS
BEDFORD TOWNSHIP, MONROE COUNTY, MICHIGAN

REZONING PLAN

800 N. Reynolds Road
Tolosa, Ohio 43086
PHONE: (614) 887-3441
FAX: (614) 887-3869
www.kbhardware.com

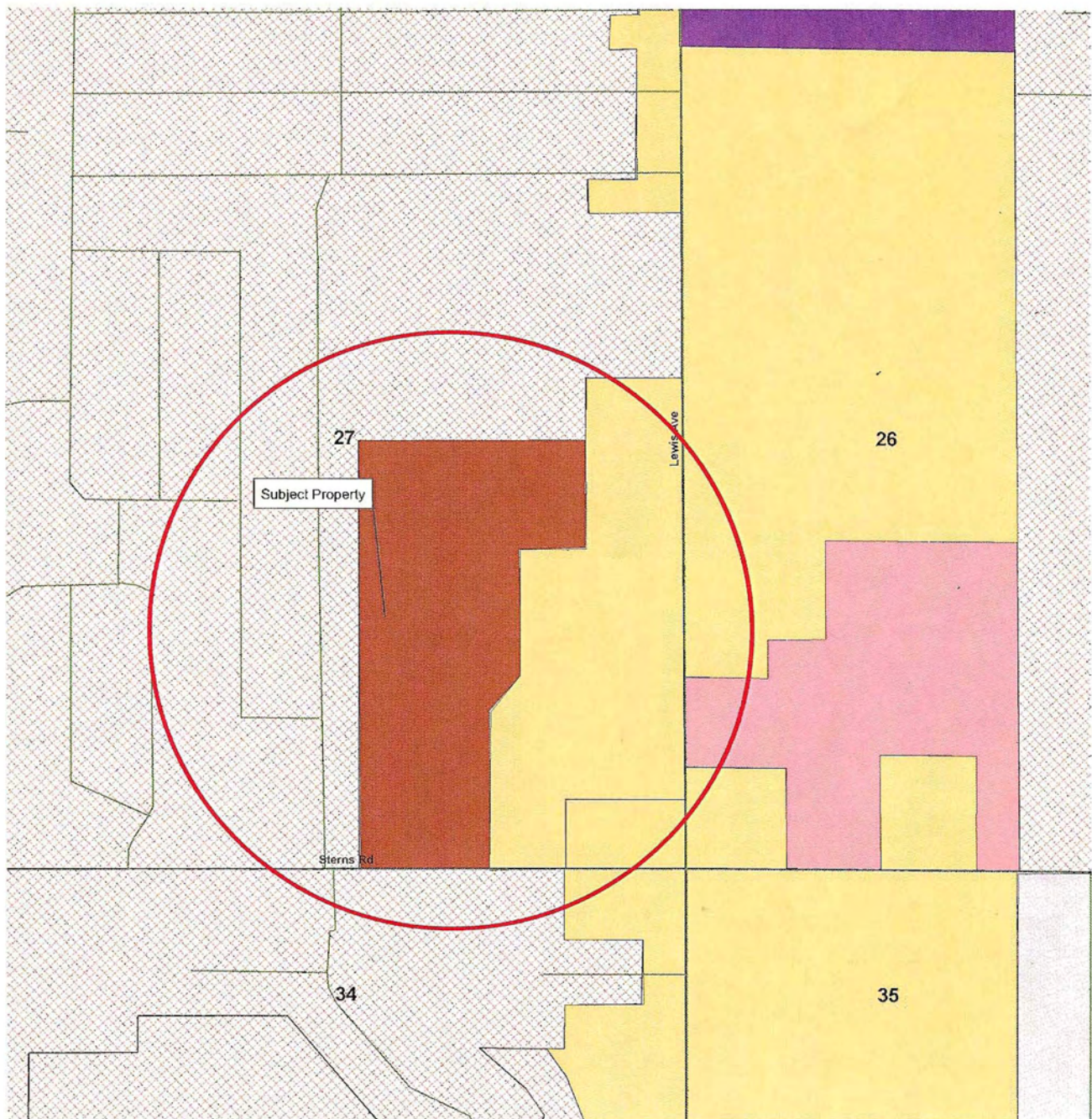
1

Design & Consulting Engineers

E. TENNENBAUM
TDA
06-12-08
AS NOTED
06-106

Z-1

[illegible]



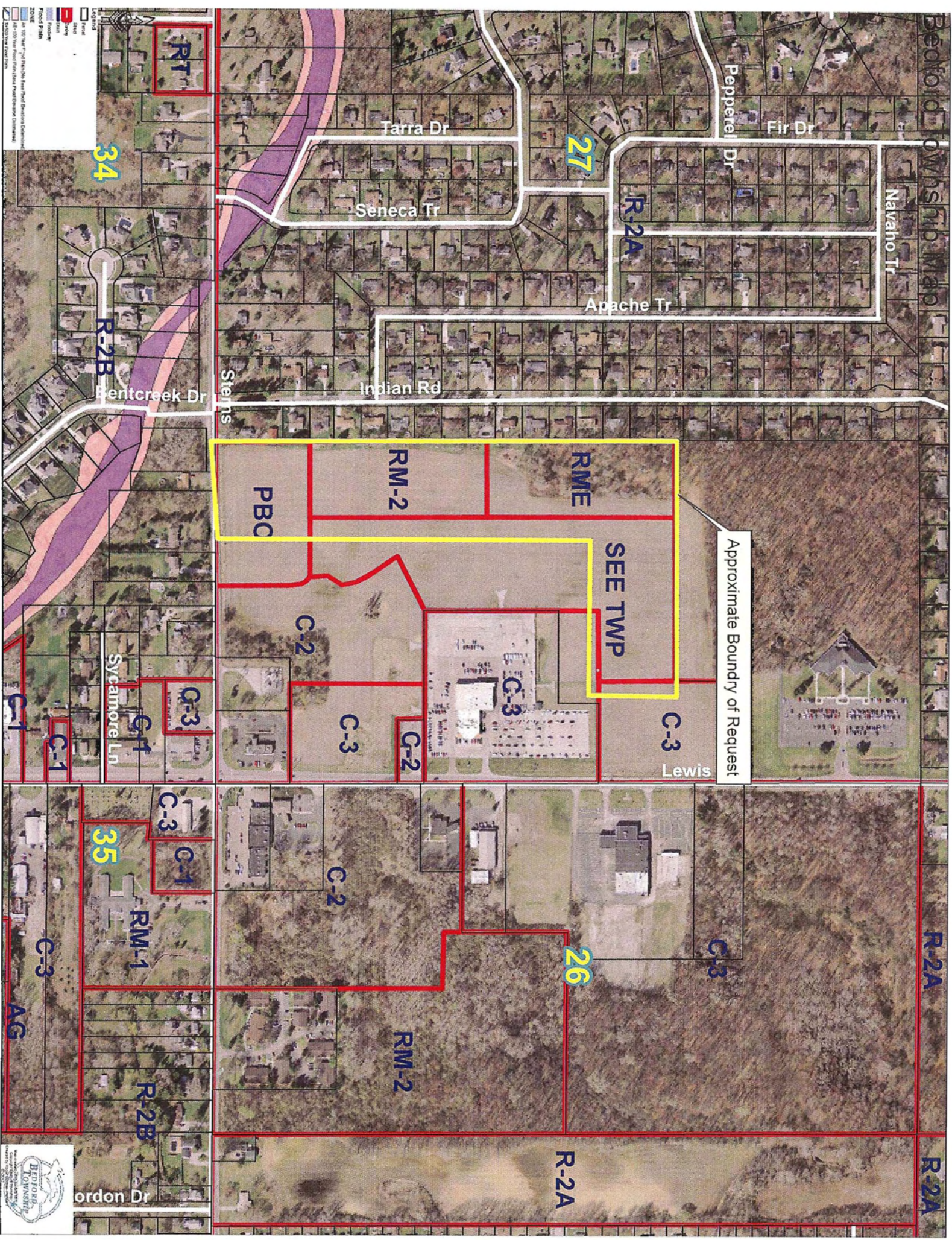
0 0.05 0.1 0.2 Miles



Master Plan Map

Legend

- street
- Recreational Trail
- Golf Courses
- Agricultural Farmstead
- Local Commercial
- Agricultural Estates
- Two Family
- Mixed Residential/Office/Commercial
- Multiple Family Residential
- Manufacture Home Communities
- Office/Commercial Park/Industrial
- Village Center/Mixed Use
- Single Family Residential
- Office
- Mixed Residential Open Space
- Parkland
- Public
- Community Activity Center
- Light Industrial
- Section_Numbers



Approximate Boundary of Request

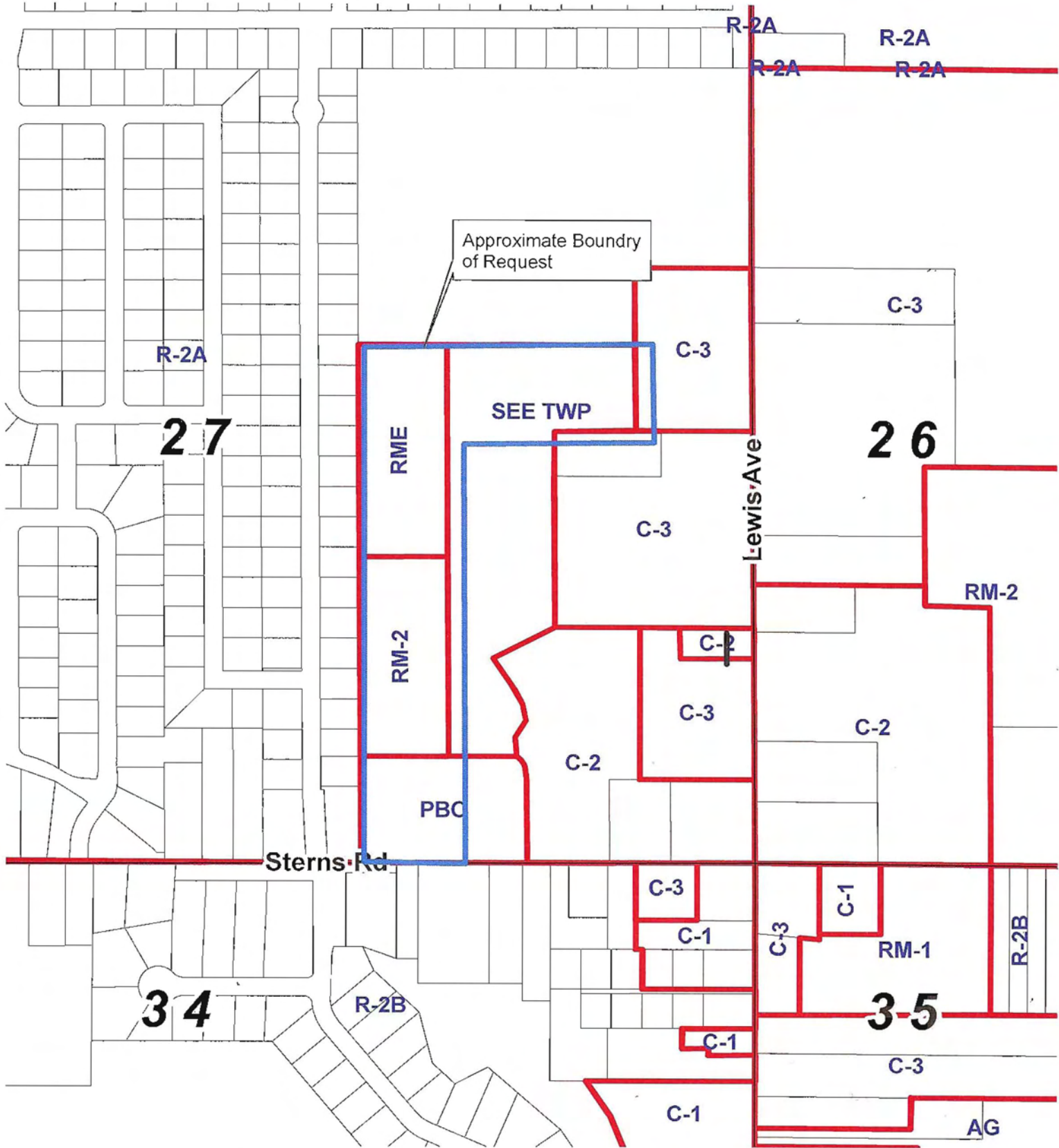
Legend

- ☐ Water
- ☐ Wetland
- ☐ Flood Plain
- ☐ Flood Hazard
- ☐ Flood Hazard

Zone

- 1st 100 Year Flood Hazard
- 2nd 100 Year Flood Hazard
- 3rd 100 Year Flood Hazard
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- 100th 100 Year Flood Hazard





Edited by Roger Dindyal (Planner)

BEDFORD TOWNSHIP ZONING

Legend

- Major Roads
- samria overlay
- Lambertville Village Overlay District
- Temperance Village Overlay District



Zoning Districts

District	Description	Requirements Area/Frontage
AG	Agricultural	5 Acres/330-Foot
R-1	One Family Residential	15,000 s.f./60-Foot
R-2A	One Family Residential	10,000 s.f./80-Foot
R-2B	One Family Residential	10,000 s.f./80-Foot
R-3	One Family Residential	7,200 s.f./60-Foot
RT	Two Family Residential	10,000 s.f./80-Foot
RM-1	Multi-Family Residential	100-Foot of Frontage
RM-2	Multi-Family Residential	100-Foot of Frontage
RME	Elderly Housing	100-Foot of Frontage
MHP	Manufactured Home Communities	See Article VIII
PBO	Professional Business Office	100-Foot of Frontage
PBO-J	Professional Business Office	100-Foot of Frontage
C-1	Local Commercial	100-Foot of Frontage
C-2	Shopping Center	3 Acres/200-Foot of Frontage
C-3	General Commercial	100-Foot of Frontage
I-1	Planned Industrial Park	100-Foot of Frontage
I-2	Light Industrial	100-Foot of Frontage
I-3	General Industrial	100-Foot of Frontage
P-1	Vehicular Parking	

PUD Planned Unit Development

All matters having to do with lot or parcel size, area, width, height, depth of setbacks, setbacks, floor area per acre, maximum lot coverage and other matters shall be determined for each development individually in accordance with Article XVIII.

Always Refer To Schedule of Regulations For All Districtal Requirements