

MEN JUNE 18, 2006

From farmland to battleground

Developers,
Bedford
Township
at odds
over
zoning
for Erie Rd.
property

BY JOSHUA KENNEDY
For The Evening News

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— Evening News: photos by VALERIE TOBIAS

A barn butts up against the Village Meadows housing development in Temperance. Land between the development and Erie Rd. is the topic of debate as Bedford Township officials and the owners of the farmland battle over its future use as well as the future of development in Bedford.

BEDFORD TOWNSHIP — Looking south from Erie Rd. across the old Albring farm just east of Lewis Ave., the encroaching homes are already visible in the distance.

But the plot of dirt that separates the cobbled roadway and its current residents from those tan and gray two-story homes marching north across the field isn't as serene as it seems.

It has become the battlefield of a larger issue that's gripping all of Bedford Township — and many others across the region and state.

There, on that piece of ground where Lynn Albring and his family for years planted crops of soybeans, corn and wheat, developers are at loggerheads with the township over how that land could best be used to fit an ever-expanding community.

Bedford Partners, a development company that includes ex-Raisinville Township Supervisor and Monroe County Planning Commissioner Mark Brant and Michigan mobile home manufacturer Ron Blank, has twice asked the township for approval to develop farmland into a subdivision.

The first proposal was to combine and rezone approximately 160 acres including the Albring properties between Temperance and Erie Rds. and two others along Lewis Ave. to create Albring Farms, a 450-home subdivision. That proposal would have tied into Village Meadows, under development now off Temperance Rd.

The second proposal deals with only the northern 77 acres. On that rectangle-shaped land, Bedford Partners proposed building 198 homes in a four-phase subdivision.

Both have been denied.

The first proposal would have been the first contract zoning development in Bedford Township since the state Legislature made it legal in 2004. Previously, state law did not allow zoning changes based on "promises" of how land would be used if rezoned this way or that way.

Zoning has always dictated what can and cannot be built. Contract zoning allows the developer to promise a certain use while traversing the municipal planning stages of a development. Another of the major differences in contract zoning is that it is the township board — not the planning commission — that negotiates with the developer.

The Bedford Township Board voted unanimously against Albring Farms in August. Board members cited too many homes on that amount of land.

Last month, the second proposal — one Mr. Brant says is "by the book," what the township's master plan is calling for — was shot down by the township planning commission, for reasons Mr. Brant says were "fabricated."

Because the northern 77 acres are zoned residential, Mr. Brant said during that first meeting with the township board that Bedford Partners would move forward with building a "cookie-cutter" subdivision at its maximum density if the proposal wasn't approved.

"It's more beneficial to have the transitional zoning," he said at that meeting, referring to the contract zoning's density changes from 65-foot lots at the southernmost parts by Village Meadows to 100-foot lots at the northern end.

"As an alternative, if we didn't do the transitional zoning, this property could have between 480 and 500 cookie cutter homes on it — every one of them the same. We'd rather not do that," Mr. Brant said.

But that choice is ultimately left to developers.

"We don't tell developers what kind of homes to build," said township planner Dennis Jenkins. "We hope the market tells them what kind of homes to build."

"If there is a market for cookie-cutter homes, let there be another Levittown," he said, referring to the first modern subdivision, built in Levittown, Pa., for veterans returning from World War II. "Every single one of the homes there was built the same as the one next to it."

DEVELOPMENT WORRIES

Lanny Koester and her husband, David, bought five acres on the north side of Erie Rd. in 1978 — about a year after the Albring property was rezoned residential during the adoption of the township's zoning ordinance.

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Despite the zoning designation, the field in front of the Koester home has sprouted crops all those years and now, "all we can see are those houses through the field," Mrs. Koester said, referring to Village Meadows, which will total about 100 homes when finished.

"I'm not against development," Mrs. Koester said. "But can't (Bedford Partners) get the picture? This isn't what people want. Why can't they make it more desirable? Why does it have to be houses upon houses upon houses?"

"This is the country. This isn't the city," she said. "Like I said, I'm not against development. I'm just against the money-hungry builders that have to pile house on top of house on top of house."

What seems too dense for some isn't as dense to others. It's a fairly subjective term, when used for subdivisions. But there's nothing surprising about where such developments are proposed in Bedford Township.

"Everything that is occurring, as far as development, was planned to happen 30 years ago," Mr. Jenkins said. "We went through a period when I first came to Bedford 18 or 19 years ago where you couldn't sell a house in Bedford."

Then, the economy changed. The interest rate dropped and a host of other variables fell into line to create a development explosion not just in Bedford but across the country.

The township had planned to build heavier density residential developments along the township's southern half. The northern half, Mr. Jenkins said, was reserved for more sparse development.

Water lines and sewers have helped guide the development.

"I'd encourage people who want that country feel to look further north," Mr. Jenkins said, adding that when people complain about proposed projects, "We just point to the master plan and say this is what's been planned."

DIFFERENT OPTIONS

Mr. Brant argues that he tried keeping the density down by submitting the first proposed Albring Farms subdivision.

He provided to the township at the time of its first decision a study of the area by Plymouth-based J. Mills Consulting Company demonstrating that enough infrastructure exists to accommodate the first plan.

Mr. Brant points to the planning commission's insistence upon approving the Village Meadows project in 2003 that streets be "stubbed in" - a process of dead ending a subdivision road in a manner that would make an adjacent future development easily accessible via roadway.

"Ostensibly because they assumed another development would be there," Mr. Brant said.

The township planners denied the second version based largely on access, but also on differences in how bringing water to the subdivision should be handled and where the development's mandatory detention pond should be located.

The planners weren't satisfied with using Erie Rd. as the only entrance and exit for the 198-home subdivision. Mr. Brant and company did promise to divert two lots for a temporary, stone driveway that would be used in an emergency, but the planners didn't accept that.

"He wanted to bring a stone driveway off a cul-de-sac as a second route," said township Trustee and Planning Commission liaison Dennis Steinman. "It was only 200-feet or something from the other entrance ...

"And it could also be used as a construction route too. Who'd want to live next to that?"

At the end of the meeting, however, the planning commission's vote against the second project boiled down to water and road matters. Water lines for the project reach only to the rail crossing on Lewis Ave. just north of downtown Temperance.

Mr. Steinman is insistent that the line be looped through the proposed subdivision along Erie Rd. Mr. Brant puts the cost of that at about \$1.2 million.

"I want that water line looped down Erie Rd. and Lewis Ave.," Mr. Steinman said. "Now, that's not to say we couldn't have a special assessment district, but we've tried that twice.

"I want him, in some way, to participate in an SAD (Special Assessment District)," he said. "He just wants to come in across that Shinkles property (reaching east and west from Lewis Ave. between the proposed 77-acre project and about where the water line currently ends).

"We always have developers loop the water lines."

There was talk during the planning commission meeting of how the development would contribute to the already crumbling Erie Rd.

Mr. Brant says that's very unusual, but that he was willing to contribute to the project if it kept the development moving forward.

"(Mr. Brant) said he'd make a contribution on Erie Rd. improvements," Mr. Steinman said. "We're not looking for a contribution. As far as we're concerned, we wouldn't even be looking at Erie Rd. if not for this development.

"Erie Rd. is not even on our radar," said Mr. Steinman, who also sits on the township's road committee, which decides where Bedford will spend its annual road maintenance and improvement funds.

"We've got far more pressing roads to deal with," he said, ticking off a list that included Douglas, Secor and Temperance Rds., all of which handle "thousands of cars a day."

Mr. Brant says he did offer to chip in on any work to fix Erie Rd., but what the township is asking for is unprecedented.

"They're guessing it'll cost something like \$700,000 to repair Erie Rd. It's a township road. It's not our responsibility. We offered to put \$150,000 toward that. No developer has ever done that before," Mr. Brant said.

Monroe County Road Commission spokeswoman Nancy Tienvieri said she couldn't confirm whether other developers had pitched in more than \$150,000 on a road affected by a new development.

But she did say that the road agency has the right to make some improvements part of the road commission's mandatory approval for any construction.

In fact the agency regularly requires traffic studies and often the addition of turning or deceleration lanes to accommodate increased traffic.

"We can make that a condition of our approval," Mrs. Tienvieri said, adding that the agency's jurisdiction ends at the proposed development's frontage.

And the road commission has already signed off on the tentative preliminary approval Mr. Brant is seeking from the township. So has the drain commission on the proposed water issues.

Mr. Brant says any discussion about repairing Erie Rd., looping water lines or anything else like that is outside the scope of the tentative preliminary plat approval he was seeking last month.

"The process is very simple," he said. "We have the zoning already. So there are a few things they look for: They look at the roads, to make sure they are approvable by the Monroe County Road Commission.

"We have a letter from the road commission that says we're fine. They look to make sure the lots are of the proper size and orientation. They look to see that the drains will handle what we're proposing," Mr. Brant said.

"We have a letter from the drain commission that says we're fine. Basically, they've had to fabricate a reason to deny us. And the reasons they used are irrelevant to the tentative preliminary plat approval process.

"We complied with the law, which is our obligation. Their obligation is to know what they're doing," Mr. Brant said. "The law says if I comply they have to grant it. I did comply and they didn't grant it, so I don't know ..."

COMMUNITY INTERESTS

Mr. Steinman says he - and the rest of the township planning commission - is simply looking out for the community.

"I want to deal with this now," he said. "I know what my responsibility is. I'm tired of getting caught in a catch-22 and having all sorts of issues come up when we get to the final plat approval.

"In this township, as we get more experience under our belt, we're looking at more situations where we got caught on the short side in the past," Mr. Steinman said.

"We're not going to be caught like that in the future," he said, without giving examples of past mistakes. "This is for the health, safety and welfare of our community.

"Just because he wants to come down here and make a buck ... We've got 30,000 people down here," Mr. Steinman said. "We should know where we're at right in the beginning."

Mr. Brant says the tentative preliminary process is just a starting point for hammering out design specifics and other matters.

"We're here for a single, defined, narrow purpose and these guys are all over the board," he said. "You can't take one guy, go against the master plan and allow a development, and then take a property that's in-line with the master plan and deny him.

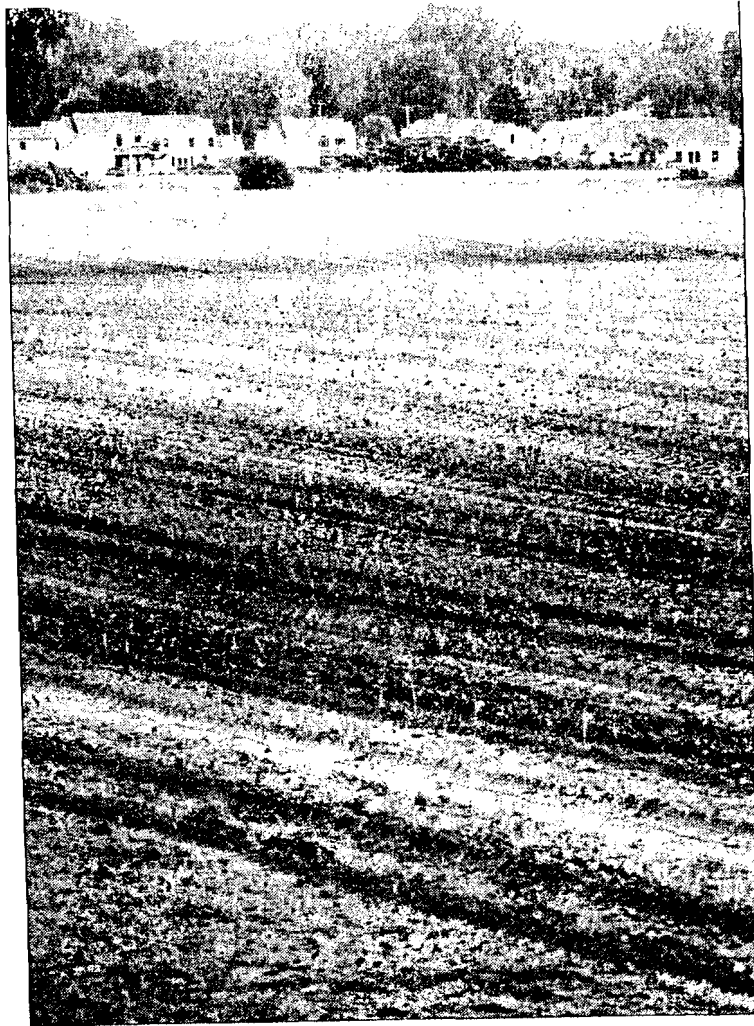
"I've got the zoning. So as long as I comply ... These people are complaining that they don't want a subdivision here. It's too late for that. This land is going to be developed as a subdivision," Mr. Brant said.

"They're making it worse for themselves. Eventually, there will be a subdivision there. They are treating me absolutely different than they have treated any other developer."

But some township residents remain hopeful that development isn't necessarily in the future.

Erwin Cuykendal owns 28 acres on the north side of Erie Rd. just across the street from the proposed development and he's not interested in what the township might have to give up.

"I don't care how it happens or what happens," he said, adding that his family has owned the peach and apple orchard property for about 50 years. "I want it stopped. We've got enough development around here."



— Evening News photo by VALERIE TOBIAS

The Village Meadows housing development in Temperance is visible from across a field as seen looking southward from Erie Rd.



A child plays on the northern edge of the Village Meadows housing development in Temperance on a recent afternoon. Land between the development and Erie Rd. is the topic of hot debate as Bedford Township officials and the owners of the farmland battle over its future use.