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**Charter Township of Kalamazoo  
Minutes of a Planning Commission Meeting  
Held on May 3, 2018**

A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on May 3, 2018 commencing at 7:00 p.m. at the Township Hall.

Present were:

Jeremy Hathcock  
Denise Hartsough  
Fred Nagler, Chairman  
Jim Cripps  
Henry Dingemans  
Tonnie Hitt

Absent:

None.

Also present were Township Manager Dexter Mitchell; Township Zoning Administrator Patrick Hudson;; Township Attorneys Roxanne Seeber and Seth Koches; and approximately fifteen 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 all were present.

**Approval of Meeting Minutes**

The first item on the agenda was approval of the Planning Commission regular meeting minutes of February 1, 2018, the February 8, 2018 special Planning Commission meeting minutes, and the April 5, 2018 regular Planning Commission meeting minutes. Copies of these meeting minutes were included in the Commissioner's packets. The Planning Commission reviewed the minutes and minor revisions were made to each set of meeting minutes. Upon motion of Hartsough, supported by Hathcock and unanimous voice vote, the minutes of the of February 1, 2018 regular Planning Commission meeting, the minutes of the February 8, 2018 special Planning Commission meeting; the February 1, 2018 Planning Commission meeting; and the minutes of the April 2018 regular Planning Commission meeting were approved with the noted revisions.

**Approval of the agenda for the May 3, 2018 meeting**

Upon a motion by Cripps, supported by Hathcock, and unanimous vote, the agenda was approved as presented.

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**Scheduled Reviews**

None.

**Public Hearings: M-43 LLC – 1986 Sprinkle Road – Marijuana Provisioning Center – Special Use Permit**

The first item set for public hearing was the request of Bruce Betzler, Emerald Mitten, LLC; and M-43, LLC for a special use permit and site plan approval to operate a medical marijuana provisioning center at 1986 Sprinkle Road within the Township (Parcel No. 06-24-285-180). The property is located in the C-2 “Commercial Corridor” District Zoning Classification. The rules for medical marijuana provisioning center special use approval are contained in Article 8, Section 8.05v of the Kalamazoo Township Zoning Ordinance.

Hudson provided his review, indicating that the applicant wants to convert an existing building to a medical marijuana provisioning center. The site is 29,246 square feet and is a corner lot at Sprinkle Road and Wynn Road. The proposal will change the internal use of the building to: 2,647 square feet for the provisioning center; 944 square feet for a loading area; and 1,639 square feet for storage. The access driveway to Wynn Road will remain unchanged. There will be parking for thirteen vehicles on the existing pavement. The only site change is the removal of a carport with that area to be seeded in grass which will not affect the existing storm water system. The primary use of the property will be for the retail commercial sale of medical marijuana.

Hudson stated that the property to the west has recently been re-zoned to C-2 and is occupied by a vacant office and storage buildings. Properties further to the west are zoned I-2 General Industrial and are occupied by light industrial uses. The property across Wynn Road to the north is zoned C-2 and is occupied by an oil change shop. The properties across Sprinkle Road to the east in Comstock Township are zoned “M” Manufacturing and are occupied by a retail meat business and an excavating company with several industrial-type uses further to the east. The properties to the south across the I-94 business loop are zoned C-2 and are occupied by a retail store, a pizza shop and a donut shop.

Hudson indicated that Section 25.02 provides the schedule of regulations for site plan review. Hudson said the applicant’s lot area is 29,246 square feet, which satisfies the minimum lot area requirement of 15,000 square feet. Hudson said the lot width is 214’ along Sprinkle Road and 99’ on Wynn Road, which satisfies the minimum lot width requirement of 100 feet. The existing building is one story, which is below the maximum height limitation. Hudson said the existing building is twenty-three feet high, which is below the maximum building height of thirty feet. Hudson’s report further indicated that the front, side and rear setback requirements are satisfied. The maximum lot coverage is 60% and the existing building covers approximately 17.9% of the lot. Hudson indicated that Article 4.00 – Off Street Parking requires one space per 200 square feet of usable floor space. Eight parking spaces will be required because the applicant’s site plan indicates the usable floor area for the building is 1,544 square feet. The applicant’s site plan shows parking for thirteen vehicles. Hudson indicated that grading and surface drainage is reviewed by the Planning Commission and the Township Engineer or building office. Hudson noted the only change to the existing building is the removal of a carport and replacing it with grass seed, which should result in slightly less storm water runoff from the site.

Hudson said the applicant needs to satisfy the landscaping requirements of Article 5.02 B. Hudson indicated more shade trees, ornamental trees and shrubs will need to be added on the site plan.

1 Hudson said no lighting fixture details were given and a lighting photometric plan was not included in  
2 the site plan. Hudson said no additional screens are proposed for the site and noted a 120' gap in the  
3 rear fence and that no gate is shown at the driveway. Hudson said the site plan depicts one sign, but  
4 provides no details of the sign. Hudson said sidewalks have not been provided on either Sprinkle Road or  
5 Wynn Road.

6  
7 Hudson said Article 8, Section 8.02VV contains the special use standards. Hudson indicated the  
8 standards for site plan approval are contained in Section 26.02F of the Township Zoning Ordinance.

9  
10 Bruce Betzler, the applicant, addressed the Commission. Betzler asked the Commission if they had any  
11 questions. Members of the Planning Commission had no questions for Betzler. John Lovely, the  
12 architect hired by Betzler, addressed the Commission. Lovely said concerns regarding odor control, a  
13 waste management plan and security plan have been addressed. Lovely said there are no parking lot  
14 lights, but noted decorative lighting may be added in the future. Lovely said a photometric plan will be  
15 submitted if required. Lovely said the current location of the existing sign is in compliance with the  
16 Township Ordinance and a sign permit will be obtained at the appropriate time. Lovely said a  
17 landscaping diagram will be submitted that satisfies the Township Ordinance requirements. Lovely  
18 noted that four additional parking spaces were added to the plan for a total of seventeen spaces. Lovely  
19 said the applicant is still working to obtain insurance. Lovely explained the buffer distances from local  
20 schools and residential districts using a GIS mapping diagram.

21  
22 Chapman asked if the site was handicap accessible. Lovely said yes. Cripps disagreed with Lovely's  
23 measurement of the applicant's sign.

24  
25 Nagler opened a public hearing. There were no public comments in support of the applicant. Nagler  
26 asked if there were any public comments objecting to the applicant's request for special use approval of  
27 a medical marijuana provisioning center. Chris Mihelich said the site is less than 250 feet from the  
28 Comstock Charter Township municipal border. Lovely agreed that the site is located less than 250 feet  
29 from the municipal border, but noted an exception to the Township Ordinance's buffer requirement if  
30 the bordering district is a similar use. Jason Blaauw asked if the site is non-conforming and whether the  
31 applicant needs to meet setback requirements. Nagler said the applicant does not necessarily have to  
32 satisfy the setback requirements and noted the lot is lawful non-conforming. Nagler closed the public  
33 hearing because there were no additional public comments and the Commission entered deliberations.

34  
35 Dingemans noted the Comstock Charter Township municipal border is not residential. Cripps asked  
36 Hudson if he counted the number of shrubs on the site plan. Hudson reviewed the site plan and  
37 confirmed the landscaping plan. Hartsough asked whether there are sidewalks in the area. Nagler said  
38 there is limited access and did not think there were sidewalks installed at the site location. Hitt agreed,  
39 noting that sidewalks would not serve a purpose in that area. Hitt asked for clarification regarding  
40 medical marijuana facilities located less than 250' from a municipal boundary line. Hudson read the  
41 Ordinance and noted an exception to the 250' boundary requirement is triggered if the area in the  
42 neighboring municipality is zoned to a similar use. Seeber said Comstock is zoned "M" in that location.  
43 Hitt asked what uses are in the Comstock "M" District Zoning Classification. Seeber researched  
44 Comstock's "M" District and read the permitted uses to the Commission. The Commission was satisfied  
45 that the "M" District was a similarly zoned district to the Township's C-2 District Zoning Classification.  
46 Cripps said the applicant's sign intrudes into the property line. Cripps noted that the signs on the West  
47 Main hill area are more visually appealing. Cripps said there is not much room to install a sign that  
48 complies with the setback requirements. Cripps and Nagler discussed the placement of a sign and

1 whether a monument sign would be appropriate. Hathcock asked if replacing the sign's face is  
2 appropriate. Cripps said there is some flexibility because this is a special exception use request. Hitt said  
3 this is an opportunity to make the sign look better. Dingemans and Hartsough agreed. The applicant said  
4 he intends to install a professionally-designed sign. Hitt asked if the vacant portion of the building may  
5 be rented out. Hudson said there will need to be a Knox-box installed where there are two or more uses  
6 of a building. Hitt asked if a firewall will need to be installed. Seeber said yes. Nagler asked where the  
7 dumpster will be located. Lovely said the dumpster will be located inside the building loading area for  
8 security purposes. Nagler said the catch basin is in the driveway and is full of dirt. Nagler said he wants  
9 the catch basin cleaned out and operable. Cripps said he wants to make sure the sign becomes  
10 conforming, noting that the Zoning Ordinance eliminates the non-conforming for an abandoned sign.

11  
12 Upon a motion by Hathcock, supported by Hartsough and unanimous vote, the Commission approved  
13 the applicant's request for a special exception use for a medical marihuana provisioning center at 1986  
14 Sprinkle Road.

15  
16 The Commission next reviewed the applicant's site plan. Cripps said most of the site plan review and  
17 discussion was done during the request for the special exception use approval review.

18  
19 Upon a motion by Cripps, supported by Hathcock and unanimous vote, the Commission approved the  
20 applicant's site plan for a medical marihuana provisioning center at 1986 Sprinkle Road with the  
21 following conditions:

- 22 1. A photometric plan is submitted and approved,
- 23 2. The storm-catch basin is cleaned and functional,
- 24 3. Verification that the sign is conforming or made to conform, and
- 25 4. The Fire Marshal Knox-box concerns are addressed.

26  
27 **New Business**

28 **Integrity Enterprises (gun part manufacturer) – additional use site plan**

29 The first item of new business was the request of Integrity Enterprises to use part of an existing vehicle  
30 repair shop for a small manufacturing use at 2222 Lake Street (Parcel Identification No. 06-23-440-070 &  
31 06-23-440-100). Hudson reviewed his report. The primary use of the property has been a lawful  
32 pre-existing non-conforming vehicle repair shop. The property is located in the Township I-2 District  
33 Zoning Classification, as are the properties to the west and south. The existing uses are industrial. The  
34 property across Healy Street to the east is vacant and zoned C-1 – Local Commercial. The properties  
35 across Lake Street to the north are zoned I-1 – Light Industrial and are occupied by industrial uses. The  
36 applicant wishes to use an 80 square-foot area of the existing building for a machine shop. The  
37 applicant's proposal will not add any new area to the existing building.

38  
39 Hudson indicated the property has a total area of 12,740 square feet with 51.4' of frontage on Lake  
40 Street, and 161.76' of frontage on Healy Street. The site has an existing 24' x 69' (1,656 square feet)  
41 building with 8' x 24' canopy and 10 parking spaces. Hudson said the standards for site plan approval are  
42 contained in Section 26.02F of the Township Zoning Ordinance.

43  
44 The applicant, Steve Westveer, addressed the Commission and said he wants to use an 80 square-foot  
45 area of the existing work area for a machine shop. The applicant said he is not changing the building in  
46 any way. Cripps asked if the ownership of both parcels was the same. The applicant said no. The  
47 applicant said he will be running the machine shop, but is not the owner. The applicant said he hopes to  
48 be operational within a month or two. Chapman asked if there are separate tax identification numbers

1 for each parcel. Seeber asked if the Township Zoning Ordinance included a merger provision. Hudson  
2 said the Ordinance allows for a merger, but it is not required. Hartsough said the landscaping needs to  
3 be addressed. Cripps said sidewalks also need to be addressed. Nagler noted that the dumpster is  
4 depicted on the revised plan. Nagler and Hitt discussed sidewalks and agreed sidewalks would not be  
5 required at the site.

6  
7 Upon a motion by Hartsough, supported by Cripps, and unanimous vote, the Commission approved the  
8 applicant's request for the addition of a small machine shop to the site plan at 2222 Lake Street with the  
9 following conditions:

- 10 1. The addition of sixteen (16) shrubs, and the recommendation that the two parcels be  
11 combined through the Township Assessor's Office.

12  
13 **Aldi's Food Market – expansion site plan review – 3720 Gull Road**

14 The second item under new business was the consideration of Aldi Food Market's request for an  
15 expansion of its site plan. Hudson indicated that the proposed construction site is addressed as 3720  
16 Gull Road within the Township (Tax Identification NO. 06-12-230-015). Hudson's report indicated that  
17 the subject property is approximately 3.2 acres in size and is located in the C-1 Local Commercial District  
18 Zoning Classification. Hudson said the proposed site plan seeks approval to construct a 3,287 square  
19 foot commercial building addition for retail business. Section 25.02 of the Township Zoning Ordinance  
20 requires a minimum lot area of 10,890 square feet, a minimum lot width of 70 feet, and a maximum  
21 height of 30 feet/two stories. Hudson's report included the required setback requirements in the C-1  
22 District. Hudson indicated that the property to the east is zoned C-1 and is occupied by a bank. The  
23 property to the west is also zoned C-1 and is occupied by a gas station. The property to the south is  
24 zoned C-2 and is vacant. Hudson indicated that the properties across Gull Road to the north are zoned  
25 R-2 and R-1 and are occupied by single family dwellings.

26  
27 Hudson said the plan is to construct a 3,287 square-foot addition to an existing 14,860 square foot  
28 commercial building on the property, yielding a total of 18,147 square feet. Hudson indicated that the  
29 Ordinance requires 61 parking spaces and 95 spaces are shown on the site plan, which is 155% of the  
30 required spaces. Hudson said Section 4.01 requires the applicant to demonstrate to the Commission the  
31 justification for the additional parking spaces. Hudson discussed the landscaping requirements for  
32 adjacent roads and landscaping requirements for the parking lot. Hudson indicated the applicant  
33 submitted a lighting photometric plan for review. Hudson discussed the site plan standards of approval.  
34 Hudson said that the landscaping is non-conforming and more landscaping will be needed to bring the  
35 property closer into compliance. Hudson said the storm water calculation was previously approved and  
36 discharge will not change. Hudson's report indicated that a soil erosion and sediment control plan is  
37 included in the applicant's materials.

38  
39 David Kapunsansky, the Director of Real Estate for Aldi's Food Market addressed the Commission.  
40 Kapunsansky discussed the site plan and the materials for construction to the Commission. Kapunsansky  
41 said the sidewalks around the building will be replaced and there is space for the required landscaping.  
42 Kapunsansky said the store is expanding to bring in fresh products. Cripps confirmed that Aldi's will tear  
43 out the existing sidewalks, complete their expansion, and replace the sidewalks. Don Martin asked  
44 whether the driveway on the backside of the building is a right-of-way. Kapunsansky said no and said  
45 Aldi's owns that strip. Cripps asked if Aldi's previously obtained a variance for a setback. Kapunsansky  
46 was not sure. Cripps expressed concern regarding the fire department connection that is placed by the  
47 handicap parking spaces. Cripps asked if four handicap parking spaces are sufficient. Hudson reviewed  
48 the Ordinance to make a determination. Cripps asked if Aldi's is replacing the entire parking lot.

1 Kapunsansky said yes and mentioned that Aldi’s will be closed for five weeks during this expansion.  
2 Kapunsansky said Aldi’s will work with the Township Fire Marshal regarding the fire department  
3 connection concerns. Nagler said Aldi’s site plan is very complete. Cripps said he wants sidewalks  
4 installed along the Nazareth Road drive aisle and encouraged the applicant to add sidewalks in that  
5 location. Hartsough agreed and said it would create safe conditions. Seeber asked if the sidewalk may be  
6 asphalt, noting that it may be more cost effective. The Commission agreed that Aldi’s 155% increase of  
7 the required spaces is appropriate given the nature of its business.

8  
9 Upon a motion by Hathcock, supported by Hitt, and unanimous vote, the Commission approved the  
10 applicant’s request for site plan expansion at 3720 Gull Road with the following conditions:

- 11 1. The addition of landscaping that satisfies the Township Ordinance’s requirements,
- 12 2. Fire Marshal approval of the site plan expansion, and
- 13 3. The addition of sidewalks along Nazareth Road between the existing sidewalk and the  
14 driveway.

15  
16 **Request from Fire Marshal for site plan review amendment**

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18 The third item under New Business was to review the request from the Fire Marshal for a site plan  
19 review amendment. Seeber addressed the Commission and said the request for the text amendments  
20 was to add a provision defining the width of the fire lane. Seeber said she spoke to the Fire Marshal  
21 regarding this issue and is preparing a non-zoning ordinance for what the Fire Marshal wants in site plan  
22 reviews. Hudson directed the Commission to Section 4-9 of the Township Zoning Ordinance. Hudson  
23 discussed the issues with the fire truck and access to points adjacent to buildings. The Planning  
24 Commission approved the text amendment but felt that it should wait until additional changes to the  
25 ordinance are made.

26  
27 **Discussion of the meaning of “retail” in the RM-2 District**

28  
29 The fourth item under New Business was to discuss the meaning of “retail” in the RM-2 District. This  
30 request was made by Steve Leuty. Nagler asked whether a liquor store belongs within the meaning of  
31 “retail.” Seeber said this was discussed at a Township Board Meeting and the Township may need a text  
32 amendment to define “liquor store.” Seeber said the Commission should consider whether it wants  
33 these types of stores in the RM-2 District Zoning Classification. Seeber said a text amendment will be  
34 needed if the Commission decides that it does not want liquor stores in the RM-2 District.

35  
36 Hartsough said she was surprised liquor stores were not addressed in the Ordinance. Hudson noted that  
37 gas stations sell liquor. Seeber indicated that the Board was concerned because the RM-2 District has a  
38 residential component to it. Hathcock asked if a liquor store may be made a special use within the RM-2  
39 District. Seeber said yes, but it needs to be addressed in the Township Zoning Ordinance. Nagler asked if  
40 the Commission needed to make a decision tonight. Seeber said no and advised that the Commission  
41 should determine what the level of tolerance is for liquor stores in the RM-2 Residential District Zoning  
42 Classification. Hudson said the Commission should decide whether it wants to include tobacco sales and  
43 Hookah lounges as a special exception use in the RM-2 District as well.

44  
45 **By-laws of Planning Commission – Amendments**

46  
47 The fifth item under New Business was to review and discuss the proposed amendments to the Planning  
48 Commission’s by-laws. Copies of the proposed amendments were provided to the Commission members

1 in their packets. Seeber discussed the comprehensive escrow fee policy and recommended eliminating  
2 certain provisions. Cripps recommended eliminating 7b because it is redundant. Hartsough asked if it  
3 was possible to impose time constraints for public comments. Seeber said the Township Board Policy  
4 Manual addresses time constraints for Township Board public comment. Hartsough said it is important  
5 to set an expectation for the public. Seeber said the Commission may leave it within the discretion of  
6 the Chairperson. Seeber said Hudson will make proposed changes to the by-laws and the Commission  
7 may adopt the same at the next meeting.

8

9 **Open Discussion**

10 **Members of the Audience**

11

12 Christopher Mihelich handed out a spreadsheet of active liquor licenses in Kalamazoo Township to the  
13 Commission members.

14

15 Adam Schwallier said he originally submitted his site plan for a medical marihuana facility and adjusted  
16 the plans to avoid going to the ZBA. Schwallier said he is addressing the easement issue on his property  
17 with Consumer’s Energy. Schwallier provided an update of his site plan statement and discussed the  
18 progress and issues he was having before submitting revised plans to the Commission for review. Cripps  
19 noted that McCormick Street is 22’ wide, but 26’ is needed in order to accommodate a fire truck.  
20 Schwallier said this is being addressed and mentioned he is installing gravel to accommodate access for  
21 the fire trucks.

22

23 Andy Brown said he owns 17 acres of land and wants to build a pole barn on his property. The  
24 Commission discussed the special use parameters with Brown. The Commission also discussed the  
25 parameters of a home based occupation. Brown expressed concern over the current language of the  
26 Ordinance because it limits an accessory building to less than 800 square feet. Brown said he has the  
27 space to build a larger pole barn and suggested the Commission consider a text amendment to the  
28 Ordinance.

29

30 Manjinder Benipal addressed the Commission regarding the sign that is mounted on his business.  
31 Benipal said he wants a second sign to advertise the sale of liquor, beer and wine at his store. The  
32 Commission researched the Township Sign Ordinance and discussed the same with Benipal. The  
33 Commission attempted to determine what type of sign Benipal already had on his property and whether  
34 he qualified for a second wall sign and/or freestanding sign based on a multi-tenant use and/or based on  
35 whether there are two separate entrances/corner lot. Benipal wanted to expand his existing sign to add  
36 the “beer, wine, liquor” onto it. Nagler noted that any changes to an existing sign that exceeds the  
37 allowable parameters set by the Ordinance must go to the ZBA for variance approval.

38

39 **Correspondence Received**

40

41 The Planning Commission is invited to attend a Township Board meeting on Monday, May 14, 2018, for  
42 a presentation by Southwest Michigan First on economic development and on climate change. Hudson  
43 said Oshtemo Township adopted its updated master plan. Hudson said the City of Kalamazoo’s master  
44 plan is up for adoption tonight as well.

45

1 **Old Business**  
2 **Master Plan**

3  
4 Hudson said he will e-mail the current master plan to the Commission. Hudson noted the population of  
5 Kalamazoo Township has not changed much in recent years. Hudson showed future land use maps to  
6 the Commission and noted some inconsistencies. Mitchell asked whether the master plan has been  
7 updated. Seeber said the master plan should be updated every five years. Hudson said there were no  
8 changes to the map in the 2014 amendment. Hartsough asked Hudson to e-mail the Commission the  
9 steps for updating the master plan. Hudson agreed.

10  
11 **Zoning Ordinance text amendments: Parking Commercial Vehicles**

12  
13 The next item on the agenda was to continue the discussion of proposed text amendments for the  
14 parking of commercial vehicles in residential districts. Hudson said he made all the requested changes  
15 and submitted copies of the reviewed proposed text amendments to the Commission in their packets.  
16 Hathcock said the five-acre requirement in order to park a commercial vehicle is excessive. Dingemans  
17 said some of the proposed language is overly broad. Dingemans said he objects to allowing certain  
18 vehicles to be parked in Residential Districts. The Commission continued to discuss the proposed text  
19 amendments. Hathcock pointed to the possible vehicle height limitation. Hathcock said if someone owns  
20 a home business, she/he should be able to park their vehicle if all requirements are met. Cripps directed  
21 the Commission to the proposed text amendment "1F" and asked to strike the "plow" language from  
22 the amendment. Cripps also said he did not like the proposed language in several other subsections  
23 within Section 1F of the proposed text amendments. The Commission tabled the text amendments for  
24 the parking of commercial vehicles until next month's meeting.

25  
26 **Report of the Township Board Representative**

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28 Hathcock thanked the Commission for its hard work.

29  
30 **Report of the Township ZBA Representative**

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32 Nagler said the ZBA held one meeting since the last Planning Commission meeting and the applicant's  
33 request was denied.

34  
35 **Comments from the Planning Commission Members**

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37 Hitt said he would not be present at the next Planning Commission meeting.

38  
39 **Report of the Planner/Zoning Administrator**

40  
41 None.

42  
43 **Report of the Township Attorney**

44  
45 None.

46  
47 **Adjournment**

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1 Being there was no further business to come before the Planning Commission, the Chairman adjourned  
2 the meeting at 10:03 p.m.

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5 \_\_\_\_\_  
6 Henry Dingemans, Secretary  
7

8 **SNYOPSIS OF PLANNING COMMISSION MEETING**  
9

10 The Kalamazoo Township Planning Commissions made the following decisions at its  
11 meeting of May 3, 2018:  
12

- 13 1. Approved special use and site plan for medical marijuana provisioning center at  
14 1986 Sprinkle Road.  
15
- 16 2. Approved expansion to Aldi's at 3720 Gull Road.  
17
- 18 3. Fire Marshal's recommendation for accepted addition of the 26-foot wide fire  
19 lane width to Township Zoning Ordinance.  
20
- 21 4. Approved additional use for small machine shop at 2222 Lake Street.  
22
- 23 5. Considered amendments to bylaws.