

1 Charter Township of Kalamazoo
2 Minutes of a Planning Commission Meeting
3 Held on January 5, 2017
4
5

6 A meeting of the Kalamazoo Charter Township Planning Commission was conducted on January
7 5, 2017 commencing at 7:00 p.m. at the Kalamazoo Charter Township Hall, 1720 Riverview
8 Drive within the Township.
9

10 **Present were:**

11 Denise Hartsough
12 Jim Cripps
13 Jeremy Hathcock
14 Henry Dingemans
15 Tonnie Hitt
16 Fred Nagler
17 William Chapman
18

19 **Absent:**

20 none
21

22 Also present were Township Zoning Administrator Patrick Hudson, Township Attorney Roxanne
23 Seeber; and 10 additional interested persons.
24

25 **Call to Order**

26
27 Dingemans called the meeting to order.
28

29 **Approval of Minutes of December 1, 2016 Planning Commission Meeting**
30

31 Dingemans indicated that the correct name of the County's employee identified on page 4 is
32 "Rachel Grover". He also suggested a correction to a typographical error on page 6, line 42.
33 Upon motion of Chapman, supported by Cripps, the minutes were unanimously approved as
34 corrected.
35

36 **Approval of Meeting Agenda**
37

38 Dingemans indicated that several text amendments had been noticed for public hearing. He
39 suggested adding this as item 7B to the agenda. Nagler moved, supported by Cripps to
40 approve the agenda, as amended. The motion passed unanimously.

1 **Election of Officers**

2
3 The next item on the agenda was the election of officers of the Planning Commission.
4 Dingemans indicated that he would take volunteers for the offices of chairperson, vice
5 chairperson and secretary. He did not wish to retain the chairmanship or be nominated to vice
6 chairman. The current planning commission officers were Dingemans-chairman; Cripps-vice
7 chairman and Talbot (now deceased) as secretary. Hitt moved, supported by Hartsough, to
8 name the officers as follows:

9
10 Chairman-Nagler; Vice-chairman-Cripps; and Secretary-Dingemans. The motion passed
11 unanimously.

12
13 Dingemans indicated that the election of officers was effective immediately and handed the
14 gavel to Nagler to run the remainder of the meeting.

15
16 **Public Hearings**

17
18 The next item on the agenda was the request of the Boji Group LLC for special exception use
19 approval for a proposed hotel and drive-through restaurant on the property addressed as 4201
20 W. Main Street (former Davenport University Campus) in accordance with sections 18.02.B.5,
21 and 8.02(cc) and sections 18.02.9 and 8.02.(M) of the Kalamazoo Charter Township Zoning
22 Ordinance. The property is located in the C-2 Commercial Corridor district zoning classification.
23 The chairman indicated that if the special exception use was approved, site plan review would
24 also be undertaken.

25
26 Terry Fitzpatrick CEO of the Boji Group introduced herself and members of her staff. She
27 stated that they had been doing multiple projects with Davenport University properties. Ron
28 Boji introduced himself and gave background information on the developer. Initially, he
29 stated, the Davenport University site on West Main was considered for the new Department of
30 Human Services Building. When the City of Kalamazoo did not wish to move the headquarters
31 from Stockbridge Avenue, the Boji Group created a vision for the West Main site. He outlined
32 the main points of the application and gave a history of the applications to the Planning
33 Commission and Zoning Board of Appeals for the site. The drive-through restaurant being
34 proposed was slated to be a coffee and pastry shop, he said. Fitzpatrick stated that Davenport
35 University had about 900 students a day during its peak enrollment. She recalled that another
36 party had appeared and expressed an interest in the Davenport property at a prior planning
37 commission meeting. That potential had evaporated, she said. The Boji Group was the owner
38 and developer of the property. She outlined the special land use application and the history for
39 the site since they came into possession of it.

40
41 Fitzpatrick indicated that the property is approximately 7.3 acres in area and that it slopes to
42 the south. Thus, she said, the elevations for the hotel appear to make it look lower than the
43 adjacent buildings which are two and three stories in height. She stated that the entire site
44 had been designed with a view to overall internal traffic circulation. She showed that the

1 ingress/egress for the bakery/coffee shop had been moved off of the entrance. She identified
2 the pedestrian walkways. She identified a space for the medical building, which was not
3 planned to be in place for a couple of years. In the meantime, the area would remain as
4 greenspace.

5
6 Fitzpatrick indicated that the parking had been calculated with an eye to the highest number of
7 spaces required for the footprint size of each building. The medical office building had been
8 included in the parking calculations. She indicated that two former entry points had been
9 consolidated into one, which would be realigned from Northampton Street. The sign, she
10 continued, conforms to the zoning ordinance's requirements for the site.

11
12 Fitzpatrick outlined the results of their traffic study, which showed that a lot of traffic is using
13 the Drake/West Main intersection as its destination site. She hoped that their design would
14 encourage traffic to stop on West Main at the shopping area they had planned. Left turns off
15 of West Main Street from the development would be difficult, Fitzpatrick said. This may be due
16 in part to the timing of the traffic lights on West Main and the cross streets such as Piccadilly
17 and Northampton, which only stop if a vehicle is waiting for a turn. The Boji Group had
18 considered a connection to Turwill, she indicated. This area appeared to have some private
19 driveways and/or it had been a construction driveway that had never been abandoned.

20
21 Overall, she continued, the number of driveways had been reduced. They would talk with
22 adjoining property owners to see if they could make some kind of an agreement at the Turwill
23 site at some future point, she said. The county had approved the name of the new road, which
24 is "Shenandoah Drive". This will be directly across from Northampton. The drive-through
25 restaurant has enough road frontage on Waldo, she stated. In short, it was a large site which
26 allowed them to create internal traffic patterns.

27
28 There had been an issue identified respecting the Popeye's easement, Fitzpatrick stated. She
29 indicated that Popeye's is illegally using part of the Boji site for its ingress driveway. They were
30 working with the Popeye's owner to come to a reasonable conclusion. The Boji Group had
31 contacted the MDOT, which was indifferent as to whether the Popeye's ingress was allowed to
32 remain or if the access should be diverted through the Boji development site. There is access
33 on Waldo Street for emergency vehicles.

34
35 Fitzpatrick also indicated that the Boji Group had met with owners of the adjoining apartments,
36 who had requested that the proposed hotel be moved twenty feet to the north. She stated
37 that making such a movement would require readjustment to the entire project. The hotel is
38 approximately 190 feet from the closest apartment building and it is 160 feet from the pool.
39 She felt that the project was a huge improvement over the existing vacant parcel. The best
40 solution they came up with, she said, was the provision of more screening.

41
42 Fitzpatrick indicated that the completion timeline for the project was 20 to 24 months. The
43 project had not changed much from the initial submission, she said.

1 Andrew Rossell, engineer for the project described the lighting and landscaping plans. The site
2 would need to be graded or "balanced". There are some grade challenges on the site, he said.
3 The parking counts were similar to those which Mr. Hudson had calculated. He went through
4 the several pages of the site plan submission, describing the plan and indicating that the
5 planning consultant's questions as well as those of the neighboring property owners had been
6 addressed. He showed the present building locations and those that are proposed. The City
7 of Kalamazoo had required relocation and enlargement of a water main which was shown on
8 the plan. The intention, Rossell said, was to retain a lot of the vegetation along the perimeter.
9 Further, since the front setback from West Main Street was 35 feet, they planned to place their
10 retention basins in the front of the project. Adjacent properties, he noted, have buildings
11 which are only set back ten feet. He described the difference in pavement quality, based on
12 whether the areas were designed for parking and driving or for loading and heavier duty work.

13
14 Rossell pointed out the addition of a 4.5 foot high masonry fence on the south and west
15 property lines, which was one of the requirements between the commercial and residential
16 uses. The zoning ordinance provided options for the buffer—either a 20-foot buffer with
17 vegetation or 9 feet with a 4.5 foot high masonry wall. There are carports on the west and
18 south sides of the property. He pointed out a gap in the carports at the midpoints and the
19 several mature evergreens that are tagged for preservation.

20
21 Rossell indicated that the plans showed the Popeye's encroachment on the east side driveway.
22 The development, he says, requires only a single ingress/egress which was provided at
23 Shennandoah Drive. The MDOT, he said, was excited about the reduction in the number of
24 driveways on the parcel. The plan shows access out to Waldo, he said. The Turwill
25 ingress/egress was not shown as it was not necessary and its status was in limbo. He had
26 reconfigured the loading in order to address concerns outlined in Hudson's memorandum. He
27 confirmed that the number of parking spaces provided equal those that are necessary for the
28 site when it is fully built.

29
30 Rossell explained the utility and grading plans for the site and showed where the storm water
31 would be directed. He indicated that the main sewer line is under Shennandoah Drive. The
32 water main would be relocated. The water service for the fast food/drive through would come
33 off of the public main in West Main, he said. The drain commissioner's requirements for
34 storm water retention had been met, with the two basins in the front along the road and
35 additional retention basins in the back. The soil erosion report shows favorable infiltration
36 levels, he said. Grading and soil erosion control measures would be provided. Next, Rossell
37 explained the detail sheet for lighting and parking, outlining the handicapped access areas and
38 parking spaces, the light poles and designs and the dumpster and dumpster enclosure. The
39 photometric levels comply with the township's ordinance, he said.

40
41 Rossell next referred the group to the elevation plans for the buildings that were in the first
42 phase. Rossell indicated that Hudson's review of the trees and buffering along the east and
43 south lines showed sufficient buffering. He indicated that there may still be a concern as to
44 whether the provided screening, which was in compliance with the ordinance, was sufficient.

1 Fitzpatrick indicated that the proposed hotel was 95 rooms for "extended stay", such as a
2 Marriot or a Hilton. The market study showed that there was a need for the extended stay
3 option in the area, particularly with Kalsec and Western Michigan University in the vicinity.
4 Chapman inquired as to the development planned for the Friday's site on 131 and West Main in
5 Oshtemo Township. Boji indicated that the type of hotel planned for each was quite different,
6 with the one planned for West Main being a "higher-end" short stay hotel, while the hotel
7 planned for this site was for longer-term stays. He explained the different levels of hotels and
8 the types of brands that utilize them to the group.

9
10 Hudson read the recommendations from his report to the group. He stated that he had shared
11 his recommendation with the applicants. He had considered the township's access control
12 plan. He was concerned about the proposed drive-through restaurant, saying that it needed
13 more road frontage. Fitzpatrick indicated that Waldo Street provided the access. It appeared,
14 upon his consideration, that Boji had taken most of them into account in making this final plan.
15 In response to an inquiry from the chairman, Hudson was unable to produce the township's
16 access management plan.

17
18 Cripps inquired as to the height of the proposed light poles. Rossell indicated that the height of
19 the light poles had a typographical error on the plan. The proposed lights are 22 feet in height,
20 he said.

21
22 Dingemans indicated that he had consulted the township's assessor regarding the planning
23 consultant's concern regarding the land division for the drive through restaurant. Because
24 there was at least 200 feet on Waldo Street, this was not an issue, Dingemans stated.
25 Dingemans preferred the 4.5 foot masonry wall to trees for screening.

26
27 The chairman opened a public hearing on the request.

28
29 Julie Rogers, 3428 Marlane Avenue stated that she is a county commissioner. Her colleague,
30 Mike Fields, is the county commissioner for the area in which the hotel is located. She and
31 Fields were supportive of the hotel project. Kalsec, she said, has a lot of international guests.
32 Westwood area residents had expressed concerns to her about traffic flow. Turning left can be
33 tricky she said. She was concerned about the potential for injury. She indicated that the group
34 should plan for the grand opening in order to address the potential traffic problems.

35
36 Percy Bean, 136 Abbington Circle, Battle Creek is the owner of Popeye's. He was in front of the
37 planning commission in 2015. His recollection was that the driveway was to be retained. They
38 had worked with the police and fire departments at that time. He recalled that there were
39 issues with the Papa Murphy's and Hanger driveways as well. He felt that he had done exactly
40 what the planning commission had requested at that time. He had not heard anything
41 personally from the Boji Group. He had only received a letter from an attorney from Detroit.
42 The fire marshal and the police department had recommended leaving the driveway open.
43 Access would need to be provided to the fire hydrants, he stated. He had spoken with the
44 MDOT before he went on vacation in December, and they had recommended leaving it open.

1 He thought that the driveway was a great asset. He was not opposed to the development, he
2 said. He was just concerned about his driveway when he thought that he had done everything
3 that was required. He was available to talk about the potential for an easement.

4
5 One letter in opposition to the hotel had been received from Brianne Rogers, 4210 Valley Ridge
6 Drive, Apt. 11, Kalamazoo, 49006. She had concerns about traffic and left turns onto West
7 Main.

8
9 There being no additional public comments, the chairman closed the public hearing.

10
11 Cripps spoke favorable on the special use request. His only concern was with the screening on
12 the south side. He suggested the addition of evergreen plantings on the south side in the area
13 between the carports. The carports themselves would provide some barrier. The group
14 discussed the quality of the existing vegetation. Nagler felt that some of the pine trees
15 appeared to be declining. Cripps stated that there are only two areas in which there is a break
16 in the carports. This was where he was suggesting additional plantings. The applicant was
17 amenable to this, even though the design was compliant with the zoning ordinance's buffering
18 provisions. Cripps indicated that Hudson's memorandum could be used as a guideline for the
19 type of plantings he was suggesting.

20
21 Chapman inquired as to whether the buildings would be in compliance with the disability
22 guidelines. Rossell confirmed that they would be. Chapman recalled the discussion at the time
23 of Popeye's approval, in which the driveway was meant to be retained as a mutual driveway.

24
25 Cripps moved to approve the special use application for the hotel and drive through restaurant
26 as presented, conditioned upon the provision of additional evergreen screening in the areas
27 where there are carport gaps on the south side of the development to be shown on revised
28 landscaping plans. Dingemans seconded the motion. The motion passed unanimously.

29
30 The chairman indicated that site plan review would now be addressed. Cripps spoke favorably
31 on the application. He approved of the traffic flow and was happy to see that the road would
32 be relocated to align with Northampton. Cripps indicated that the Turwill properties cannot be
33 addressed at this time. Hartsough agreed. It created an issue that the planning commission
34 cannot correct, Cripps said. He indicated that changing everything along the entire stretch will
35 take time. The planning commission cannot force developers to change things until they come
36 in with an application, he said. Cripps indicated that the application was well done and
37 thorough. He stated that the proposal would fit well in the area. He indicated that the lights
38 may need to be changed so as to address the timing and make traffic openings. Dingemans
39 stated that the site plan was one of the best that he had seen. He inquired as to whether the
40 planning consultant had provided the application to the township engineer. Hudson
41 responded that he did not think there was a need to do that. Hudson had requested the fire
42 chief and the police chief to look at it. He also had the assessing officer look at it.

1 Nagler assumed that the bus stop would need to be relocated. Rossell confirmed this. Nagler
2 suggested adding a concrete approach out to the curb from the bus stop in order to provide a
3 landing and balancing area for wheelchairs and those who may need a secure landing area.
4 The group approved this recommendation. Nagler inquired as to whether the applicant
5 considered the wellhead protection zone. Fitzpatrick indicated that they had not, but that they
6 would have Rossell consider it. Nagler indicated that he would prefer to have the second
7 Popeye's driveway eliminated. He understood that he cannot require changes to an adjoining
8 property. Cripps indicated that he would prefer to retain the driveway. The group decided
9 that the site plan could be approved either with or without the easement for the Popeye's
10 driveway. If collaboration with Popeye's didn't work, then the easement would not be
11 possible. Seeber indicated that an amendment to the Popeye's site plan would then likely be
12 necessary, as the easement required in the Popeye's approval had not been obtained.

13
14 Cripps moved, supported by Hitt, to approve the site plan as proposed, with the following
15 changes: 1 -- add concrete pad/approach to the area between the bus stop shelter and the
16 curb once the bus stop has been relocated; 2-- the ingress/easement of the Popeye's driveway
17 can be retained if an agreement can be worked out with the Popeye's owner or, in the
18 alternative, if an agreement cannot be worked out with the adjoining property owner, the
19 ingress/easement is not necessary to the development in question; 3 -- there is no
20 authorization for sign approval; 4 -- the applicant will need to return for site plan and elevation
21 drawings for the planned medical building(s). Upon discussion, Cripps amended the motion
22 to incorporate the suggestions of the fire marshal in his report contained in the packet. Hitt
23 supported the amendment. Hudson indicated that a separate sign application would be
24 required. Rossell indicated that the fire marshal's report at paragraph 20 indicated a desire to
25 increase the width of certain access driveways to 25 feet. The zoning ordinance required only
26 a 24-foot width. It would be difficult to obtain an additional foot along the rear and sides of
27 the hotel. The rest of the issues in the fire marshal's report, Rossell said, could be addressed in
28 the building plans. Cripps indicated that the applicant need not meet the 25-foot
29 recommended on the sides of the hotel building, but would need to comply with the rest of the
30 recommendations of the fire marshal. Hitt supported the amendment. The motion, as
31 amended, passed unanimously.

32
33 **Public Hearing Zoning Ordinance Text Amendments**

34
35 The next item on the agenda was a public hearing on proposed text amendments to the zoning
36 ordinance which would:

- 37 • Add a height exception as Section 25.02 that will permit hotel heights of up to four
38 stories and/or 55 feet in height;
- 39 • Amend the setback regulations for accessory buildings in the R-1 and R-2 district zoning
40 classifications to provide for 2-foot setback for sheds that are up to 200 square feet in size and
41 to allow side yard setbacks of 5 feet for accessory buildings larger than 200 square feet in size;
- 42 • Amend the graphic in Section 2.24 to match the text of the Ordinance
- 43 • Amend the "live-work" definitions section to eliminate the pronouns contained therein.
- 44

1 The chairman opened a public hearing on the text amendments. No one spoke for or against
2 them. The chairman closed the public hearing. On motion of Hathcock, supported by
3 Hartsough, the planning commission unanimously voted to table discussion and decision on the
4 proposed text amendments to the February 2, 2017 Planning Commission meeting.

5
6 **Old Business**

7
8 Hudson had provided revised plans for the hookah lounge at 1747 West Main Street, together
9 with his letter and the bond/security deposit request. This was for planning commission
10 information only. None of the planning commission members had questions regarding the
11 documents. Cripps indicated that some of the asphalt would need to be removed in order to
12 comply with the landscaping plan.

13
14 **New Business**

15
16 The next item on the agenda was site plan review for the addition of an office building at the
17 Hillside Gravel business at 2702 Ravine Road. Hudson read his review. The plan was to add a
18 1500 square foot building with 4 offices contained in it. Hudson noted an error on the legal
19 description, which would need to be corrected. The surveyor had recommended expansion of
20 the storm water basin at the street. Josh Balkema, speaking on behalf of the applicant, stated
21 that a truck scale/trailer that is presently in place will be removed. Cripps inquired as to the
22 ownership/lease interest in the property. The provided document showed that the parties
23 were Clarence Vliestra and Bailey Excavating. Balkema indicated that they are not leasing from
24 Bailey, they are purchasing from Vliestra. Bailey had backed out of the deal. Cripps indicated
25 that documentation of Balkema's ownership interest in the property would be a condition of
26 approval. Cripps remarked on the parking spaces and the limited landscaping. He had no
27 issue with the plan. Cripps moved to approve the site plan amendment for the addition of an
28 office building, subject to adherence to the ordinance requirements for setbacks; the approval
29 does not include a sign; restoration would require the addition of a lawn and conditioned on
30 the provision of documentation establishing Balkema's leasehold and/or ownership status in
31 the property. Hathcock supported the motion. The motion passed unanimously.

32
33 **Open Discussion**

34
35 **Planning Commission Members**

36
37 Dingemans inquired about the status of the Pick property on Sprinkle View and Foster. Seeber
38 indicated that the planning commission should expect a site plan/application for the February
39 meeting. She indicated that she would provide a copy of the letter she sent to Pick's attorney
40 to the planning commission so that it would be better informed of the status.

1 **Members of the Audience**

2
3 Tom Little is the owner of Service Master on Ravine Road. Their building was constructed in
4 2004 and they are wishing to construct a second building in which to store contents that are
5 temporarily removed from customers' buildings. He had spoken with an engineer regarding the
6 plans and he felt that all setbacks would be met. The building would be complementary to his
7 existing building. The engineer had indicated that the property is zoned Light Industrial.
8 Hudson had been consulted and his concern was that the type of use in question did not fit into
9 the Light Industrial District zoning classification. In response to an inquiry from Hitt, Little
10 indicated that his goal was to store and rehabilitate the contents that are removed from clients'
11 buildings while they are doing the restoration work. Some of the items can then be returned to
12 the buildings once they have been cleaned up. In response to an inquiry from Hartsough,
13 Hudson indicated that the cleaning and restoration business appeared to fit into the C-2 District
14 zoning classification. He did not consider the use as a "mini-storage facility" because they were
15 not intending to rent out individual units. Hudson then indicated that the gas station on the
16 corner in the same area is also not permitted in the Light Industrial Zoning District. It had
17 expressed an interest in making an addition to the building, but they were not permitted to
18 because the gas station was a lawfully non-conforming use. He suggested that several of the
19 properties along this strip should be rezoned.

20
21 In response to further inquiry from the chairperson, Little indicated that they remove trauma
22 and biohazardous contaminates from houses and businesses. Some of these items can be
23 disposed of in landfills, while others need to be processed and sorted for disposal in different
24 types of methods. Cripps and Nagler considered the permitted and special uses in the Light
25 Industrial District. Cripps, Nagler and Dingemans were of the opinion that the proposed
26 building would fit as a special use in the Light Industrial District zoning classification as similar to
27 Section 8 "septic service establishments" and pursuant to Section 25, "uses determined to be
28 similar". Hudson directed the owner to provide a special use application and escrow fees to the
29 township office on Friday, so that it could be considered at the February Planning Commission
30 meeting.

31
32 **Report of the Township Board Representative**

33
34 Hathcock reported that the Township had received a presentation on the new categories of
35 medical marijuana uses.

36
37 **Report of ZBA Representative**

38
39 None.

1 **Adjournment.**

2
3 **Hathcock moved, supported by Hartsough to adjourn the meeting at 9:40 p.m. The motion**
4 **passed unanimously.**

5
6 **Respectfully Submitted,**

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8
9
10 _____
11 **Henry Dingemans, Secretary**

12
13
14 **Synopsis of Actions Taken by the Charter Township of Kalamazoo Planning Commission on**
15 **January 5, 2017:**

- 16
17 1. **Granted Special Exception Use approval, with conditions for a hotel and drive-through**
18 **restaurant on the Boji property at 4201 West Main.**
19 2. **Granted Site Plan approval, with conditions for the Boji property at 4201 West Main**
20 **Street.**
21 3. **Held a public hearing on proposed zoning ordinance text amendments and tabled**
22 **discussion and decision to the February 2017 Planning Commission meeting.**
23 4. **Approved addition of an office building to the Hillside Gravel site at 2702 Ravine Road.**