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Whitman eyes zoning change

Auto dealer's plan would open site for large retail development



THE BLADE/ANDY MORRISON

Jon Whitman, left, has said he will be surprised if township officials accept his request to change the commercial zoning of the parcels.

TEMPERANCE -- Nearly two months after winning a legal challenge on zoning for land adjacent to his Lewis Avenue auto dealership, Jon Whitman now wants about 18 acres of his property rezoned to allow for large-scale retail development.

Mr. Whitman, president of Whitman Ford, filed a request with the township planning department seeking approval to change the status of commercial zoning on land north of Sterns Road next to the dealership.

The zoning, if approved, will change from C2 to C3, the least restrictive form of zoning for retail development.

The land at issue includes roughly eight acres that Judge Joseph Costello, Jr., rezoned as the result of a land-use lawsuit against the township. Judge Costello ruled Jan. 28 in favor of Mr. Whitman following a civil trial in Monroe County Circuit Court.

If approved, the zoning would put all but about 11 acres of 43 acres of dealership land in the type of zoning that would allow for big-box stores and other retail businesses and create one of the largest blocks of high-intensity commercial zoning in the township.

The first hurdle for the zoning modification will be the review of the application by the Bedford Township Planning Commission, making a recommendation for its approval or denial.

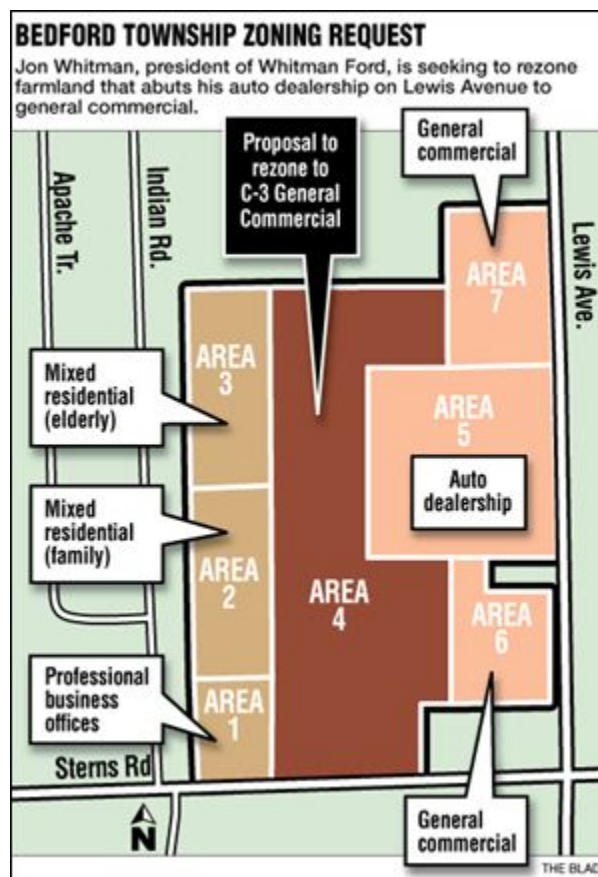
A date hasn't been confirmed, but April 27 or May 4 are possible dates, township officials said.

The Monroe County Planning Commission also will review the application, possibly at its next meeting May 11.

The final decision will rest with the Bedford Township Board.

Land owned by the Whitman family and zoning changes submitted for it have been the target of Bedford Watch, a grass-roots group formed in 2001 after Mr. Whitman announced plans to get it rezoned because Wal-Mart wanted his land to construct a store.

A core group of members who live in Indian Acres, a subdivision that borders west of the Whitman property, got a referendum on the ballot seeking voter approval to overturn zoning changes that the township board approved in December, 2008.



Voters in the ballot issue struck down the board zoning changes in the May, 2009 election, reverting land near Indian Acres back to residential zoning. However, the referendum results were thrown out by Judge Costello in the January decision.

Jim Duggan of Bedford Watch said the zoning changes that Mr. Whitman proposes would put residences too close to a big-box store development. A 286-foot wide buffer of land that is zoned for mixed residential and professional business offices would be the only thing between a large retailer and homes along Indian Road in the subdivision.

"What it would do is basically open up an even larger, more intensive type of development than what was permitted by Judge Costello and originally reversed by the referendum," Mr. Duggan said.

Mr. Whitman told The Blade the zoning changes he wants follow expert testimony given during the trial that there is little distinction for possible uses between the two classifications of commercial zoning.

"They are on record that there is very little difference between C2 and C3," he said, referring to testimony of the township witness, Paul LeBlanc. "Let's clean this up and make it all one instead of having these funny lines."

However, Mr. LeBlanc, a planner from Grand Rapids, Mich., also testified that he didn't think that eight of the 18 acres that Mr. Whitman wants changed were intended to be zoned for C2 use under the mixed use designation of the township master plan.

The auto dealer said there are no plans or interest to develop the land by potential buyers. Mr. Whitman said he is seeking the changes to market the parcels, which are used for farmland.

Mr. Whitman, who failed in a 2007 court decision to change zoning on his land, said he will be surprised if planning officials endorse his zoning proposals. "I expect to get turned down," he said. "I think it's almost a guarantee they will. I don't think there is any credibility at all in zoning in Bedford Township."

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