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**Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on June 7, 2018**

A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on June 7, 2018 commencing at 7:00 p.m. at the Township Hall.

Present were:

Jeremy Hathcock
Denise Hartsough
Fred Nagler, Chairman
Jim Cripps

Absent was:

Tonnie Hitt and Henry Dingemans.

Upon a motion Hartsough, supported by Cripps and unanimous vote, Tonnie Hitt and Henry Dingemans were excused from the June 7, 2018 regular Planning Commission meeting.

Also present were Township Manager Dexter Mitchell; Township Zoning Administrator Patrick Hudson, Township Attorneys Roxanne Seeber and Seth Koches and approximately fourteen additional interested persons.

Call to Order

The Chairman called the meeting to order at 7:00 p.m.

Roll Call and Recognition of Visitors

The Chairman called the roll, noting that Tonnie Hitt and Henry Dingemans were excused from this meeting.

Approval of Meeting Minutes

The first item on the agenda was approval of the meeting minutes of the May 3, 2018 regular Planning Commission meeting. Copies of these meeting minutes were included in Commissioner's packets. The Planning Commission reviewed the minutes and Nagler recommended revisions to lines 37-38 on page 3.

Upon motion of Hartsough, supported by Chapman and unanimous vote, the minutes of the May 3, 2018 regular Planning Commission meeting were approved with revisions. Cripps signed the amended minutes in the absence of Secretary Dingemans and they were provided to Hudson for transmission to the Township staff.

1 **Approval of the agenda for the June 7, 2018 meeting**

2
3 The Commissioners received a revised agenda in their packets. The revised agenda added a discussion
4 item for definitions of Home Occupations and Home Businesses under Old Business.

5
6 Upon a motion by Hathcock, supported by Cripps, and unanimous vote, the agenda was approved as
7 revised.

8
9 **Scheduled Reviews**

10
11 **2702 Ravine Road – Hillside Gravel**

12
13 The first item of business was the scheduled review of 2702 Ravine Road – Hillside Gravel. Josh Balkema
14 was present on behalf of Hillside Gravel. Hudson’s report indicated that this site has no issues. Hudson
15 said the bond is valid until June 1, 2019 and the liability insurance certificate he had received expired,
16 but it had since been renewed and is valid until June 1, 2019. Hudson said the soil erosion permit is valid
17 until November 7, 2019. Hudson noted that the inspection fee was paid. Hudson’s report indicated that
18 there is occasional concrete crushing in a pit that is well buffered from adjacent uses. Hudson said the
19 site was watered down at the time of the inspection. Hathcock confirmed with Hudson that Hillside
20 Gravel’s liability insurance was renewed.

21
22 Upon a motion by Hartsough, supported by Hathcock, and unanimous vote, the Commission approved
23 the continuation of Hillside Gravel’s special use permit for one year.

24
25 **1950 Ravine – Superior Gravel**

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27 The second item on the list of scheduled reviews was 1950 Ravine Road – Superior Gravel. Hudson’s
28 report indicated that the bond and liability insurance are both valid until March 17, 2019. Hudson said
29 the soil erosion permit expires on November 1, 2019. Hudson noted that the inspection fee was paid.
30 Hudson said the slopes around the cell tower have been stabilized. Hudson said occasional concrete
31 crushing occurs near the center of the site, but it is well buffered from adjacent uses. Hudson’s report
32 indicates that the site was recently watered down for dust control purposes.

33
34 Upon a motion by Hartsough, supported by Hathcock, and unanimous vote, the Commission approved
35 the continuation of Superior Gravel’s special use permit for one year.

36
37 **Consumers Concrete – 1800 Ravine Road**

38
39 The third item on the list of scheduled reviews was 1800 Ravine Road – Consumers Concrete. Hudson’s
40 report indicated that part of this property was sold to the Kalamazoo School District for redevelopment
41 into a bus garage. Hudson said the remaining land is not being actively mined; however, Consumer’s
42 Concrete would like to keep an open permit. Hudson said he is concerned about the remaining open pit
43 at the north end of the property where the slope is very steep. Nagler said that an open pit is a liability
44 concern. The applicant was present and said Consumer’s Concrete would like to keep the special use
45 permit open because they may process on the property or sell it. Cripps asked if there was a restoration
46 plan. The applicant said no. Cripps said a special use permit that remains inactive for twelve months
47 could be negated.

1 Upon a motion by Cripps, supported by Hathcock, and unanimous vote, the Commission approved the
2 continuation of Consumer's Concrete special use permit for one year subject to the correction of the
3 slope at the north of the pit by the structure.

4
5 **1100 Nazareth – Top Grade**

6
7 The fourth item on the list of scheduled reviews was 1100 Nazareth – Top Grade. Hudson's report
8 indicated that Top Grade took over the management of this site two years ago. Hudson said the bond
9 was given an indefinite duration. Hudson noted that the insurance expires on July 1, 2018 and the soil
10 erosion permit expires on April 21, 2019. Hudson said the inspection fee was paid. Hudson said that
11 gravel crushing occurs away from adjacent uses and the pit is expanding to the south west. Hudson's
12 report indicated that Top Grade is intending to acquire additional property in this area, but has not done
13 so yet. Hudson said a site plan amendment will be required if or when that occurs. Hudson's report
14 indicated that all non-working slopes have been stabilized and dust control measures were evident.

15
16 Upon a motion by Hartsough, supported by Hathcock, and unanimous vote, the Commission approved
17 the continuation of Top Grade's special use permit for one year.

18
19
20 **Public Hearings: Medical Marijuana Buffer zone – Amendment of 8.02, VV. 4. Provisioning Centers to**
21 **include 500' buffer for government buildings**

22
23 The first item set for public hearing was to consider an amendment to the Kalamazoo Charter Township
24 Zoning Ordinance to provide a 500-foot buffer from governmental buildings for medical marijuana
25 provisioning centers; and, an amendment to Section 4.01 E. 2, to require a 26-foot width for all fire
26 lanes, to be approved by the Township Fire Marshal.

27 Nagler suggested adding a number 12 for government buildings. Mitchell said the text amendment
28 considers a government building with residential components. Attorney Seeber said government
29 buildings in general were not protected by the zoning separation requirements already in place.
30 Attorney Seeber said if there are traffic issues with fire stations then maybe including police and fire
31 stations in the amendment would be a better way to limit the number of affected parcels. Nagler asked
32 if the Commission looked at the locations of all government buildings within Kalamazoo Township.
33 Nagler said the Eastwood, Westwood and Lakewood Fire Stations are all located in a Residential District
34 Zoning Classification. Hudson asked if there are any County or State buildings located in Township
35 boundaries. Cripps asked whether there are any residential facilities that are not in a Residential District
36 Zoning Classification.

37 Nagler opened a public hearing. Nagler asked if anyone would like to speak in support of the proposed
38 text amendments.

39 John Taylor said he purchased property and asked if it was within 500 feet of a government building.
40 Adam Schwallier said there are a limited number of medical marihuana permits available in Portage, MI,
41 so it generates more traffic. Dexter Mitchell spoke as an interested citizen in support of the proposed
42 text amendments.

1 There were no public comments against the proposed text amendments and Nagler closed the public
2 hearing. The Commission entered into discussion.

3 Hartsough asked if the 500-foot buffer only applies to provisioning centers. Nagler said yes because of
4 traffic concerns. Hudson said provisioning centers are retail uses and more traffic is generated from
5 those locations. Hathcock and Hartsough expressed concern about whether the proposed language is
6 overly broad. Cripps said fire and police stations go beyond the residential component. Mitchell said
7 traffic concerns should be considered. Cripps asked if the buffer could be limited to only police and fire
8 stations. Nagler said yes and said that would minimize the impact. Cripps agreed.

9 Upon a motion of Hartsough, supported by Chapman and unanimous vote, the Commission
10 recommended approval of the proposed text amendments to Section 8.02 vv 4 of the Township Zoning
11 Ordinance, by adding an item 12 to list police and fire stations.

12 The Commission next considered the proposed text amendments to Section 4.01 E.2. The proposed text
13 amendments were included in the Commissioner’s packets. The proposed text amendments sought to
14 require a 26-foot width requirement for all fire lanes to be approved by the Township Fire Marshal.
15 Hudson said there were concerns from the Township Fire Marshal about access to certain sites. Hudson
16 said the proposed text amendment would help ensure the fire-fighting equipment could adequately
17 access a property. Hudson said the proposed text amendments add driveways and fire lanes to the table
18 included in Section 4.01 E.2.

19 Nagler opened a public hearing. Being that there were no comments in support or against the proposed
20 text amendments, Nagler closed the public hearing and the Commission entered into discussion.
21 Hartsough said the previous width requirement was 24 feet.

22 Upon a motion of Cripps, supported by Hathcock and unanimous vote, the Commission recommended
23 approval of the proposed text amendments to Section 4.01 E.2 of the Township Zoning Ordinance as
24 presented.

25

26 **Old Business**

27 **937 Foster – Medical Marijuana site plan reviews review**

28 The first item of Old Business was the final site plan revisions review for 937 Foster. Hudson prepared a
29 report that was submitted to the Commission members in their packets. Hudson provided his review,
30 indicating that the applicant submitted a revised site plan for a new building for the medical marijuana
31 provision center. Hudson said the site is 29,403 square feet (99’ x 291’) and is a corner lot at Foster
32 Avenue and McCormack Street. The primary use of the property will be for retail-commercial sale of
33 medical marijuana. Hudson said McCormack is a private road. Hudson’s report indicated that the
34 applicant proposes to add a new 1,519 square-foot commercial building, keep an existing 576 square-
35 foot storage building, and demolish an existing 890 square foot building that was previously used for

1 engine repair. Hudson said there will be an access driveway to Foster Avenue. Hudson said the
2 applicant's plans indicate parking for nine vehicles and a storm water leaching basin.

3 Hudson's report indicated that there are three non-conforming single-family dwellings located to the
4 east along McCormack Street. A vehicle towing business is located to the north along McCormack Street
5 and a painting business is located to the north along Foster Avenue. A commercial landscaping company
6 is located to the east. Hudson's report indicated that an electrical manufacturing company abuts to the
7 south, facing Foster Avenue and across Foster Avenue to the west is a lawful non-conforming single-
8 family dwelling and a green-house company.

9 Hudson said the subject property is located in the Township's I-1 Light Industrial District Zoning
10 Classification, which is intended for light industrial type uses. The north side of Lake Street is zoned C-2
11 Commercial Corridor and the C-2 extends across Lake Street 300' to the west. Hudson's report indicated
12 that the I-1 District ends 500' to the south and that is where the R-2 District Zoning Classification begins.
13 Hudson's report indicated that the zoning across Sprinkle Road to the east in Comstock Township is B-3
14 General Business which is less than 300' deep after which the zoning is R1-B Single-Family Residential.
15 Hudson noted that a school is located on the third property to the east.

16 Hudson's report indicated that the applicant proposes to construct a 2,676 square-foot commercial
17 building on the property. Hudson said that the building will have 1,519 usable floor area, which requires
18 a minimum of eight parking spaces. The applicant's plan has parking for nine vehicles. Hudson said the
19 applicant's plan shows a delivery bay 20' x 47' in size. Hudson said the proposed storm water leaching
20 basin has a capacity of 2,392 cubic feet. Hudson said the site's impervious area is 9,745 square feet.
21 Hudson's report indicated this has a calculated discharge of 2,390 cubic feet for a 100-year storm. The
22 applicant has designed a 165' long 30" perforated storm pipe within the McCormack Street easement
23 and two 6' diameter leaching basins with a total capacity of 2,392 cubic feet.

24 Hudson's report indicated that the applicant's site plan satisfies the Ordinance landscaping
25 requirements. Hudson said Section 26.02 F provides the criteria that must be considered in order for a
26 site plan to be approved by the Planning Commission. Hudson said the applicant is still waiting to hear
27 back from Consumer's Energy regarding the easement issue. Hudson said at the April 5, 2018 regular
28 Planning Commission meeting, the Commission requested a number of changes to the applicant's site
29 plan.

30 Adam Schwallier addressed the Commission on behalf of the applicant. Schwallier presented a power
31 point presentation to the Commission, which provided an outline of Hudson's staff report. Schwallier
32 summarized Hudson's report and said the applicant plans to keep the existing garage. Schwallier said
33 the primary use of the subject property will be retail / commercial. Schwallier said the site plan satisfies
34 setback requirements. Schwallier discussed the applicant's storm water plan. Nagler asked for more
35 storm water detail. Schwallier had a color-copy site plan that the Commission did not. The color-copy
36 plan depicted the storm water details. Hudson asked whether the gate was widened. Schwallier said yes
37 and said he spoke to the Fire Marshal about it. Schwallier said the gate is currently 25' wide, but it will
38 be expanded. Schwallier said the Fire Marshal was concerned about getting emergency service vehicles

1 to access the side of the building. Schwallier said a Knox box will be added as will another access gate on
2 the south side of the building. Schwallier said the site plan provides lighting fixture details and noted
3 that the signs comply with Ordinance requirements. Schwallier said the applicant worked with a storm
4 water engineer and said sidewalks are being added to Foster Avenue. Schwallier provided a lighting
5 photometric plan and said the dumpster is properly screened. Schwallier said the soil type on the
6 subject property is Adrian soil. Schwallier said he is waiting to hear back from Consumer's Energy.
7 Schwallier said the applicant will either build to within 12' feet of the easement or will move the power
8 lines to the north.

9 Cripps asked where the 6' wide gate in the fence will be located. Schwallier said it will be located to the
10 west of the dumpster along the sidewalk. Cripps asked if the gate will be 25' wide and noted the site
11 plan said it will be 20' wide. Schwallier said the gate will be 25' wide. Cripps said the date of the new site
12 plan is the same as the old site plan (April 28, 2018). Cripps said it will be difficult to determine which
13 plan to approve. Cripps said there should have been a revision date noted on the new site plan.
14 Schwallier acknowledged the engineer revised the plan, but made a mistake by not including the date of
15 the revised site plan. Chapman said the Commission may note the discrepancy. Cripps noted that the
16 Commission looked and obtained all of the required information, but said it was always clear at times.
17 Cripps said the correct information will need to be together when this matter is up for review.

18 Upon a motion by Hathcock, supported by Cripps and unanimous vote, the Commission approved of the
19 applicant's site plan with the following conditions:

- 20 1. The east gate is 25 feet wide,
- 21 2. The 6 foot gates located to the west of the enclosed dumpster is included on the site plan;
- 22 3. A final site plan print with the noted changes is submitted to the Township; and,
- 23 4. Consumer's Power easement issued is resolved and approved administratively.

24 Cripps asked Schwallier if the applicant will proceed with their plans if marihuana becomes legalized in
25 November, 2018. Schwallier said yes.

26

27 **Zoning Ordinance Text Amendments**

28 The second item of Old Business was the continued discussion of proposed text amendments regarding
29 the parking of commercial vehicles and the continued discussion of the meaning of "retail" within the
30 RM-2 District Zoning Classification. Hudson provided the revisions to the proposed text amendments to
31 the members in their packets. Hudson asked the Commission to review the proposed text amendments
32 which were highlighted in the packet. Nagler noted that on page 3, an entire section was removed.
33 Hudson said that 2a discusses home based businesses, which is still not resolved.

34 Attorney Seeber asked the Commission to focus on what type of commercial vehicles in Residential
35 District Zoning Classifications relate to home-based businesses. Attorney Seeber noted that there is a
36 difference between a home occupation and a home based business. Attorney Seeber read the definition

1 of a home-based business. Mitchell said he wants to resolve the issue of vehicles parking on the street.
2 Hudson said that the Township Ordinance Enforcement Officer said numbers one and three are the
3 issues he wants addressed. Nagler recommended approving the changes to F.1 and F.3. Hudson said the
4 Commission needs to first hold a public hearing.

5 Cripps turned the Commission’s attention to proposed text amendment F.3.A for discussion. Cripps
6 recommended removing the word “electricity”. Attorney Seeber said electricity is always an issue when
7 a trailer or motor home is being used as a residence. Nagler recommended keeping F.1 and F.3, and
8 asked not to include the word “electricity.” Attorney Seeber recommended removing the definition of
9 junk from the zoning ordinance rather than amending it. Nagler asked to include the changes to 401.B2.
10 Attorney Seeber said vehicles cannot be parked in the setbacks. Attorney Seeber said the Commission
11 may set a public hearing for the July 5, 2018 regular Planning Commission meeting and consider the text
12 amendments then. Attorney Seeber said the Township Board may adopt the text amendments by
13 August 1, 2018. The discussion ended with the Commission agreeing to set a Public Hearing on the
14 proposed text amendments for the July 5, 2018 Planning Commission meeting.

15 The Commission next considered the meaning of “retail” in the RM-2 District Zoning Classification. This
16 text amendment was at the request Township Trustee Steven Leuty. Nagler said he is not ready to
17 continue the discussion of this proposed text amendment. Mitchell said there are three liquor stores in
18 RM-2 on Gull Road. Attorney Seeber said there are some locations that are non-conforming and noted
19 that a change in the Ordinance will only stop new growth. The Commission agreed to set the proposed
20 text amendments to Off-Street Parking for a public hearing at the July 5, 2018 regular Planning
21 Commission.

22 Upon a motion by Cripps, supported by Hathcock and unanimous vote, the Commission tabled the
23 discussion of the meaning of “retail” in the RM-2 District Zoning Classification and the definitions of
24 Home Occupation and Home Business.

25

26 **By-Laws of Planning Commission – Amendments**

27 The third item of Old Business was the consideration of proposed amendments to the Planning
28 Commission Bylaws. Hudson provided copies of the proposed changes to the Commission members in
29 their packets. The Commission reviewed the proposed changes. Cripps agreed with the proposed
30 changes. Hathcock said the proposed changes are straight forward.

31 Upon a motion by Cripps, supported by Hartsough and unanimous vote, the Commission approved the
32 proposed changes to the Planning Commission By-Laws as presented. Hudson was to prepare a final
33 copy and distribute it to the members in their packets.

34

35

1 **Master Plan Review**

2 The fourth item of Old Business was the consideration of the Master Plan. Hudson sent an e-mail to the
3 Commission members with information regarding the master plan review. Nagler said the e-mail was a
4 copy of the master plan. Hudson said the map needs some work. Hudson asked the Commission to
5 review the map to see whether it needs to be amended. Hudson said the zoning map should be
6 consistent with the zoning ordinance. Hudson asked the Commission whether he should send notices to
7 adjacent municipalities that the Township is reviewing its master plan.

8 Upon a motion by Hathcock, supported by Chapman and unanimous vote, the Commission instructed
9 Hudson to begin the review process of the Township Master Plan.

10

11 **New Business**

12 None.

13

14 **Open Discussion**

15 **Members of the Audience**

16 Chris Mihalich discussed a corner alcohol store and said the Commission is very thorough in its reviews.
17 Mihalich asks the Commission to clarify hours of operation and consider whether the use is compatible.
18 Attorney Seeber said the issue with RM-2 is that liquor stores are a permitted use, not a special use.
19 Attorney Seeber said it doesn't matter what type of retail it is. Nagler asked if making it a special use
20 could attach conditions. Attorney Seeber said yes and mentioned hours of operation could be a
21 condition for a special use approval. Hudson stated that he would provide samples of liquor special uses
22 to the Planning Commission at the next meeting.

23

24 **Correspondence Received**

25 The MTA Hot Topics In Planning and Zoning flyer was provided to the Commission. Nagler said there was
26 a MTA conference at the Fetzer Center on July 18, 2018.

27 **Report of the Township Board Representative**

28 Hathcock said Southwest Michigan First gave a presentation on future development. Hathcock said
29 Quality Pre-Cast moved. Hathcock said the Township Board passed a Burning Ordinance, which only
30 permits a 3' x 3' recreational fire and removes all burn barrels. Hathcock said the Township Board
31 passed a Food-Truck Ordinance.

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Report of the Township ZBA Representative

Nagler said there was no ZBA meeting last month.

Comments from the Planning Commission Members

Hartsough said she attended the Westwood neighborhood meeting and will continue to do so. Chapman said people are not cutting their grass and many lawns are exceeding the 8-inch height limitation. Cripps asked why nothing has happened with the 1986 Sprinkle Road property. Cripps said there has not been an update on that property.

Report of the Planner/Zoning Administrator

Hudson said he received an application for a provisioning center on Mosel Road. Hudson expects a site plan for a bus garage on Ravine Road.

Report of the Township Attorney

None.

Adjournment

Being there was no further business to come before the Planning Commission, the Chairman adjourned the meeting at 8:50 p.m.

Henry Dingemans, Secretary

SYNOPSIS OF ACTIONS

The Kalamazoo Township Zoning Board of Appeals undertook the following actions at the June 7, 2018:

1. Continued Hillside Gravel’s special use permit for one year.
2. Continued Superior Gravel’s special use permit for one year.

- 1 3. Continued Consumer's Concrete special use permit for one year.
- 2 4. Continued Top Grade's special use permit for one year.
- 3 5. Recommend approval of the proposed text amendments to Section 8.02 vv 4 of the
- 4 Township Zoning Ordinance.
- 5 6. Recommended approval of the proposed text amendments to Section 4.01 E2 of the
- 6 Township Zoning Ordinance.
- 7 7. Approved the Medical Marihuana Site Plan, with conditions for 937 Foster Avenue.
- 8 8. Set a public hearing for proposed text amendments to the Township Zoning Ordinance
- 9 for the July 5, 2018 regular Planning Commission meeting.
- 10 9. Approved amendment to the Planning Commission Bylaws.
- 11 10. Instructed the Township Planner to begin the review process of the Township Master
- 12 Plan.
- 13