



April 7, 2011

Bedford Township
8100 Jackman Road
P.O. Box H
Temperance, MI 48182-9423

Attention: Planning Commission

**Re: Whitman Ford Rezoning Request
Wade Trim Job No. BED 6266-11D, Phase 700**

Dear Commissioners:

Mr. Jon Whitman, of Whitman Ford, is seeking a rezoning for the central 19.57 acres of his 41.71 acre property located west of Lewis Avenue and north of Sterns Road.

As you are aware, the 41.71 acre site was the subject of a recent court case, Whitman Ford v. Township of Bedford, heard in the Circuit Court of Monroe County. The plaintiff in the case was Whitman Ford. In a judgment issued on January 28, 2011, the 41.71 acre property was granted a zoning pattern that consists of a combination of RM-2, RME, PBO, C-2, and C-3 Districts. (Please refer to the "Rezoning Plan" exhibit submitted by the applicant and attached to the applicant's March 24, 2011 rezoning request letter.)

At this time, the applicant is seeking to change the court-ordered zoning pattern by rezoning the central 19.57 acres of his property from the C-2, Shopping Center Business District and PBO, Professional and Business Office District to the C-3, General Business District. (Refer to the above mentioned "Rezoning Plan" exhibit.)

We have reviewed this request in consideration of the existing land use pattern, zoning pattern, and future land use plan recommendations for the vicinity. We are pleased to offer the following comments for your consideration:

Existing Land Use Pattern

The central 19.57 acres of the subject site consists of undeveloped open space. The remainder of the subject site features undeveloped open space as well as the existing Whitman Ford automobile dealership along Lewis Avenue.

To the north of the subject site along Lewis Avenue is the Monroe County Community College. Land uses to the east of the subject site, across Lewis Avenue, include an auto dealership, bank, credit union, and a retail strip center. Land uses to the south of the subject site, across Sterns Road, include an animal hospital, commercial building, and several single-family residences. To the west of the subject site is the Indian Acres single-family residential subdivision.

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Existing Zoning Pattern

As noted above, the existing zoning pattern for the subject site is the result of a court-ordered judgment, with RM-2, RME and PBO District Zoning in the western portion of the site, PBO and C-2 District Zoning in the central portion of the site, and C-3 District Zoning in the eastern portion of the site.

The applicant is seeking a rezoning of the central portion of the site to the C-3 District. According to Article XIII of the Bedford Township Zoning Ordinance, the intent of the C-3, General Business District is to provide sites for more diversified business types which would often be incompatible the pedestrian movement in the local business district or the community business district.

The properties adjacent to the subject site to the north (Monroe County Community College) and west (Indian Acres subdivision) are currently zoned R-2A, One-Family Residential District. To the east, across Lewis Avenue, properties are zoned C-2 District (at the northeast corner of Lewis/Sterns), as well as C-3 District (existing auto dealership). To the south, at the southwest corner of Lewis and Sterns, C-1, Local Business District zoning and C-3 District zoning is found. The remainder of the properties on the south side of Sterns Road are zoned R-2B, One-Family Residential District.

Future Land Use Recommendations

The Master Plan is an important document that was crafted through an extensive public involvement process with the residents of Bedford Township. The Future Land Use Map is designed to support their desired future development pattern for the community. In addition to the map, the Master Plan outlines some objectives and strategies related to commercial land use. From our review of the Master Plan, the following objectives and strategies influence the rezoning of the proposed property.

Related to Commercial Land Use:

Objectives

- Provide reasonable opportunities for the establishment of commercial uses which meet the demonstrated market needs of local residents.

Strategies

- Recognize the City of Toledo, Ohio as a business center serving both the local consumer population and subregional market base.
- Encourage commercial development to locations where compact and coordinated development can occur without impacting residential land uses. Discourage strip commercial development and isolated commercial uses.
- Require the establishment of transitional uses and/or landscape screening between commercial and residential, agricultural, or open space land uses.

The Future Land Use Map of the Bedford Township Master Plan designates the 41.71 acre Whitman Ford property as a combination of two future land use categories. The eastern portion of the site, at the northwest corner of Lewis/Sterns and along the Lewis Road frontage, is classified as Local Commercial. The western portion of the site, along the north side of Sterns Road and adjacent to the Indian Acres subdivision, is classified as Mixed Residential/Office/Commercial. The majority of the central 19.57 acre portion of the site that is the subject of this rezoning request is designated as Mixed Residential/Office/Commercial.

The properties immediately adjacent to the subject site to the north and west are classified as Single-Family Residential. The properties to the east of the subject site, across Lewis Avenue, are classified as Local Commercial. The properties south of the subject site, at the southeast corner of Lewis and Sterns are classified as Local Commercial. The remaining frontage of Sterns Road, across from the subject site, is classified as Single-Family Residential.

The Bedford Township Master Plan indicates that the intent of the Mixed Residential/Office/Commercial designation is to provide for a mixture of residential, office and lower intensity commercial uses outside of designated Village Centers. The Mixed Residential/Office/Commercial designation would allow for any combination of residential, office, or local commercial use located at nodes of major intersections. Upper floor residential above retail or office is encouraged. This planned land use is designed to maintain and promote flexible redevelopment of certain areas of the Township. Generally, permitted uses allowed in the Mixed Residential/Office/Commercial designation are residential, as well as office, schools, churches, daycare, and local commercial uses which would meet the day-to-day shopping needs of local residents. This mixed-use classification may also provide locations for senior housing developments such as independent living, assisted living, and congregate care.

The Master Plan describes the Local Commercial land use classification as one that provides for small businesses established to meet the day-to-day convenience shopping and service needs of neighborhood residents. Generally acceptable uses include retail establishments, personal service establishments and restaurants not exceeding 5,000 gross square feet, and multi-tenant buildings not exceeding 10,000 gross square feet.

Absent from the Master Plan is a future land use category that specifically supports the general commercial uses allowed by the C-3 Zoning District that cater to a more regional market. This indicates a clear intent of the Township to limit the proliferation of such uses, allowing them only in appropriate locations where demand is demonstrated. It would seem, then, that any proposed rezoning of lands to the C-3 District must be carefully scrutinized so as to ensure that the lands are strategically located to match a regional customer base, such as along a major thoroughfare, appropriately buffered from residential uses, and reflective of market demand.

Proposed Rezoning

The proposed rezoning seeks a C-3 District designation for the central 19.57 acre portion of the site. The intent of the C-3 District, as stated in the Bedford Township Zoning Ordinance, is to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the local business districts. The C-3 District allows C-2 District uses, as well as hotels, veterinary clinics, new and used motor vehicle sales, drive-ins, outdoor sales, nurseries, auto service stations and repair, mini-warehouses, kennels, fireworks sales, and adult entertainment businesses.

The applicant has not indicated the proposed uses for the central 19.57 acre portion of the subject site if it were to be rezoned.

Findings

It is our opinion that the Planning Commission should provide a recommendation of denial to the Township Board. Our recommendation for denial is based on the following considerations and findings:

1. We accept the court ordered zoning pattern of the property as a reasonable means to enable the future development of the property in an appropriate manner. This zoning pattern was established through the January 28, 2011 Monroe County Circuit Court judgment. We do not believe that there has been any substantial change in conditions since the end of January that would warrant a change from the judgment of the court.
2. Available C-3 District zoned land already exists within the subject site (eastern edge along Lewis Avenue) as well as in the immediate vicinity of the subject site (east side of Lewis Avenue). Thus, we question the need to convert an additional 19.57 acres in the central portion of the site to the C-3 District.
3. It is our opinion that a rezoning to the C-3 District would result in an incompatible land use pattern within the site and a zoning pattern that is inconsistent with the Master Plan. The proposed rezoning would result in C-3 District zoning being located directly adjacent to RME and RM-2 District zoning. This would provide an opportunity for intensive C-3 District uses, such as automobile sales and adult entertainment businesses, to be located adjacent to such residential uses as apartments and assisted living centers. We believe a transition zone should be maintained within the site as a buffer between the C-3 District and the RME and RM-2 Districts. This is supported by the Master Plan which calls for exclusively commercial uses within the eastern portion of the site (the Local Commercial future land use category) and a mixture of uses in the central and western portions of the site (the Mixed Residential/ Office/Commercial future land use category).
4. The proposed rezoning would result in a significant area of C-3 District zoning along Sterns Road with approximately 500 feet of frontage. Located directly across Sterns

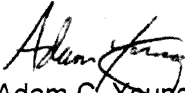
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Road from this proposed C-3 District zoning are several existing single-family homes zoned R-2B District and planned for Single Family Residential use. Given the intensity of use allowed in the C-3 District, it is our opinion that this would result in an incompatible zoning and land use pattern.

Thank you for your time and attention to this matter. Please feel free to contact our office (313) 961-3650 or by e-mail at ayoung@wadetrim.com if you have any questions regarding this review.

Very truly yours,

Wade Trim Associates, Inc.



Adam C. Young, AICP
Community Planner

ACY: tml
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cc: Mr. Dennis Jenkins, Planning/Zoning Coordinator