

**CHARTER TOWNSHIP OF BEDFORD  
115 S. ULDRIKS DRIVE  
BATTLE CREEK, MICHIGAN  
PLANNING COMMISSION MEETING MINUTES  
January 23, 2024**

**Call to Order:** by Chairman, Mike Staib at 6:00 pm

**Pledge of Allegiance administered by attending body.**

**Appointment of temporary secretary Barbara Jones. It was moved by Commissioner Staib supported by Trustee Greenwood.**

**Voice vote 6 yes motion carried**

**Roll Call:** Chairman Mike Staib, Board Trustee, Stacy Greenwood, Commissioners: Barbara Jones, Shirley Tuggle, Tawney Wolters, Kevin Villadsen and Claudia Brown. Six members present. Quorum present. Absent: Shirley Tuggle

**Approval of January 23, 2024 Agenda:** It was moved by Commissioner Villadsen, seconded by Commissioner Wolters to approve the agenda as presented.

Roll Call Vote: 6 in favor/0 opposed. Motion Carries.

**Approval of November 14, 2024 Minutes:** A motion was made by Commissioner Brown to approve the minutes. The motion was seconded by Commissioner Villadsen.

Roll Call Vote: 6 in favor/0 opposed. Motion Carries.

**Liaison Report:** Trustee Stacy Greenwood reported that there was nothing new coming down from the board. Stated that the board is waiting on the review of the Zoning Ordinance, and is working on a capital improvement plan.

**Zoning Report: Building and Zoning Administrator: Cody McCarty**

Submitted a written report. Stated that this was a slower time of year and that he was currently enrolled in some training.

**Public Comment Time Agenda Items Only:**

Open at 6:05 pm      Closed at 6:06 pm

Public Comment: None

**Discussion of New Business:**

a. Appointment of Officers

Trustee Greenwood Motioned for Mike Staib as Chairman, Kevin Villadsen as Vice Chair, and Shirley Tuggle as Secretary. Second by Commissioner Wolters

Roll Call Vote: 6 in favor/0 opposed. Motion Carries.

b. Planning Commission Meeting Dates for 2024

1/23/24	7/23/24
2/20/24	August Break
3/26/24	9/24/24
4/23/24	10/22/24
5/21/24	11/19/24
6/25/24	December Break

Trustee Greenwood Motioned For approval. Second by Commissioner Brown

Roll Call Vote: 6 in favor/0 opposed. Motion Carries.

c. Public Hearing: A public hearing for the request of Heath Tichenor of Man-Sing, LLC d/b/a Paisley Trees, 21736 Bedford Road North, Battle Creek, Michigan 49017, to rezone property Man-Sing, LLC owns within the Township addressed as 154 Wells Drive, Battle Creek, MI 49017, Parcel No. 04-090-102-05 and is approximately seven (7) acres in size, from the existing "AA" Agricultural District Zoning Classification to the "C" Commercial District Zoning Classification.

Moved by Trustee Greenwood and seconded by Commissioner Wolters to open the public hearing.

Roll Call Vote: 6 in favor/0 opposed. Motion Carries.

Public Hearing open at 6:09 pm.

**Applicant Statement:** The desired use for this property is for extraction/manufacturing of cannabis. Which is only allowed in Zoning classifications "C" Commercial or "I" Industrial.

**Public Comment Time:** Rezone Request

Open at 6:14 pm Closed at 6:14 pm

Public Comment: None

**Discussion:**

Chairman Staib noted that there are generally nine (9) standards of review that Planning Commissions review when considering a rezoning request application. The Commission Review of Standards for a Re-Zoning Request are as follows:

1. Consider All Uses in Proposed District

- a. Commission compared uses in “AA” Agricultural district to “C” Commercial district and examined the list of permitted and conditional land uses in each zoning district classification. Chairman Staib noted that the Commissioners should consider all uses listed in the “C” Commercial District Zoning Classification because any of those uses may be allowed on the subject property if it is rezoned. The Commissioners noted that there were several special uses identified that are permitted in “C” Commercial district, but are not currently allowed in “AA” Agricultural district; those uses include Marijuana Processing and Provisioning, Food Processing, Commercial Storage Warehouses etc.
2. Compliance with Master Plan
  - a. The Commissioners reviewed the Future Land Use Map and determined that the designated use for this parcel is “NR” Rural & Neighborhood Residential. The Commissioners noted that the Township recently approved a new master plan and future land use map and felt it was important to follow its intent and vision of the Township moving forward.
  - b. In Reference to the Master Plan Goals and Objectives Section 7 Mixed Use and Commercial, the objective includes “Minimizing scattered Commercial development within the township and to target future Commercial and Mixed-Use development along the M-89 corridor and M-37 corridor north of Edmonds Road junction”. The Commissioners concluded that the subject property is outside that corridor, and a rezone of this parcel is not consistent with goals contained in the Master Plan.
3. Consistency with Zoning in General Area
  - a. This parcel is bordered by three (3) Privately Owned “AA” Agricultural zoned parcels, the Bedford Charter Township Cemetery zoned “MD” Medium Residential, and the Southeast corner borders Man-Sing LLC zoned “AA” Agricultural.
  - b. The Commission noted that a “C” Commercial rezone would lack consistency with the general area because a high-density commercial use may interfere with surrounding agricultural and residential uses. The Commissioners once again noted that rezoning the subject property to “C” Commercial is not consistent with the intent of Township’s new Master Plan and Future Land Use Map.
4. Consistency and Compatibility of General Land Use in the Area
  - a. The general land use in the area consists of “AA” Agricultural zoned properties used mainly for primary residency. The Commissioners discussed the uses contained in the “C” Commercial District Zoning Classification and concluded that the higher density commercial use is not compatible with the surrounding agricultural uses. The Township Attorney noted that the Planning Commission should not consider the

applicant's proposed use because any use contained in the "C" Commercial District Zoning Classification may occur on subject property if the rezoning is approval and other zoning standards are satisfied.

5. Suitability of Proposed Uses in Zoning District
  - a. The commission reviewed the possible uses in the "C" Commercial district and determined that most of the uses would not be suitable to that area considering its proximity to primary residential units. The Commissioners noted that a comprehensive review of the Township was completed when the new Master Plan and Future Land Use Map was drafted and approved. Notably, the new Master Plan and Future Land Use map did not indicate that the subject property be rezoned or otherwise transitioned to commercial uses sometime in the future. The Commissioners felt that it was important to follow the intent of the Master Plan and Future Land Use Map.
6. Adequacy of Public Services
  - a. Public Service accessibility was a concern with a "C" Commercial rezone. The Commissioners noted that a narrow dirt road served the subject property. Commission also noted that there is no sewer or water currently on site and expressed concerns over access by the Fire Department with a rezone to commercial and the possible uses.
7. Traffic
  - a. This parcel is at the end of a dead-end road. The road is narrow and not a main throughway. Concerns were noted about increased volume of traffic.
  - b. The Commission referenced Complete Street Report from Master Plan.
8. Identifiable Public Need

There was no identifiable need that was found by the Commission for the request to rezone as "C" Commercial. The Commissioners once again referenced the new Master Plan and Future Land Use Map which do not indicate a commercial need in the area of the subject property (which is surrounded mostly by agricultural and residential uses).
9. Citizen Opposition
  - a. None. Chairman Staib noted that the Commissioners did not receive any written correspondence in support of or in opposition to the applicant's rezoning request. Additionally, no public comment was submitted during the public hearing.

Commissioner Wolters moved, seconded by Commissioner Jones to approve the request of Heath Tichenor of Man-Sing, LLC d/b/a Paisley Trees, 21736 Bedford Road North, Battle Creek, Michigan 49017, to rezone property Man-Sing, LLC owns within the Township addressed as 154

Wells Drive, Battle Creek, MI 49017, Parcel No. 04-090-102-05 and is approximately seven (7) acres in size, from the existing "AA" Agricultural District Zoning Classification to the "C" Commercial District Zoning Classification to the Township Board of Trustees.

Roll Call Vote: 2 in favor (Jones, Brown); 4 opposed (Wolters, Villadsen, Staib, Greenwood). The recommendation of approval of the applicant's rezoning request fails.

The Township Attorney said that the request still moves forward to the Township Board without a recommendation of approval of the rezoning request, which is done by an ordinance, as approving rezoning requests is a legislative function of the Township Board. The record consisting of the reasons why the Commission did not recommend approval will be transmitted to the Calhoun County Planning Commissioner for review and comment.

**Review of Marijuana Ordinance:**

Commission reviewed first draft revisions. Commission requested that a plotted map of buffer Zone of 250ft and 500 ft be provided at next meeting to determine functionality of buffer zone and functionality of parcels.

A Motion to set Public Hearing for February 20<sup>th</sup>, 2024 at 6:00 pm at Township Hall for review of the draft ordinance for Marijuana Medical and Adult Recreational uses was moved by Trustee Greenwood Second by Commissioner Brown

Roll Call Vote: 6 in favor/0 opposed. Motion carries.

**Discussion of Unfinished Business:**

- a. Continued Review of Zoning Ordinance
  - i. Section 3.02 Schedule of Regulations
  - ii. Section 16 definitions
    - Continued review between current and draft ordinance
    - Presentation from McKenna of Land Division and lot sizes examples for different 40-acre parcels
    - Review of regulations specifically Minimum Lot size
    - Recommended review of lot size dimensions and coverage in all zoning districts for next meeting
    - Continued review of definition section 16; updated lists to be provided to McKenna
    - **Future discussions:** Alternative Energy Ordinances (Solar, Wind, Gravel Mining etc.) Short Term Rental, Shooting Range, and Signs.

**Public Comment Time:** Open at 8:11pm and Closed Public Comment time at 8:18 pm

Gentleman expressed his concern over the proposed changes in the marijuana ordinance. Feels as if the changes are too extreme and unnecessary.

Resident expressed concern that the zoning is very confusing to the public in regards to what uses can happen and where they can happen. Resident also expressed the desire to help with the education of commission in regards to a possible Shooting Range ordinance. Resident stated that he has many years as a certified instructor and has experience with some of the potential issues.

**Planning Commission Member Time:**

Trustee Greenwood clarified that the new draft ordinances for marijuana does still have the residency requirement and security requirement that has always been in place. Trustee Greenwood stated that one of the main reasons for the review of a Master Plan and Zoning Ordinance is to review Land Use maps to help with less scattered development and to help with clarification and ease for the public to understand.

Commissioner Staib echoed many of Trustee Greenwood's comments also pointed out that the new draft ordinances were not just a cut and paste and that there are many things that were pulled from the current ordinance. Feels that the new drafts are more thorough and comprehensive and easier for residents and business owners to understand.

Chairman adjourned the meeting at 8:21pm

Next meeting Tuesday, February 20, 2024 at 6:00pm