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**Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on September 3, 2020**

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A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on September 3, 2020, commencing at 7:00 p.m., via Zoom remote teleconference pursuant to Michigan Governor's Order 2020-154 in light of the coronavirus outbreaks.

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Present were:

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William Chapman
Denise Hartsough
Christopher Mihelich
Fred Nagler, Chairman
Warren Cook

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Absent was:

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None.

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Also present were Township Planner Patrick Hudson, Township Manager Dexter Mitchell, Township Attorney Roxanne Seeber; and approximately 8 additional interested persons were present electronically.

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Call to Order

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The Chairman called the meeting to order at 7:00 p.m. Due to Executive Orders issued by the Governor relating to the COVID-19 pandemic, this regular Planning Commission meeting was held electronically via Zoom and properly noticed so that any interested party could attend and participate.

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Roll Call and Recognition of Visitors

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Nagler welcomed those in attendance.

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Approval of the Agenda for the September 3, 2020 Planning Commission Meeting

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The first item on the agenda was approval of the agenda for the September 3, 2020 regular Planning Commission meeting. The Commissioners received the revised meeting agenda in their packets.

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Nagler asked Hudson if there were any additions to the agenda. Hudson said yes there was additional request for a permit extension for 7300 East Main. Hudson asked if Nagler would like it to go under public comment or new business. Nagler said to put it under new business as item number 7C.

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Nagler added that Mihelich had requested to add discussion regarding the zoning in regard to home office accessory structures given that more people are working from home. Nagler suggested that they make that addition item number 7D.

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Upon motion of Cook, supported by Chapman, and unanimous vote, the agenda was approved as amended.

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Approval of Meeting Minutes of the August 6, 2020 Planning Commission Meeting

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2 The next item on the agenda was approval of the August 6, 2020 regular Planning Commission meeting
3 minutes. Copies of the draft meeting minutes were provided to the Commissioners in their agenda
4 packets.

5
6 Several Commissioners recommended revisions to the proposed August 6, 2020 regular Planning
7 Commission meeting minutes. Seeber hand wrote the changes onto the draft minutes.

8
9 Upon motion of Cook, supported by Mihelich, and unanimous vote, the minutes of the August 6, 2020
10 regular Planning Commission meeting were approved as revised. Seeber signed the minutes on behalf of
11 Mihelich and indicated that she would email the approved minutes to Hudson.

12
13 **Scheduled Reviews—gravel mines and concrete crushing**

14
15 *None.*

16
17 **Public Hearings**

18
19 *None.*

20
21 **New Business**

22
23 **7a. 2527 N. Westnedge Ave. – Gernaat Greenhouse – site plan SUP expansion**

24
25 The first item of new business was the request of Phil Gernaat & Sons, Inc., at 2527 N. Westnedge Avenue
26 (Parcel No. 06-09-235-070). Hudson noted that this went before the Zoning Board of Appeals last month.
27 The parcel is zoned as R-2 Single & Two-family Residential with a Pre-existing Nonconforming Use. Hudson
28 read from his report that Gernaat’s is a long-standing greenhouse occupying 6.62 acres. The applicant
29 wishes to add a truck dock and a 50’ x 80’ pole building. Lot coverage would have increased to 65.4%,
30 however, on July 15, 2020, the ZBA granted setback variances from the R-2 zoning district regulations
31 contingent upon Gernaat’s combining at least one of the five adjacent parcels Gernaat’s own so that
32 maximum lot coverage will not exceed 25%. They have chosen to combine all five parcel. The existing
33 buildings cover approximately 184, 600 square feet (64% lot coverage). These include a small office
34 building and two greenhouse structures of c. 64,000 sq.ft. and c. 120,000 sq.ft. The office is about 70 feet
35 from the street r-o-w line. The greenhouses are setback c. 150’ and c. 180’ from r-o-w and are c. 10 from
36 the north lot line and c. 15 feet from the south lot line. These buildings are 500’ from the rear lot line. It
37 is important to note that the land to the south is in common ownership with this parcel. The property to
38 north is zoned C-1 Local Commercial and is occupied by a large greenhouse complex. The properties to
39 the south are zoned R-2 and are vacant. There are four parcels totaling 5.4 acres owned by the applicant
40 (Phil Gernaat), these abut the US-131 Business Loop and are tree-covered. The properties across N.
41 Westnedge to the east are zoned C-1 and are occupied by a greenhouse, a nonconforming dwelling and a
42 business.

43
44 Hudson mentioned that he was not able to calculate the parking lot requirements. Also, he did receive a
45 letter from the Kalamazoo County Drain Commissioners regarding the storm water run-off. He read from
46 the letter that the “Commissioners office has reviewed the site plan for the Gernaat Greenhouse loading
47 dock improvement. This site drains to an undeveloped area to the south that the greenhouse owns, and

1 makes it way to the West Street Drain which is under Drain office control. This drain was recently cleaned
2 out. The Drain Commissioners office hereby approves of the proposed design and drainage plan.”
3

4 Hudson added that the plan did not provide landscaping, especially along the road. The plan also did not
5 show individual parking spots. Also, Hudson did not receive anything from the Road Commission.
6

7 Hudson noted that he cannot recommend approval of this site plan. He said that the Planning Commission
8 should consider the parking lot requirements, the driveway access, the possible need for sidewalks, and
9 additional landscaping.
10

11 Phil Gernaat spoke that they have no more than 25 employees and it is a wholesale facility, so only semi-
12 trucks will be in and out of there. He also noted that they are not changing the driveway. He stated that
13 he dropped off a landscaping plan and a photometric map at the Township Hall for Hudson.
14

15 Hudson then found the plans and noted that the Southern half of the property is tree covered. The plan
16 did show eight trees within 100 feet of the road, but nothing about any shrubs or anything directly in front
17 of the facility. Hudson also added that a lighting plan was delivered to the township.
18

19 Nagler asked Gernaat to speak. Gernaat spoke that they are wanting to put nice shrubs along the roadway
20 and about a 15 foot grass area to spruce up the area.
21

22 Hudson then added that the revised plan did show the parking spaces. Hartsough noted that she did not
23 believe that the Commission received that revised plan. Gernaat mentioned that he did deliver hard copies
24 to Township Hall, but did not send a digital copy.
25

26 Mihelich mentioned that he did receive a plan that did show the parking spaces, but that the plan was
27 extremely tiny. Hartsough had a copy of that too, but could not see the landscaping, only the “grass” area.
28

29 Gernaat noted again that have not had more than 25 employees and that there is no retail area. Mihelich
30 noted that he counted 41 parking spots. Manager Mitchell noted that the parking seems very sufficient
31 to Hudson.
32

33 Mihelich asked if the sign is existing or new. Gernaat answered that it is existing.
34

35 Chapman asked if the sidewalks would be necessary. Nagler said that there are sidewalks on the other
36 side of the road.
37

38 Cook mentioned that he visited the site and noticed that there is some excavation already happening at
39 the site, probably to remove some of the muck and to put down a base. Gernaat said yes and that there
40 is about 3 feet of muck.
41

42 Mihelich asked if there needs to be any screening around that construction site, so no one would fall into
43 a hole. Gernaat said there is no actual hole, it is all just banked dirt.
44

45 Cook asked Hudson about the landscaping obligation and where he thought some of the shrubs could
46 even go to be out of the way of semi-trucks. Cook also asked about the gravel entrance to the loading
47 dock.
48

1 Gernaat answered that yes, the gravel drive would be the entrance.
2
3 Hudson responded to Cook to that there is a 15 foot area between North Westnedge and the parking area
4 that could be planted that is unlabeled on the site plan.
5
6 Gernaat responded that yes that is the area they are going to plant. Also, they are planning on putting
7 shrubbery down the whole Northside of the building.
8
9 Cook noted that doing that would eliminate one of the parking spaces. Hudson said they have excessive
10 parking, so that would be ok.
11
12 Gernaat responded that it is just going to be a little area, about 3 feet from the barn and then parking will
13 be right up to the shrubbery.
14
15 Cook said that with those revisions there is not much else to look for.
16
17 Nagler asked if Hudson if he would be ok with administratively approving the landscaping. Hudson said he
18 would be.
19
20 Mihelich said he would like to see that green space. Gernaat confirmed that there will be green space.
21
22 Hartsough asked about the sidewalk and if it was necessary. Nagler said that with the sidewalk on the
23 other side of the road, that should be adequate. Cook said that sounds practical. Hartsough said she
24 doesn't see many people walking to the business loop either. Mihelich added that he could see adding a
25 sidewalk if it was going to be retail sales floor too, not just wholesale, but that's not the case and there is
26 the sidewalk across the street.
27
28 Mitchell added that the Township wants walkability and wants sidewalks on all new construction, even
29 with the one across the street. He believes they have done that with others, such as with KalSec.
30
31 Hartsough said it could be added to the conditions then.
32
33 Hartsough moved approval of the site plan for 2527 N. Westnedge Avenue with the condition that
34 landscaping be added with Hudson's administrative approval and a sidewalk along N. Westnedge be
35 installed across the entire combined lot. Cook seconded. Unanimous approval.
36
37 Nagler asked Gernaat if there would be room for a sidewalk across the entire lot. Gernaat responded yes,
38 but there would be power poles they would need to move around.
39
40 Mihelich asked Gernaat if any employees walk or ride their bike to work. Gernaat answered no.
41
42 Mihelich asked for the walkability sidewalk ordinance. Hudson noted that it was in Article 2, Section 2.18.
43
44 **7b. 2101 N. Pitcher Street – Consumers Energy – site plan – new substation**
45
46 The next item of new business was the request of Consumers Energy Co. (applicant) at 2101 N. Pitcher
47 Street (Parcel No. 06-10-205-030). The property is owned by Spur Development LLC. The property is
48 zoned I-2 as are all of the properties on the north, south, west and east sides. These properties are

1 either vacant or occupied by heavy industrial uses. The properties to the south are in the City of
2 Kalamazoo, but are in common ownership with this site. The applicant requests to erect two 138 kV
3 facilities a vacant site to create a new substation in order to serve an expansion of industrial uses
4 nearby. The proposed improvement would be the addition of two 21' x 31' control buildings and related
5 circuit structures. The proposed location is conforming to setbacks.

6
7 Hudson mentioned that no drainage plan was provided, however minimal increase in impervious surface
8 area is planned.

9
10 Hudson noted that the Planning Commission should discuss the need for the required roadside
11 vegetation.

12
13 Rusty Miller, VP and Mill Manager from Graphic Packaging, spoke. This site will be the substation for the
14 new mill they are building. The lack of landscaping resembles what they have down the rest of N. Pitcher
15 and he has safety concerns about landscaping close to the substation. They would like a clear view of
16 the substation.

17
18 Courtney Claim, from Consumers Energy Co., spoke. She said she is there to answer questions regarding
19 the site plan.

20
21 Chapman asked about the old fencing around the property and its placement. Hudson said it is around
22 the perimeter but does not encompass the full site. Hudson said they asked for 6-foot fencing. Chapman
23 inquired where the fencing would be and if it would be just around the substation. Hudson answered
24 that it would be more than that since it is meant to keep people away from the electrical components.

25
26 Wendy Churette, designer for the substation, spoke. She said there will be a 7 foot fence with barb wire
27 and appropriate signage will enclose the substation and its components.

28
29 Manager Mitchell spoke that the township would be ok without having the landscaping requirement. It
30 is a safety reason and common to not have landscaping based on other substations he looked at.

31
32 Churette spoke that if they do need to do landscaping, normally they try to keep the landscaping offset
33 from the fence to also keep animals away.

34
35 Hartsough asked about the sidewalks. Nagler said this would be a good area for sidewalks.

36
37 Nagler asked about the status update about abandoning that right away of the road based on previous
38 discussions. Miller said that it is still being pursued with the county and is an active project. He also
39 mentioned that a sidewalk would be a sidewalk to no where since there is none in the area.

40
41 Supervisor Don Martin spoke. He said that Graphic Packaging owns both sides of the road. He also said
42 that he has been working with Miller and the road commission regarding the driveway situation. Martin
43 shared his opinion that there is no reason for sidewalks there because it is Graphic Packaging's property
44 on both sides of the road and it will be a sidewalks to nowhere.

45
46 Mihelich read aloud from the Section 2.18 Sidewalks Ordinance, subsection A. Requirements, "Sidewalks
47 shall be required in conjunction with all new residential and commercial development." He noted that it
48 does not say anything about industrial zones.

1
2 Hartsough asked about the employees parking and if they will need a way to walk to the building. Miller
3 said that for the new mill, there will also be new parking lot adjacent of the paper mill to the North.
4 Cook noted that the lot will be South of the substation.

5
6 Cook moved approval of the site plan for 2101 N. Pitcher Street. Mihelich seconded. Unanimous
7 approval.

8
9 **7c. Pure Roots LLC (Amended Agenda Item)**

10
11 Reni George, Vice President of Government Affairs for Pure Roots spoke. George said that he emailed a
12 letter to Hudson on September 3, 2020. George spoke that Pure Roots LLC is requesting a one-year
13 extension on our conditional approval for a MMFLA Dispensary located at 3700 East Main Street. Pure
14 Roots LLC was granted a conditional approval, by the planning commission, on October 5th, 2019.

15
16 Initially Pure Roots planned to be built, locally licensed, state licensed and operational by September.
17 However, Covid-19 has caused significant delays and continues to interrupt their implementation plan.

18
19 Cook asked if there is a revised end date. Nagler clarified that they are asking for a one-year extension.

20
21 Mihelich asked if they had required sidewalks for that parcel. Hudson said that he believed that the parcel
22 had existing sidewalks, but that he did not have the site plan. George shared his screen to show the site
23 plan. It did show a sidewalk.

24
25 Hartsough moved to approve the one-year extension for the conditional approval for a MMFLA Dispensary
26 for 3700 East Main Street. Cook seconded. Unanimous approval.

27
28 Chapman asked if there was any additional cost owed to the Township. Hudson answered no.

29
30 Mihelich asked if any updated bond paperwork would be required. Hudson said that Mitchell had been
31 taking care of that and then asked Mitchell if they were up to date. Mitchell answered that he believed so
32 and the State has been working to extend some of those requirements.

33
34 **7d. Mihelich Matter (Amended Agenda Item)**

35
36 Mihelich introduced the agenda item. He mentioned that he sent an article to the Commissioners
37 regarding an accessory dwelling unit concept that does not fit with the current Zoning Ordinance of using
38 a shed as a back-yard home office space. Mihelich said he believes that currently permit home occupations
39 and home-based business but wasn't sure if this concept would fit in those definitions. Plus some of the
40 rules would not apply, such as signage. He asked if this would be allowed or not.

41
42 Nagler mentioned that he thought Mihelich sent Zoning Ordinance language that says they do not allow
43 it. Mihelich said the language says home business or home occupation, nothing about home office space.

44
45 Nagler asked Mitchell and Seeber if that is something the Commission can interrupt and allow. Seeber
46 said that interpretation of the Zoning Ordinance is up to the Zoning Board of Appeals, not the Planning
47 Commission. She added that some of the issues they could run into would be the difference in

1 construction standards for one occupying and being inside of the accessory building versus being in a
2 house. She suggested talking with Mike Alwine form KABA for his input.

3
4 Mihelich added that he believed these structures were prebuilt, fully insulated, and costing \$10,000 to
5 \$16,000. They appeared to be drop-in units that the owner would add electricity to.

6
7 Hudson added that it seems like it would be allowed as a home business once it had site plan review from
8 the Planning Commission. It would not be a home occupation.

9
10 Mihelich said that the required signage for a home business would not make sense for a home office. He
11 suggested adding a clarification under home occupation for home offices or work from home office.
12 Mihelich also added that he shared the article in the Westwood Facebook group and received responsive
13 feedback. He believed 64 people were for it, with 28 comments about how it should be done, and people
14 interested in it.

15
16 Hudson said the problem would be when people say they just want to have their home office there, but
17 instead are running a company, such as construction or landscaping, out of it and want to store their
18 equipment in the yard. Nagler added that he thought the equipment was already regulated. Hudson said
19 yes, in residential areas only one piece of equipment would be allowed in the yard, but there is currently
20 a situation like that in the Township.

21
22 Mihelich said he could work with Hudson to create some verbiage and talk about some of the situations
23 that could arise. Hudson said that would work.

24
25 **Old Business**

26
27 **8a. Solar panel text amendment – 2nd draft**

28
29 There was a draft to discuss.

30
31 Hudson started by mentioned that he forwarded a suggestion from Trustee Steve Leuty. He also added
32 that they Commission should review the definitions in Article 1, “Accessory Buildings” in Article 2, and
33 “Wind and Solar” in Article 8.02 to make sure they mesh. Hudson said he sent copies of each of those.

34
35 Hartsough asked if the proposed changes are highlighted in yellow. Hudson said yes and also it is to make
36 sure that the Commission wants it worded that way.

37
38 Hudson said in Article 2.03 “Detached Accessory Structures” he highlighted “structures” because he is
39 unsure if that is the word they should use. Also, in the table, he believes it should be the height of the
40 accessory structure, not the principle structure. He also added that it should say “required front yard”,
41 not just “front yard”, because some houses are set back farther than what is required.

42
43 Mihelich suggested sending an applicant to the Zoning Board of Appeals if they do have a larger front
44 yard. Nagler agreed with that. Mitchell said that the request could be put in for parcels that are two acres
45 or larger.

46
47 Nagler commented that the table is for two acres or larger. He also mentioned that this is a bit of
48 communication conflicts because it does say otherwise noted in the ordinance. However, in the bottom

1 box it states over two acres is an 18 foot maximum height, but then above it said 25 foot maximum height.
2 Hudson said that is should read one to two acres, instead of over two acres.
3
4 Hartsough asked Hudson for clarification on solar panel placement and the required front yard setbacks.
5 She asked if a resident could put solar panels in between the house and the required setback if the house
6 sits farther back. Hudson said he is not saying that at all. He said that is for accessory structures and it's a
7 separate question for the solar panels.
8
9 Mihelich and Mitchell both mentioned examples of houses that sit farther back.
10
11 Hartsough asked what the Commission has to figure out now. Cook said the issue is that one deals with
12 accessory structures and the other deals with solar setbacks.
13
14 Nagler asked Hudson what he thought in general would make sense in regards to solar panel placement
15 in the front yard but having them be outside of the required setbacks. Hudson said agreed with that
16 statement.
17
18 Then Hudson said in reference to D, for all of the items listed there they would not count them as
19 accessory structures. That way it would include the solar panels. Nagler mentioned that was what they
20 originally proposed, but it got sent back.
21
22 Then looking at number 5, Hudson would suggest crossing off the word "front" and saying "required front
23 yard", just as how pools have to be 35 feet back from the street right away instead of 25 feet.
24
25 Hudson said he had some notes in the solar energy specifically in the bottom of D regarding the ground
26 covering. Commission found a typo in that section and it should say "shall not count", instead of "shall
27 count". Nagler mentioned that in previous conversations they were going to measure the ground covering
28 based on position of use. The section in reference was in D2 and E1.
29
30 Hudson said there is question regarding Section D and if solar panels will be considered accessory
31 structures or not. Nagler thought they wanted to considered the panels as accessory structures so they
32 could be regulated as such, but they did not want them counted against the number of accessory
33 structures. Seeber said that she thinks that they just need to add an extension to that section saying
34 something to the effect of such structures shall not be counted as accessory buildings when counting the
35 considering the limitation of numbers of accessory buildings.
36
37 Mihelich added that they still cap at the kilowatt output and lot size coverage. Nagler agreed with that.
38 Hudson asked if they wanted to change that section to 20 kilowatts or higher. Cook said that he would
39 need to do some research on that. Mihelich added that he thinks based on his research from a year ago,
40 that the goal was to fall in line with Consumers' Energy net use meters and that's why it was 20 kilowatts.
41 Seeber mentioned that it has already been changed to 20 kilowatts or less. Hartsough asked why that
42 cannot that be included in the definition in Section 8 .02 TT 2C. Hudson liked the idea of that.
43
44 Nagler asked what if a resident wanted to go over the 20 kilowatts for some reason. Mihelich said that
45 they would need a second meter. Mitchell asked if that number could be flexible in the future or would
46 they have to revamp the ordinance. Mihelich said yes. Hartsough asked why they have to distinguished
47 the kilowatt number. Hudson said that the Township wouldn't want someone setting up a power utility
48 facility in their back yard.

1
2 Mihelich said to Mitchell that he would prefer to wait on approving a larger kilowatt number because if
3 the density of the panels increases, then the board would have to investigate other factors too, such as
4 lot coverage. Nagler said if that was the case, then they would start to see smaller panels then.

5
6 There was more discussion on the kilowatts, however it was decided to leave it the way it is.

7
8 Hudson asked if the Commission would like to hold the ordinance for another amendment or hold a public
9 hearing for it. Seeber said they should make sure the ordinance is completely ready before moving
10 forward.

11
12 The ordinance will be reviewed again next meeting and a date will be set for public hearing.

13
14 **8b. Master Plan – 5-Year Mandatory Update- Work Session**

15
16 Hudson mentioned that they need to start to get public input. Mihelich mentioned that first he was against
17 having the public hearing completely digital, but now it is looking like that is the only way to do it. He
18 mentioned that there is ways to do it via Facebook through groups and ads.

19
20 **Open Discussion – Members of the Audience**

21
22 None.

23
24 **Report of the Township Board Representative**

25
26 Cook gave an update on the most recent Township Board happenings, including the Fireworks Ordinance
27 and Cable Franchise agreement.

28
29 Manager Mitchell added that the Cable Franchise agreement doesn't have anything to do with the bill
30 rates; it had to do with the audit.

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

33
34 Nagler said that there was not an August ZBA meeting.

35
36 **Comments from Planning Commission Members**

37
38 Hartsough asked if it was true that there was a Zoning Enforcement Officer. Manager Mitchell said yes.

39
40 Hartsough added that she listened to the most recent Westwood Community meeting and noted there
41 was some complaints on a Grand Prairie situation. Mitchell said that the situation has been taken care of.

42
43 Chapman thanked Cook for his work on the American with Disabilities Act proclamation. Cook thanked
44 Manager Mitchell for finding the language for the ordinance.

45
46 Mihelich mentioned again the outreach on Facebook.

47
48 Cook commented on Hudson's report for the 2101 N. Pitcher Street and the essential services section.

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Report of the Planner/Zoning Administrator

Hudson mentioned that there will be a meeting next month.

Report of the Township Attorney

No report from Attorney Seeber.

Adjournment

There being no further business to come before the Planning Commission, the September 3, 2020 regular Planning Commission meeting was adjourned at 8:30PM.

Christopher Mihelich, Secretary

SYNOPSIS OF ACTIONS

The Kalamazoo Township Planning Commission undertook the following actions at the September 3, 2020 regular Planning Commission meeting:

- Approved the special use expansion and site plan with conditions for 2527 N. Westnedge Ave. – Gernaat Greenhouse.
- Approved the site plan for 2101 N. Pitcher Street – Consumers Energy’s new substation.
- Approved the one-year extension for the conditional approval for a MMFLA Dispensary for 3700 East Main Street.