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Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on January 7, 2021

A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on January 7, 2021, commencing at 7:00 p.m., via Zoom remote teleconference pursuant to Michigan Governor's Order 2020-154 in light of the coronavirus outbreaks.

Present were:

William Chapman
Warren Cook
Denise Hartsough
Steven Leuty
Christopher Mihelich
Peter Morrison
Fred Nagler, Chairman

Absent was:

None

Also present were Township Planner Patrick Hudson, Township Manager Dexter Mitchell, Township Fire Marshal Todd Kowalski, Township Attorney Seth Koches; and approximately 10 additional interested persons were present electronically.

Call to Order

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.

Roll Call and Recognition of Visitors

Nagler welcomed those in attendance.

Approval of the Agenda for the January 7, 2021 Planning Commission Meeting

The first item on the agenda was approval of the agenda for the January 7, 2021 regular Planning Commission meeting. The Commissioners received the revised meeting agenda in their packets.

Nagler suggested that public comment on agenda items be added to the agenda as item 4c.

1 Upon motion of Hartsough, supported by Cook, and unanimous vote, the revised agenda was approved
2 as received.

3

4 **Approval of Meeting Minutes of the December 3, 2020 Planning Commission Meeting Minutes**

5

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

9

10 Upon motion of Mihelich, supported by Hartsough, and unanimous vote, the minutes of the December 3,
11 2020 regular Planning Commission meeting were approved as revised with no changes made at the
12 meeting. Mihelich authorized Attorney Koches to sign on his behalf and forward to Hudson.

13

14 **Election of Officers for the Planning Commission for 2021**

15

16 The next item on the agenda was the election of Officers for the Planning Commission for 2021.

17

18 Upon motion of Cook, supported by Mihelich, and unanimous vote, the existing Officers will be
19 recommissioned as the new Officers for 2021, this includes Nagler as Chairman, Hartsough as Vice Chair,
20 and Mihelich as Secretary.

21

22 **Public Comment – Members of the Audience**

23

24 None.

25

26 **Public Hearings**

27

28 ***Public Hearing—2429 N. Burdick – Special Use – marijuana grow & processing***

29

30 The next item on the agenda was the request of Park Consulting Group (applicant) to change the use of
31 an existing industrial building to grow and process both adult use and medical marijuana located at 2429
32 N. Burdick Street (PIN# 06-10-130-041). Currently zoned as I-2 General Industrial District, the primary use
33 of the property will be for a recreational and medical marijuana grower facility and processor of
34 marijuana. The surrounding properties are all zoned I-2 General Industrial. Properties to the west are a
35 greenhouse, auto salvage yard and vacant. Properties to the north and south are occupied by industrial
36 uses. Properties to the east across N. Burdick are presently vacant.

37

38 Hudson had technical difficulties, so Chairman Nagler asked for the applicant to speak.

39

40 Alison Park, owner of Park Consulting Group (applicant), spoke. She introduced three of her project
41 support team members; Leise Rosman, Kevin Clark, and Kathy Guzik. Then Park gave an overview of
42 herself and her business.

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Hudson then read from his report and noted his recommendations. He asked the applicant if they had sent in their liability insurance. Rosman said that it was emailed a couple minutes ago. Hudson added that the applicant needs the Road Commission's review and that he passed along the Fire Marshal's review. Manager Mitchell asked Park if her crew received the review and she said they did.

Fire Marshal Kowalski spoke. He noted that he reviewed the site plan that was submitted for 2429 N. Burdick St. in Kalamazoo Township. The following items were noted on the site plan review:

1. The current building is 23,700 ft.² so it will require fire suppression installation.
2. The fire department connection shall be located within 100 feet of the fire hydrant that is located directly across the street.
3. For the fire department connection shall be signed with a sign that states FDC in 6 inch white reflective letters on a red background. Kalamazoo Township will provide that signage.
4. There shall be a fire alarm horn strobe mounted directly above the fire department connection.
5. Shall install a minimum 3200 series Knox box key box on the front of the building.
6. Shall install 10 inch address numbers on the front of the Street side of the building. The address number sharp contrast the color of the background.
7. Relocate the handicap parking spaces on the north side of the building as we will not have our 26 foot wide driveway with those spaces as shown.
8. If the owner is going to propose the use of CO2 for the Grow operation, we will need to see where they propose to place the tank for the CO2 on the exterior of the building.

Kowalski's review is just for the site plan of the building only and not for the remodeling or construction of the interior of the building. This review and listing is not all inclusive and can be added to at any point during the project per the site plan ordinance from the Charter Township of Kalamazoo.

After giving his review, Kowalski asked Park if CO2 will be used in the grow operation. Park answered no. Kowalski added that Item #8 from his review can be removed. If CO2 was going to be used in the operation, the fire department would need to see where the CO2 tanks would be stored.

Kowalski asked if the Commission had any questions for him. Rosman said that they submitted a revised site plan that moved their ADA parking spots to the rear of the building in response to the fire lane clearance and other small changes. Rosman wanted to confirm that this is the site plan the commission was reviewing. Kowalski had not received that plan from Hudson, but Nagler said he thinks he has the right site plan and described the parking and loading zoning. Kowalski said that they cannot have a loading zone in the fire lane. Rosman described the loading zone and why it was there. Kowalski said that without having the site plan in front of him that he can't comment on it, but that he will review it with Hudson. He then asked if everything else is noted on this site plan. Rosman said that some of the revisions were noted on the site plan, but that others were noted on the floor plan that will be submitted to KABA. Some of the revisions that were noted were the fire suppression and the markings inside. Kowalski said that the fire department connection, Knox box, and address numbers need to be shown on the site plan.

1
2 Nagler redirected the meeting and reminded the commission that they need to review the Special Use
3 exception first and then will return to the site plan review. Nagler asked the applicants if they had
4 anything they wanted to add regarding the special use exception. Applicants said no.
5
6 Chapman asked the applicants how many employees they will have working at this location. Rosman
7 said that they proposed 50 employees at full operation when they are cultivating and processing.
8
9 Chapman asked if there will be any outdoor storage. Rosman said that none of the existing outdoor
10 storage will be used for cannabis products or chemicals; they will be used for non-cannabis items such
11 as seasonal equipment.
12
13 Morrison asked if there will be any herbicides or fertilizer used in the operations that could go through
14 the waste water treatment system and what the disposal plan for them was. Rosman said they do not
15 anticipate that to occur. She explained that since they are growing the plant for human consumption,
16 they are very careful what they put on it and that there are State compliance orders they have to obey.
17
18 Chapman asked if there was fencing around the property and if the site plan shows security fencing.
19 Rosman answered that they confirmed with the State that fencing was not required. They would prefer
20 not to install fencing either due to the streetscape; they would like the business to fit in with the district.
21 They have proposed to have fencing around their waste disposal.
22
23 Mitchell clarified that there would not be fencing. Rosman said correct and explained other safety
24 measures they will have in place.
25
26 Hudson asked again about the liability insurance. Rosman said that she forwarded those on to the
27 Township Clerk and Hudson that day.
28
29 Mitchell asked if there would be any outdoor growth. Rosman said not at this time due to odor
30 mitigation. In the future there might be additions on the current facility and a possible greenhouse, but
31 nothing is planned.
32
33 Mihelich asked what type of extractions were going to be done. Rosman said hydrocarbon and solvent
34 extractions, such as ice water and ethanol. Mihelich clarified that no CO2 or butane will be used. Rosman
35 said no. She expanded to say that they are not sure what hydrocarbon they will be using yet because the
36 technology is rapidly developing. They have allowed for a C1D1 room inside of the plant to have another
37 option, but they are still looking into what will make the most sense for the volume and product they will
38 produce. CO2 is not an option.
39
40 Mihelich clarified that no CO2 will be on site. Rosman asked Clark to speak on the CO2 in the rooms versus
41 CO2 for extractions. Clark said that they would have additional supplemental CO2 inside the different
42 flower rooms, but it will not be used for any bulk extraction. Rosman added that the CO2 is not pressurized

1 and it is more of an additive to the air in that room. Mihelich then asked Kowalski for clarification on Item
2 #8 in his review. Kowalski said that he just asked if they were going to be using CO2. Mihelich recalled that
3 too and now is wondering if CO2 will be used and if Kowalski needs that information on the site plans.
4 Rosman explained that they assumed that question was pertaining to extraction, not CO2 into the flower
5 rooms; so yes, there will be CO2. Kowalski asked if they are individual units or one large CO2 tank outside.
6 Clark answered that typically it is smaller units. Mihelich asked if Kowalski needs that documented.
7 Kowalski answer that it needs to be documented on the building plans.

8

9 Hartsough asked if the altered air in the flower rooms affect employees. Clark answered that the levels
10 are very low compared to OSHA regulation standards, so it is safe for employees to be in those rooms.
11 Rosman added that the rooms will also have CO2 monitors.

12

13 Hartsough asked if they have a commitment to hire local residents. Park answered yes.

14

15 Chapman asked if it is in the plans to hire people with disabilities. Park answered that it has been discussed
16 and they would like to. She also added that they have discussed hiring veterans too. They would love to
17 attract employees who have disabilities and people who are veterans.

18

19 Nagler asked the Commission for any other questions. Mitchell asked if Kowalski received the answer
20 regarding the parking spots and the blue print. Nagler said that they will address those when they do the
21 site plan review. Nagler added that they need to make sure they have the special use before the
22 Commission reviews the site plan.

23

24 Mihelich asked Hudson if government buildings were included in the measurements for buffers for
25 marijuana processors. Hudson asked if Mihelich's concern was the fire station and Mihelich said yes.
26 Hudson said that is the only government building in the area, however there is no buffer for the fire
27 stations.

28

29 The chairman opened a public hearing on the special use exception request. No one spoke for or against
30 it. The chairman closed the public hearing.

31

32 The chairman asked for any further questions or comments from the commissioners. Morrison asked a
33 general question of how marijuana is handled because it is still a federally controlled substance and how
34 if they were to approve this the board could be in violation of their oath to uphold the Constitutions of
35 both the State of Michigan and the United States of America. Attorney Koches explained that Morrison
36 should not be concerned because the Controlled Substance Act is left up to the States to enforce it.

37

38 Chapman spoke. His concern was that he believed that they have required a six foot fence around the
39 property for security, but this appears not to be a part of this plan. Hudson explained that they have
40 required it once because the facility did not have any other security measures, however the zoning
41 ordinance does not actually require the fence. Leuty added that Article 6 of the zoning ordinance requires
42 a fence if the facility is in an I-2 zone or next to residential lot. Nagler added that since this is a special use,

1 they could make fencing a requirement. Hartsough added that she does not see the point of a fence since
2 they do have security and the site is adequately lit. Mihelich said that a fence would help with traffic
3 control. Kowalski mentioned that there is a grow facility in that area without fencing. Rosman added that
4 it is a requirement to have 24 hour security and they will be meeting that.

5
6 Hartsough moved approval of the special use permit for 2429 N. Burdick Street for marijuana grow and
7 processing. The motion was supported by Cook and it was approved on unanimous vote.

8
9 The Planning Commission next considered the request for site plan approval.

10
11 Kowalski recommended that if the Planning Commission is just waiting on his review of the updated site
12 plan, that they can approve the site plan pending his review. Nagler thanked Kowalski.

13
14 Nagler asked for any other comments or questions. Chapman asked about the parking and how it has
15 been moved. Nagler mentioned some details of the parking changes and then asked the applicants if there
16 was still the 26 foot clearance by the loading area. Rosman does not believe there is the clearance when
17 the loading area is occupied. She mentioned that they worked with the engineers at Hurley Stewart to
18 come up with a solution for that temporary loading, but they are willing to do anything that the Planning
19 Commission and Fire Marshal suggest.

20
21 Kowalski asked what type of delivery vehicles will be using the loading area. Rosman answered that they
22 will primarily be using cars and sprinter vans. She added that once in a while semi-trucks will make
23 deliveries, such as soil deliveries and other supplies, but their products will never go into the semi-trucks.
24 Kowalski also asked how long they can anticipate a vehicle needing to be there. Rosman said a brief
25 amount of time. The goal is for the trucks to drop off and go, and the drivers are not allowed into the
26 building due to restricted access.

27
28 Nagler asked about the parking. The report talked about 64 spaces, but the plan shows the number revised
29 down to 56 spaces. Rosman confirmed the 56 spaces and explained that it is for a full work team along
30 with any inspectors or vendors that would also need to be on site.

31
32 Cook asked for clarification on the parking spots. Rosman said it is 56 total spots, including the 10 access
33 spots. She also noted that they reduced the total parking area by 7,000 square feet. They proposed
34 eliminating the current parking area to create a new pervious surface to contribute to the drainage.
35 Hudson added that he would need an electronic copy of that.

36
37 Hartsough asked if the applicants have spoken with the road commission. Rosman said yes, that both the
38 road commission and drain commission have reviewed and received the plans. The road commission
39 didn't have any comments, even though they have been in communication with Hurley Stewart. That
40 communication is because the water service will need enlarged and will require work in the right away.
41 The applicants had to resubmit their application to the drain commission, but that was because of one
42 tiny change on the application form. The applicant has not received official approval yet.

1
2 Nagler asked about the water and if the 1.5 inch service pipe will be sufficient enough for the sprinkling
3 as well as everything else. Rosman said yes, they estimated that based on the current MEP drawings and
4 calculations.

5
6 Cook asked Hudson if the liability insurance came through. Rosman answered that it was stuck in her
7 email's outbox and she is trying to resend it.

8
9 Nagler asked about the changes in the number of trees and shrubs. Hudson answered that the numbers
10 are different because he was going on the width of the whole lot and did not factor in the exempt drive
11 way and parking areas. Hudson said they are good in that area.

12
13 Cook moved approval of the site plan as discussed for 2429 N. Burdick Street and the amendments that
14 were promised, pending review and approval of the Fire Marshal. The motion was supported by
15 Hartsough.

16
17 Mihelich recommended that there should be something in the motion regarding the fire suppression
18 system.

19
20 Cook amended the motion of approval of the site plan as discussed for 2429 N. Burdick Street and the
21 amendments that were promised, pending review and approval of the Fire Marshal of the following items:
22 that the building will have a fire suppression system installed, the fire department connection shall be
23 located within 100 feet of the fire hydrant that is located directly across the street, the fire department
24 connection shall be signed with a sign that states FDC in 6 inch white reflective letters on a red background
25 (Kalamazoo Township will provide that signage), there shall be a fire alarm horn strobe mounted directly
26 above the fire department connection, applicant shall install a minimum 3200 series Knox box key box on
27 the front of the building, applicant shall install 10 inch address numbers on the front of the Street side of
28 the building (the address number sharp contrast the color of the background), the applicant relocates the
29 handicap parking spaces on the north side of the building as we will not have our 26 foot wide driveway
30 with those spaces as shown, and the applicant will need to show where they propose to store CO2. The
31 motion was supported by Hartsough and it was approved on unanimous vote.

32
33 ***Public Hearing—3625 Douglas – Rezoning from C-1 to RM-2***

34
35 The next item on the agenda was the request of applicant Pamela Coffey. The property's address is 3625
36 Douglas Avenue (PIN# 06-04-190-033). The current owner is Michigan Council 25, AFSCME, but the
37 purchaser is Healthy House 4 Women. The request is to rezone the parcels from C-1 to RM-2 Multiple
38 Family Mixed Use.

39
40 Hudson read from his report. The applicant has purchased the former Union Hall at 3625 Douglas and
41 wishes to convert the building to a "Transitional Residence Hall" for women recovering from addiction.
42 The intent is to provide an educational/work training element as well as potential retail sales on-site.

1 Hudson noted that Staff cannot find the specific use listed anywhere in the ordinance, but this could be
2 similar to an adult group home Special use or a multiple family permitted use.

3
4 Hudson added that the request before the Commission allows it to be rezoned as a single property on
5 the west side of Douglas Avenue from the C-1 district to the RM-2 district. The property is currently
6 designated for Low Density Residential development on the future land use map. As described above,
7 this is not a perfect fit for rezoning to the RM-2 district but could serve as a transition or buffer to the
8 low density residential parcels to the north from the high traffic corridor that is Douglas Avenue.
9 Rezoning to the RM-2 district would allow for expanded uses including some non-residential in this area.
10 The specific use the applicant desires is not listed in the ordinance in any district. The Planning
11 Commission should discuss the proposed use as to the fit with the RM-2 district.

12
13 Hudson mentioned an email from Attorney Roxanne Seeber that he received earlier in the day. Hudson
14 said that Seeber raised the issue of if this was considered spot zoning or not. He also said that it was
15 mentioned that the planning commission should look at the use, then look at the uses in the RM-2
16 district to see if that is a close enough use to the existing uses in the district.

17
18 Koches said that he had Seeber's email on his phone. He summarized Seeber's email. First, the Planning
19 Commission is looking at the rezoning, not the use. Koches read that the Commission needs to look at its
20 standards for rezoning---would we put this particular property in the new zoning district? Does the new
21 district comply with the master plan? Are there adjoining parcels also in the new district? Have
22 circumstances changed such that new zoning district is warranted? Are we creating a spot zone? Does
23 the Commission think that all of the uses---permitted and special uses allowed in the new district are
24 suitable at this location? In short, they are not married to their proposed use if they get the
25 rezoning. Therefore, we need to consider all of the permitted and special uses in the
26 district. Depending on if the zoning goes through, then we will get an application for a use to process
27 and that will be analyzed separately from the rezoning. Koches also noted that Seeber prepared an
28 ordinance earlier in the week and emailed it. Hudson said that he did not forward that to the Planning
29 Commission. Koches then said that an ordinance will be needed to change the map and it will need to go
30 to the Township Board for approval. Koches reminded the Commission to not get too focused on the
31 proposed use, it is only about the rezoning tonight.

32
33 Hudson added again that the Planning Commission should discuss the proposed use as it fits with the
34 RM-2 district.

35
36 Mihelich said that he drove by this address. All the lots in the commercial zone are houses, there are no
37 commercial buildings in that area.

38
39 Cook discussed how this could fit into the ordinance because of public health, safety, and welfare. Then
40 he discussed the spot zoning by saying that it would not be a far reach to put an RM-2 zone in that area
41 by looking at the aerial maps.

1 Mihelich asked Hudson regarding the future density map, when he mentioned low density residential or
2 medium density, if that was for the whole C-1 district. Hudson answered yes, for that whole side of
3 Douglas.

4
5 Nagler noted that it looks like all of the properties to the west are already in the C-1 district. Hudson said
6 yes they are. Nagler than said that it would make sense for that whole area to be rezoned as RM and
7 that it calls for it. Mihelich said that he thinks that is why the RM-2 was designed, to be that transition
8 buffer for light commercial purposes.

9
10 Nagler asked the applicant to speak. Coffey introduced herself and explained her business. She has
11 owned a transitional house for five years and was looking for something more secluded. She thought
12 that the zoning was going to be ok, until she went to apply for some permits for renovations.

13
14 Chapman asked Coffey what the total occupancy for the house was. Coffey answered up to ten woman
15 and one live in assistant.

16
17 Hudson asked Coffey to explain the small retail that she had wanted. Coffey said that they would not
18 retail out of the house, however she would like the home to be self-sufficient by producing candles and
19 other body cosmetic products. They would not sell from the house, because it is a safe place. The
20 products would be sold at Coffey's store located downtown in the City of Kalamazoo. Hudson said that
21 could be a problem, because the Township does not allow manufacturing in any of the commercial
22 districts. Mihelich said it would be a home based business and Cook agreed. Hudson said that could
23 work, but he thinks it would have to be multi family living. Coffey said that she thought RM-2 would
24 allow you to have a home based business in it. Hudson said it does, but not manufacturing. Coffey said
25 ok. It is her goal to have a transitional housing, not manufacturing. Nagler said they will deal with the
26 zoning now and let the other chips fall after that when things evolve.

27
28 The Chairman opened the public hearing up for public comment. No one spoke for or against the
29 application. Chairman closed the public hearing.

30
31 Chapman confirmed that the address is 3625 Douglas Avenue. Commission affirmed. Nagler said that it
32 is the old AFSCME building. Chapman described the property being on the left hand side of the road and
33 up the hill. Commission affirmed.

34
35 Leuty thanked Koches for the reminder that the Planning Commission needs to focus on the rezoning.
36 Then he expanded on the reasoning for having the RM-2 district and what makes it special. Leuty
37 explained that the RM-2 zone was designed as a buffer zone between M-43 and Gull Road, along with
38 the residential zones around there. He said that they would be going against their own future land use
39 plan by rezoning this to RM-2 and elaborated on some of the issues that could arise by rezoning this. He
40 believes it would be a better fit in a multi-family zone.

41

1 Hartsough confirmed that currently the area is zoned as C-1. Commission and Hudson affirmed.
2 Hartsough then continued by asking if they are wanting to make this area less commercial by being
3 RM-2. Hudson and Leuty affirmed. Leuty then brought up the future land use plan and how it calls for
4 more residential area. Mihelich said that he has concerns referencing a master plan that is outdated.
5 Nagler questioned how this area got to be commercial if the goal is to be residential. Mihelich said it was
6 probably changed to be commercial based on someone's forecast that has yet to come true. Hudson
7 said that the district that was there was removed. Nagler asked if RM is a residential district and if it is,
8 then that is what the master plan is calling for. Leuty said that it is a multi-family/mixed used district
9 that can be residential, but is primarily not residential. Nagler said that he understands where Leuty is
10 coming from, but personally he feels like by rezoning this, they are making it more in line with what the
11 master plan calls for.

12
13 Coffey mentioned to Leuty that the flyer he has is for her current transition home, not for the proposed
14 new one. Leuty thanked her.

15
16 Hartsough read the Statement of Purpose for the RM-2, Multiple Family/Mixed Use District from Section
17 14.01, "The intent of the RM-2, Multiple-Family/Mixed Use District is to provide locations in the
18 Township that can accommodate a mixture of single-family, two-family, and multiple-family housing....
19 Commercial uses should not create loud noises, vibration, smoke, glare, heavy traffic, or other impacts
20 that would disrupt the quality of life in surrounding residential areas. Furthermore, the commercial uses
21 should be compatible with adjacent residential development in appearance and scale."

22
23 Morrison added that under Section 10.01 it shows how the zoning districts are divided. RM-2 does fall
24 under a residential district.

25
26 Leuty explained that he was involved in the creation of this district, however it was not its intended
27 purpose and that the future land use plan should be followed. He commented how he has a hard time
28 with the idea of 10 or 11 unrelated people living together meeting the definition of a residential area.

29
30 Hartsough commented that she sees where Leuty is coming from, however she thinks that moving
31 towards any form of residential zoning, other than just R-1, is moving in the right direction.

32
33 Leuty said he agrees with Hartsough, but he is concerned about all of the uses that can go in the RM-2
34 District and the future complications that could come with the rezone.

35
36 Hartsough understood, however mentioned that the area is not a pristine or solely R-1 District. She does
37 not believe that it all needs to be R-1. She does have concerns about possible spot zoning, but the fact
38 that there is RM-2 across the street makes it seem like that whole area should be zoned as that.

39
40 Cook added that he knows more future talks of district planning will be coming up. He said that there
41 will need to be deliberation of what they mean by residential and his sense is that they should
42 encourage residential smart development. There will need to be design development and thought about

1 how it can be encouraged. He also added that he is following Hartsough's thought process on this
2 matter.

3
4 Leuty asked Hudson how the Township's residential limitation to no more than one unrelated person
5 affects this situation with a house in RM-2 and 11 unrelated persons living in it. Leuty asked if these two
6 things could jive together. Hudson answered that he discussed this with one of Coffey's teammates and
7 that they would need to build separate apartments so it would be a multi-family structure. Leuty then
8 started speaking on how this should be a multi-family district, but Hudson said that this use is allowed in
9 RM-2 and that he gave Coffey the best options since she had already purchased the house. Leuty then
10 mentioned how even though the attorney said not to consider uses, he rhetorically asked how practical
11 is it for this older house to be remodeled to have separate apartments units. Nagler said that is not the
12 Commission's problem. Leuty agreed, but felt like it needed to be noted.

13
14 Nagler redirected conversation back to the rezoning. He agrees with Leuty's thinking, however believes
15 that the RM-2 District is not inconsistent with what is already in the area and what the building was
16 historically used for.

17
18 Mihelich asked what happens if the rezone was approved and someone would like to develop
19 commercial, but now they have limited that. Hudson said that is something to consider. He also said if
20 they don't rezone and someone proposes commercial for the property, it could not be stopped, unless
21 the whole area gets rezoned to residential. Nagler added more restrictive residential and Hudson
22 agreed. Hudson noted that he wished the State Legislation had not prohibited townships from granting
23 use variances.

24
25 Nagler asked for a motion. Cook moved that the Planning Commission recommends to the Township
26 Board the rezoning of this parcel (3625 Douglas) from C-1 to RM-2. Chapman supported. Chairman did a
27 roll call vote:

28 William Chapman - Aye
29 Warren Cook - Aye
30 Denise Hartsough - Aye
31 Steven Leuty - Nay
32 Christopher Mihelich - Nay
33 Peter Morrison - Aye
34 Fred Nagler, Chairman - Aye

35
36 Motion passed.

37
38 **New Business**

39
40 ***3635 E. Main – site plan review – change of use – multiple use facility***

41

1 The next item on the agenda was the request of Adam Hassan, applicant, and Happy Family LLC, owner,
2 for 3635 E. Main Street (PIN# 06-12-435-122). The request is to convert part of existing commercial
3 building from auto sales to General Retail, beauty salon and other permitted uses, while retaining the
4 auto sales office.

5

6 Hudson read from his report. This property has housed auto sales prior to 2016. Site is 37,461 sq.ft.
7 (0.86 acres). The property has 178.7' frontage on E. Main. The applicant wishes to rent out portions of
8 the building for other retail or service type uses. The intent is to phase out the auto sales business. The
9 proposed improvement will be converting the existing building for use as rental space of other
10 businesses allowed in the C-2 district. This will involve interior renovations.

11

12 The properties to the east, west and south are zoned C-2 Commercial Corridor. Adjacent to the east is a
13 non-conforming dwelling and beyond that a vacant lot and two blighted properties. Adjacent to the
14 west is a party store. Across Main Street to the south is a General Dollar store. The properties to the
15 north are zoned R-2 Single and two-family residential – the land is largely vacant.

16

17 Hudson recommended tabling a decision because they are unable to determine how much parking there
18 should be. The parking requirements are based on Gross Leasable Floor Area – the sketch does identify
19 leasable floor areas but this is a sketch, not done by an engineer/architect, and the proposed use of over
20 5,000 square feet of space is labeled “storage”. Also, an architectural drawing of the interior will be
21 required under the building code along with a photometric plan. Hudson recommended tabling approval
22 until these plans are provided. The Planning Commission should discuss which uses will be allowed as of
23 right and which will need further review. Hudson also noted that the Fire Marshal is concerned about
24 the interior uses as these affect the fire suppression measures required and that the fire lane in front of
25 the building must be clearly marked.

26

27 Applicant was not present to speak.

28

29 Chapman asked Hudson what he needs from the applicant. Hudson said that they really need to know
30 what the inside space will be used for and have an architectural plan showing how the space will be
31 used. Hudson mentioned a couple past uses of the building. Nagler mentioned that he remembers this
32 property coming before them before. Morrison commented that there is a boutique in front of this
33 building and Hudson mentioned how he told them they could not open and how he will not give them a
34 sign, but the boutique still moved in. Chapman asked what they can do in this situation since they are up
35 and running. Hudson said that he thinks they will need to issue them a ticket.

36

37 Nagler mentioned that they are nowhere near discussing a site plan. Commission agreed.

38

39 Hudson then asked Koches if they could issue them another ticket. Koches said yes they could and
40 discussed a couple options. Kowalski added that they could cite him for occupancy without a permit.

41

1 Mihelich asked for permission to speak to the applicant to get them on the same page as the Planning
2 Commission. Hudson said good luck. Cook said that he thinks all help would be accepted. Nagler
3 addressed Mihelich and said have them talk with Hudson. Hartsough added to mention not running a
4 business without permission. Mihelich said that basically the owner needs to know that any change of
5 use requires approval before hand and before occupancy can even be granted. Hudson said that is what
6 he told him and Mihelich said he will go tell him too. Chapman added that the business owner needs to
7 know that their business needs to cease too.

8

9 Nagler asked Mihelich if he would like any enforcement to be held off until after he speaks to the owner.
10 Mihelich said yes and that he will speak with them tomorrow (Friday, January 8, 2021), after that
11 citations can be issued.

12

13 Cook asked Mihelich if he knew this owner. Mihelich said yes and that he has dealt with him before.

14

15 Chapman asked Mihelich if he was going to talk to him or what. Mihelich said his intent is that he gets
16 everything into Hudson and Kowalski that they need.

17

18 Cook made the motion to table the application for site plan review based on the Hudson's
19 recommendation until materials have been provided to render a decision. The motion was supported by
20 Mihelich and passed unanimously.

21

22 **OLD BUSINESS**

23

24 ***Draft Text Amendment--- 2.18 Sidewalks***

25

26 Hudson started by reading his list of suggested changes. First he mentioned including any change of use,
27 to avoid confusion about Industrial Districts. He then asked Leuty about the 5 foot minimum width,
28 when all existing sidewalks are 4 foot wide. Hudson suggested additional wording to allow the Planning
29 Commission to modify the requirements. Leuty explained that the 5 foot wide minimum is ADA
30 compliant. Nagler said that he looked up the requirements before the meeting and said that the
31 requirement is still 4 foot. Cook then asked if Hudson would like to reference the ADA or the prevailing
32 agency's (such as MDOT) requirement in the ordinance, rather than a number. Hartsough commented
33 to Nagler that based on the research she was just doing, she found conflicting width requirements.
34 Nagler said it could be that anything requiring federal funding has a different standard. Hartsough
35 agreed that made sense and added that people in her neighborhood love wider sidewalks because of
36 strollers.

37

38 Hudson continued with his suggestions. Next, he suggested to add a reference to the General Ordinance
39 604.001 sub. 3 dealing with surfaces. Lastly, Hudson suggested adding a provision allowing the Planning
40 Commission to modify the requirements if the adjacent sidewalks are not in conformance. Cook asked if
41 that means the Planning Commission can ask the applicants to make the sidewalks winding paths
42 through the woods. Hudson answered yes. Hudson added that the Planning Commission can suggest to

1 the Township Board that Ord. 604.004 be amended, B. Standards; 2. Minimum width – minimum 5’
2 maximum 10’ for concrete, and 8’ or wider may be asphalt. This change was brought up in discussions
3 with KalSec.

4
5 Nagler inquired if the General Law Ordinance could just reference the Michigan Department of
6 Transportation requirement standards. MDOT has already done the hard work on this and it could be
7 easier just to follow their specifications.

8
9 Chapman brought up ADA compliance again, by mentioning the yellow tactile paving on sidewalks.
10 Nagler said that he believes those are required by law. Chapman said he would just like it included in the
11 ordinance too. Hudson said it would need to be recommended to the board.

12
13 ***Draft Text Amendment--- 2.08 Home Occupations & Home Businesses***

14
15 Hudson then discussed his suggestions for 2.08 Home Occupations & Home Businesses. Hudson first
16 mentioned that activities not considered Home Occupations. He suggests adding sub point 2. to clarify
17 requirements for certain types of uses, such as lawn care, trucking, landscaping or other businesses that
18 involve commercial vehicles that may not be considered Home Occupations, but instead Home Businesses
19 provided that the all commercial vehicles and equipment be stored inside. Hudson asked Leuty if he knew
20 why this wasn’t a requirement before. Leuty expanded on Hudson’s thought process regarding larger
21 commercial businesses with large employee crews, but inquired how this would affect the smaller
22 operations with just one truck. He said that makes for a big difference in neighborhoods. Hudson doesn’t
23 know how this could differentiate the two. Leuty then explained how perhaps by requiring vehicles to go
24 into a garage that would help remedy the problem. Cook added that the structure would be would on the
25 initial limitations to those businesses from developing on most sites. Hartsough brought up that the
26 Ordinance already says “A home-based business shall be conducted solely by the resident occupants of
27 the dwelling unit, plus not more than one full-time-equivalent non-resident employee or independent
28 contractor per residence.” She mentioned that if that was enforced, that would already cut down on the
29 crew coming in and making noise. Nagler added that a crew coming in would be external evidence of
30 business activity. Hartsough agreed and added that the Township has the right to limit the hours of
31 operation if deemed necessary. She likes what Hudson is proposing because this is a situation in her
32 neighborhood. Mihelich mentioned out of sight, out of mind; if one wants to have the equipment they
33 need to have a place to store it or find a place to store it.

34
35 Hudson continued with his suggestions. Next, he suggested adding sub point 5 to the Standards for Home
36 Occupation for the use of accessory buildings for Home Occupation. Also sub point 6 for the Standards for
37 Home Based Business for the use of accessory buildings. Hudson also said that he will work on getting a
38 public hearing scheduled with the attorneys.

39
40 Mihelich asked for clarification if all commercial vehicles for home based businesses need to be stored in
41 a structure. Hudson said yes that is what he is saying. Mihelich said he understands the situation, but
42 there are some people in his neighborhood that have only one trailer in their yard. Hudson said that it can

1 be changed to say "provided no more than one". Mitchell asked if this affects anyone with a two acre lot
2 or larger. Hudson said that the situation Mitchell is thinking about is having garages be built for storage.
3 Mihelich expanded to say that it is too onerous for an individual operating a home based business to not
4 be able to store something in your driveway. Hudson suggested again changing the language; instead of
5 saying "all" saying "no more than one". Mihelich thinks that is more in line with his thinking. Cook and
6 Morrison agreed and thought that was reasonable. Leuty agreed also and provided the example of having
7 a food truck and how that might not be able to fit in the garage. Hartsough and Chapman both expanded
8 on their own neighborhoods and the situations they are seeing.

9
10 ***Draft Text Amendment--- 2.03 C. Detached Accessory Buildings (solar panels)***

11
12 Hudson began by suggesting adding the word 'required' to the front yard restriction, because there is a
13 large number of houses set far back from the road. He would also like to add the word 'required' to the
14 front yard prohibition in the table. He mentioned that he questions the use of the word 'structure', when
15 it should say 'accessory building'. Hudson then suggested for parcels over two acres, to allow up to four
16 accessory buildings. Hudson said that he believes that is the recommendation that Mihelich gave. Mihelich
17 said he doesn't remember that or giving that number, he thinks they were on a fact finding mission and
18 remembers trying to figure out how big of an impact it would be if they changed it. Hudson asked if four
19 structures was too much or too little. Mihelich said he thinks it is arbitrary, but a start. Nagler suggested
20 having it be a certain number per acre. Hudson understood and said it could say no more than two
21 structures per acre. Nagler agreed and suggested that it could also allow an additional structure per acre
22 and not limiting it to four. Cook questioned what they were talking about. Nagler explained that the
23 number of structures would be going up as the acreage goes up. Cook asked if this is for mother in law
24 structures, Nagler said no. Hartsough clarified that it is for accessory structures like sheds. Hudson asked
25 again if the Planning Commission would like him to remove the maximum number of structures. Mihelich
26 said that out of almost 8,000 properties, only 40 are two acres or larger, so this change would be for 40
27 parcel owners. Nagler said that potentially they would not need to come to the Planning Commission for
28 a variance to put up an additional accessory building.

29
30 Chapman asked if there was a limitation on height. Commission responded with yes and Hudson said it is
31 25 feet. Cook asks if that translates into a one story building and Hudson responded with yes.

32
33 Hartsough asked Hudson a question about the tables in the ordinance. Hudson explained that the tables
34 differentiate due to lot sizes.

35
36 Hudson asked again if the Planning Commission would like him to remove the maximum number of
37 structures. Cook said to just leave it and see what happens.

38
39 Hudson continued with his suggestions. Next, he suggested changing 'tennis' to 'ball' courts and add an
40 exception for these from the count of accessory buildings in the Accessory Structure section. He also
41 suggested deleting 'front' yard in the Solar panels section. Leuty asked Hudson if this was another instance

1 where adding the word "required" in front of "front yard" would be better. Hudson said he would just like
2 'front' to come out.

3
4 Hudson then asked the Planning Commission if they would like solar panels to count as accessory
5 structures. Nagler said that he thought it was decided that they would be regulated as accessory
6 structures, but not count towards the number of structures. Other members of the Commission agreed.
7 Leuty suggested just adding 'solar panels' to the list along with 'ball courts, wind generators, antennas'
8 since it says they will not be counted as accessory buildings. Hartsough asked if they should add rear and
9 side yard. Hudson suggested deleting point five and adding solar panels to the other list. Leuty mentioned
10 Hartsough's comment again about the rear and side yard. Hartsough said it should be updated and
11 residents need some flexibility because we cannot say where the sun shines in their yard. Hudson made
12 a note of that.

13
14 ***Draft Text Amendment--- 8.02 TT. Solar Panels***

15
16 Hudson began by suggesting that in point e. Ground mounted Solar, the area should define ground cover
17 as in the operating position. Nagler agreed. Leuty asked for the reasoning behind this and if it was for
18 precipitation reasons. Nagler explained that it is because solar panels are installed at a 45 degree angle.

19
20 Cook mentioned a grammatical correction to Hudson; removing an 'ed' of 'position'. Nagler did the same
21 by suggesting 'the' instead of 'an'.

22
23 Hudson said that he will send all of these draft text recommendations to Attorney Roxanne Seeber for her
24 review and recommendation.

25
26 Mihelich asked if a home occupation can occupy a building like how a home business can. Hudson said
27 that is already there in the text and it's for storage only. Then Hudson added that the home occupation
28 should be in the house and that is in the Zoning Act. Mihelich added that he believes people, including
29 himself, would like more free space to reign and that is why he proposed the office concept for home
30 occupations. Hudson brought Mihelich's attention to Article 2.08.C.5. Nagler remembers the conversation
31 about having an accessory building becoming an office and that Attorney Seeber mentioned a couple
32 points that the Planning Commission would have to consider about that before changing anything, such
33 as the accessory building would need a full inspection for electricity, plumbing, and everything else.
34 Mihelich said that he would recommend that they disallow plumbing to make the process easier.

35
36 Provisions and further discussion for all draft text amendments were postponed until the next meeting.

37
38 ***Master Plan – 5-Year Mandatory Update***

39
40 The next item on the agenda was continued discussion regarding the 5-year mandatory Master Plan
41 update. Cook gave an update on the new maps and his work on those. Cook also thanked Chapman for

1 sharing his connections through the Center for the Blind to help with creating maps for the visually
2 impaired.

3

4

5 **Open Discussion – Members of the Audience**

6

7 None.

8

9 **Report of the Township Board Representative**

10

11 Leuty gave an update on the most recent Township Board happenings. He mentioned that he is pleased
12 that the Planning Commission is shifting the flow of the agenda to allow for more public comment at the
13 beginning for the meeting. Leuty also mentioned the new communication plan and that a new Township
14 Newsletter was posted. He welcomed Morrison to the Planning Commission.

15

16 **Report of the Township ZBA Representative**

17

18 None. There was no meeting.

19

20 **Comments from Planning Commission Members**

21

22 Morrison said it was nice to meet everyone.

23

24 Cook welcomed Morrison and urged him to take advantage of the trainings available.

25

26 Mihelich spoke on the net metering that was changed to the 20 kilowatt with Consumer's Energy. He
27 updated the Commission that they are at capacity now and are not accepting new applications. He said it
28 is good that they did it, but he is not sure how many people will benefit from it now. Residents can still go
29 up to 20 kilowatts, they just will not have the benefit of the net metering.

30

31 Chapman welcomed Morrison.

32

33 **Report of the Planner/Zoning Administrator**

34

35 Hudson said there will be at least a site plan review next month and the Zoning Board of Appeals will be
36 meeting next month too. Hudson asked when the Planning Commission would want the public comment
37 for future meetings. Nagler suggested it go in as agenda item number five. Mihelich asked if that public
38 comment can be limited to a three minutes speaking time frame. Hudson and Nagler said yes.

39

40 **Report of the Township Attorney**

41

42 Attorney Koches welcomed Peter Morrison to the Planning Commission and had no further report.

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Adjournment

There being no further business to come before the Planning Commission, upon unanimous approval, the January 7, 2021 regular Planning Commission meeting was adjourned at 9:59PM.



Christopher Mihelich , Secretary

SYNOPSIS OF ACTIONS

The Kalamazoo Township Planning Commission undertook the following actions at the January 7, 2021 regular Planning Commission meeting:

- Approved a special use permit and site plan with conditions for 2429 N. Burdick Street for marijuana grow and processing.
- Recommended to the Township Board the rezoning of 3625 Douglas from C-1 to RM-2.
- Tabled the application for site plan review for 3635 E. Main.
- Postponed discussion for proposed text amendments.
- Received information on the Master Plan Update.