

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

**Charter Township of Kalamazoo**  
**Minutes of a Planning Commission Meeting**  
**Held on March 4, 2021**

A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on March 4, 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 (Late)
- Denise Hartsough
- Steven Leuty
- Christopher Mihelich
- Peter Morrison
- Fred Nagler, Chairman

**Absent was:**

Upon motion of Mihelich, supported by Chapman, and unanimous vote, Cook's absence was excused.

Also present were Township Planner Patrick Hudson, Township Manager Dexter Mitchell, Township Election Coordinator and Document Manager Katarina Kusmack, Township Fire Marshal Todd Kowalski, Township Attorney Roxanne Seeber; and approximately 4 additional interested persons were present electronically, including Township Supervisor Don Martin.

**Call to Order**

The Chairman called the meeting to order at 7:00 p.m. Due to the 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 March 4, 2021 Planning Commission Meeting**

The first item on the agenda was approval of the agenda for the March 4, 2021 regular Planning Commission meeting. The Commissioners received the revised meeting agenda in their packets.

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

3

4 **Approval of Meeting Minutes of the February 4, 2021 Planning Commission Meeting**

5

6 The next item on the agenda was approval of the February 4, 2021 regular Planning Commission meeting  
7 minutes. Copies of the revised draft meeting minutes were provided to the Commissioners in their agenda  
8 packets and emailed to them.

9

10 Upon motion of Chapman, supported by Leuty, and unanimous vote, the minutes of the February 4, 2021  
11 regular Planning Commission meeting were approved as revised with the changes made at the meeting.  
12 Mihelich authorized Kusmack to sign on his behalf after he reviews the corrected minutes and then  
13 forward to Hudson.

14

15 At 7:04PM Cook joined the meeting.

16

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

18

19 None.

20

21 **Scheduled Reviews**

22

23 None.

24

25 **Public Hearings**

26

27 None.

28

29 **New Business**

30

31 ***1100 Foster Avenue – Site Plan Amendment***

32

33 Hudson began by reading from his report. The applicant, Arie Luiten, Luiten Greenhouse Tech / Total  
34 Energies, and Owner, Orange Tree Properties, LLC, is requesting to add a 4,500 square-foot storage  
35 building to the property, located at 1100 Foster Avenue (PIN# 06-24-430-032). The parcel is zoned as I-1  
36 Light Industrial.

37

38 The property has an existing use in an existing 6,100 square-foot building and a 2,520 square-foot  
39 storage building on a 95,832 square-foot property (2.2 acres). Property is located within the 500-year  
40 floodplain. The proposal is to construct a 4,500 square-foot storage building. The plan is to use the 4,500  
41 sq. ft. (GFA) building for storage.

42

1 The property to the north is zoned I-1 but is occupied by a nonconforming dwelling. The property to the  
2 west is zoned C-2 Commercial Corridor and is occupied by parking lot for a commercial use. The  
3 properties to the south are zoned R-2 and are occupied by dwellings. The properties across Foster Ave.  
4 to the east are zoned I-1 and are occupied by a light industrial use and two nonconforming dwellings.  
5

6 Hudson added that he cannot recommend approval without additional information. Hudson mentioned  
7 that the fire lanes must be widened to 26 feet. The proposed building must be moved 4 feet to the  
8 north for emergency access. Also the ordinance requirements include sidewalks along Foster Avenue. In  
9 addition, the landscaping along Foster must be 5' wider and the existing screening along the south lot  
10 line is not dense enough.

11  
12 Hudson mentioned that he and Kowalski spoke to the applicant and owner. There is a possibility that they  
13 will be moving the property line to the north. Hudson also mentioned that the applicant would like to  
14 provide documentation to justify the reduction in the number of parking spots, such as employment  
15 records for ten years. They are required to have sixteen spots, but are only showing nine on the site plan.  
16 The deferred spots on the site plan do not qualify because of setbacks. Hudson recommended tabling this  
17 discussion until a new, revised site plan can be presented.

18  
19 Chapman asked Hudson if they are mainly talking about the vegetation and screening tonight. Hudson  
20 said yes the commission can discuss that or wait until they have new plans. Hudson mentioned again that  
21 the applicant and owner are discussing moving the north property line, this would help with the fire lane  
22 access and parking situation.

23  
24 Mihelich asked if there is a timeline for the north property line adjustment. Hudson said yes and that the  
25 planning commission would have to set that.

26  
27 Nagler asked Hudson if this site plan is for the building that was never approved, but put up anyway.  
28 Hudson said that the current site plan was never approved. Hudson added that both Building A and  
29 Building B are already put up. Building A was approved granted that a revised site plan was submitted,  
30 but they did not submit it and never applied for a building permit. Building B's site plan was never  
31 approved.

32  
33 Mihelich asked if Building B was temporary. Hudson said it's too big to be temporary. Danielle Rhodes  
34 added that the intent is for it to not be temporary.

35  
36 Danielle Rhodes is the architect for the project. She spoke about the meeting with Hudson and Kowalski.  
37 After the meeting, she feels like they have good direction on how to solve the problems that Hudson  
38 mentioned. Rhodes mentioned that they are looking into moving the north lot line 30 feet to  
39 accommodate setbacks. She is hoping though that for the south lot line that they will be able to receive a  
40 waiver for the screening and landscaping.

41  
42 Cook asked if the signage situation had been resolved. Hudson said no and that it wasn't discussed.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

Leuty asked Rhodes for clarification on the site plan in regards to the fire lane and flow of traffic. Rhodes explained.

Hartsough asked Hudson if there was any discussion on sidewalks during the meeting. Hudson said that they were notified that a sidewalk would be required along the right of way. Hartsough also asked if the neighbor to the south had been notified. Hudson said no, because there was no requirement for them to be notified since it is an allowed use. Attorney Seeber added that they did not need to be notified since it is just a site plan amendment.

Chapman asked about the site plan and if the parking changes had been noted. Rhodes answered that the owner noted that they did not want the full number of required parking spots because they felt as if they were unneeded. However, with the lot line change, they will be able to include the extra parking to avoid the variance. The spots will include the ADA requirements.

Hudson read from the ordinance what the parking areas should be made from. Rhodes mentioned that the parking to the north will be paved, but the fire lane will be gravel.

Nagler asked Kowalski if he had any problems with the plan. Kowalski mentioned he would like the gravel on the south end to meet up with the concrete along the east drive area. Rhodes agreed with him. Kowalski also mentioned that there will be serious concern in regards to the future possible building addition that was noted on the plan. Rhodes also agreed with that. She mentioned that she did give quotes to the owners for fire suppression for all the buildings and realizes that if the addition were to happen that they would need to install a system.

Hartsough asked for clarification regarding the work "proposed" on the site plan. Hudson said the buildings are already existing. Hartsough asked a follow up question about the addition then. Kowalski explained that the future possible building addition is noted on the new plans and that would cause an issue.

Leuty would like to see the new revised plan. Nagler agreed.

Mihelich asked about zoning. Hudson said this use was allowed in light industrial as landscaping supplies. Hudson explained that they manufacture landscaping machinery and materials.

Nagler asked Hudson what expectations they will be asking for. Hudson explained they will be asking for exception for the landscaping to the south. Nagler noted that the exception they are looking is specifically because they put up a building without a site plan and without approval. Hudson affirmed that.

Nagler and Mihelich noted that it appears as if the building could be moved easily since it consists of shipping containers and a metal A frame roof. They forewarned the applicants to be prepared to give good reason why the exception should be allowed.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

Item was tabled to next month's meeting.

**Old Business**

***3635 E. Main – Happy Family LLC - site plan review – change of use – multiple use facility – continued from January 7, 2021***

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

Hudson mentioned that the applicants revised the plan and showed the interior design with dimensions. Lighting was also shown on the plan. However they did not show the required parking. Landscaping was moved to the two corners and is a little short in quantity. Hudson mentioned that most of the concerns come from the fire access.

Kowalski spoke. He asked Hudson if the three parking spots on the west drive had been eliminated. Hudson said yes. Kowalski noted to the applicant and owner that nothing can be parked in that front driveway in between the street and front of the building. Kowalski asked Hassan if he would like to continue a used car lot there. Hassan said they will not be continuing the car dealership there, he would like this building to be only retail stores. Hudson noted that it would be three retail spaces. Kowalski asked Hassan of the status of the car repair facility that is currently on site. Hassan answered that they received a settlement date for March 8<sup>th</sup>, trial date for March 11<sup>th</sup>, and an additional court date for March 22<sup>nd</sup> which will be the final eviction.

Mihelich asked Kowalski what type of signage and striping the building will need along the front. Kowalski answered that the striping will need to be the yellow hash on the pavement and there will need to be signage for no parking in the fire lane. Pending the car repair facility court case, everything else has been taken care of on the fire safety side.

Nagler asked Hassan if he would like to add anything. He said no.

Cook asked Hassan about parking on the west side of the building. Hassan said that all of those parking spots will be eliminated and that the landscaping will be put there.

Hartsough asked Hassan if there is a sidewalk along the front of the property. Nagler said no. Hudson mentioned that the whole area is paved. Then added that it appears they have put some of their landscaping in the right of way.

1 Cook mentioned that the board has been requiring sidewalks and Hartsough agreed. Nagler said that the  
2 whole lot is already asphalt, instead of concrete, and asked if that would be acceptable. Hartsough said  
3 that it doesn't seem acceptable. Hudson said that they would have to take out shrubs to pave the  
4 sidewalk. Hartsough suggested that more shrubs could go along the west side to the north.

5  
6 Leuty asked Hudson if the asphalt could still be a side walk if it is not continuous through the property.  
7 Hudson mentioned that if the owners do not take out some of the asphalt for shrubs on the west, then it  
8 would be continuous. However there is still the issue of the green space to the east that would stop the  
9 asphalt sidewalk.

10  
11 Hartsough mentioned again that she believes that there should be a real, obvious sidewalk. Leuty agreed  
12 with Hartsough.

13  
14 Morrison asked if there is any sidewalk in that area currently. Planning Commission said no.

15  
16 Mihelich asked if the Planning Commission has ever required anyone to take out existing infrastructure to  
17 put in a sidewalk. Nagler was not sure. He knows that they have required some to take out broken  
18 sidewalks and replace them. Kowalski added that they did on 21 E. Mosel. Chapman believes that they  
19 did on Burdick too.

20  
21 Nagler thanked the commission for their discussion, but also added that they may have to accept lower  
22 quantities of landscaping to account for this.

23  
24 Mihelich asked Hassan if the back part of the building will be accessible for entrances and exits. Hassan  
25 asked for clarification. Mihelich said all of the parking is in the rear. Hassan indicated the area for entrance  
26 to the back on the site plan. Mihelich clarified that his question is in regards to accessing the back of the  
27 building. Hassan said that there are two doors in the back of the building. Cook noted that there appears  
28 to be two doors in the back, one door on the side, and three on the front. Hartsough asked if there is an  
29 area for customers to walk on. Nagler said there looks to be a concrete apron around the building.

30  
31 Leuty asked about the parking spots requirement and calculations. Hudson explained his calculations and  
32 why they need at least 33 spots. He then suggested moving the parking spots to the north and striping  
33 along the building.

34  
35 Cook asked about signage. Hudson explained that is a separate issue. They will need to apply for a sign  
36 permit. He currently has one for the center unit, but will not approve it until the planning commission  
37 approves the site plan.

38  
39 Cook asked if the landscaping requirements have been finalized. Hudson mentioned that four of the  
40 shrubs will be lost. He mentioned that Hartsough suggested that they get moved to the back, but the hard  
41 part is that it is an existing building and there is not much room for them to go anywhere. Also, depending  
42 on where the sidewalk goes, more shrubs will be lost.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

Leuty asked if they could review the sidewalk situation again. He asked if they are going to require a five foot concrete sidewalk to be installed, despite the landscaping concerns this may cause. Nagler said this is correct and that the commission may want to give some leeway on placement of the sidewalk due to the landscaping and the shrubbery.

Leuty moved, supported by Mihelich, approval of the site plan as proposed with the amendments and being contingent upon the removal of the car repair facility. Amendments include the addition of a six inch minimum sidewalk across the front of the property flush with the existing asphalt so it does not impede fire truck access in the fire lane, the landscaping being moved, and the subtraction of six shrub..

Hassan noted that he will be reaching out to Hudson for direction on the sidewalks.

Mihelich added that when he did his site plan review, he noticed three leaks on the roof that created a lot of ice. He asked Hassan for the timeline of repair for those. Hassan said they have already started working on the roof, including patching areas and adding drainage areas.

Upon the amended motion of Leuty, supported by Cook, and unanimous vote, the planning commission approved the site plan as proposed with the amendments and contingent upon the removal of the car repair facility. Amendments include the addition of a six inch minimum sidewalk across the front of the property flush with the existing asphalt so it does not impede fire truck access in the fire lane, the landscaping being moved, the deduction of six shrubs, and installing the proper striping and signage for the fire lane after obtaining the proper permits.

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

Nagler mentioned that sidewalk discussion is on hold and Hudson affirmed.

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

Nagler mentioned that detached accessory buildings discussion is on hold and Hudson affirmed.

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

Hudson asked Mihelich if all the issues had been worked out. Mihelich said that he never heard back from Township Clerk Mark Miller. Mihelich said that his concern is that the language within it mentions that it should be for the primary dwelling only. However, there is an electrical code ordinance and Mihelich wonders if the Township would ever allow a stand-alone solar installation for primary dwellings. He would like to clear that up.

Hudson asked Mihelich what ordinance number that is. Mihelich answered Ordinance 395. Hudson said that since that is not in the zoning ordinance that Leuty would have to present that to the Township Board.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

Cook and Leuty asked Mihelich to restate his concern. Mihelich explained the he is wondering if the electrical ordinances prohibit stand-alone solar installation and if primary dwellings have to be connected to the grid.

Leuty explained that he believed based on what Hudson explained that the intention for this was for on-site solar use and to avoid solar farms. Leuty then said that there could be an issue with net metering violating for the property use only. Mihelich said that is what he was trying to explain. Hudson stated that he sees the issue now.

Cook and Leuty mentioned perhaps changing the word "only" in 8.02 TT.1.a. to "primarily". Seeber agreed with that. Nagler explained how technically the service would not leave the house. Hudson suggested using Cook's and Leuty's suggestion.

Hudson went back to 2.03 C. Detached Accessory Buildings (solar panels) and mentioned that they will need to take out the word "only" in this section too now.

Leuty commented on 4. On-Site Use Solar Energy Panels a.3.D. and how the maximum lot coverage is still mentioned. Hudson said that he has strong concerns against that. Leuty asked Hudson to explain. Hudson said that it is still taking up space and creating some storm water. He also added that if that is not in there then one could cover the entire backyard with solar panels. Mihelich mentioned they are still limited by the lot coverage, but Hudson said that is what Leuty wants removed. Leuty explained that this is for on-site use and there is still the watt control. Hudson said that you need one or the other, and that he wouldn't want to enforce this without one. Hudson also added that he would need a quantifiable number for the watt control.

Mihelich said that he has the square footage estimations. He said that for 6 kilowatt, which is the average Michigan resident, would be about 313 square feet. So for 20 kilowatts, they are looking at just over 1,000 square feet. Mihelich is not against having both limiters in the ordinance. Hudson said that could work, especially since most people are putting them on the roof of the building.

Chapman inquired about solar panels on the roof of the building and if those have been approved by the Fire Marshal due to the toxins that are in them. Kowalski said this is the first he has heard about this and that he can get more information to the Commission. Nagler also asked about the battery storage containers that would be connected to the solar panels too. Kowalski said that he can research and get that information to the Commission too.

Hartsough went back to Leuty's original question. She understands Leuty's point, but also understands why Hudson is saying why we would not want someone's whole backyard covered in solar panels. She asked Hudson if they will be limiting it if it is a primary use. Hudson answered no, but setbacks will still apply.



1 Mihelich asked Kowalski if any signage is required at the meter alerting the fire department of a battery  
2 inside of the unit. Kowalski answered no. He continued to explain that Kalamazoo Township uses  
3 Uniform Fire Code and that he will do more research for the Commission regarding this.

4  
5 Nagler circled back and clarified that the Planning Commission would like to leave the ground coverage  
6 requirements in. Mihelich and Leuty confirmed and agreed that they were all on the same page.

7  
8 ***Draft Text Amendment--- 8.02 VV, WW and XX requested amendment to require fencing***

9  
10 Hudson explained his text amendments and asked the Planning Commission for feedback. Cook said he  
11 liked them, however he wasn't sure what type of hardship is imposed with these requirements. Hudson  
12 answered that with explaining that a recent applicant did not want to include fencing, but they would  
13 have if it would have been required.

14  
15 Mihelich made a comment about allowances for growing with microbusinesses. Hudson said he will  
16 include that.

17  
18 Kowalski asked Seeber if any hardships will be created between the State's rules and the Township's  
19 ordinance since the State is no longer requiring fencing. Seeber explained that the Township can be more  
20 restrictive than the State rules. However, if someone is approved without fencing, they will be  
21 grandfathered in.

22  
23 Leuty inquired why they should require fencing now when the State no longer is and it seems to cause  
24 more hassle. Mihelich noted that the Township Board made the request to require fencing. Chapman  
25 added that he believes it could also be a deterrent for vandalism. Nagler added that he thought some of  
26 vandalism was due to fences being cut. Chapman said the fence is a double edge sword, but with the on  
27 site security it will help. Mihelich said that good fences make good neighbors. Kowalski said that he would  
28 caution the Planning Commission of making a blanket rule about fencing because some properties have  
29 difficulties adding fencing from a fire safety stand point. He provided examples of proprieties that share  
30 parking lots or that include ingress or egress.

31  
32 Leuty mentioned perhaps that there can be a clause in the site plan review that states the Planning  
33 Commission may require fencing. Nagler said they already have that ability because it is a special use  
34 exemption. Mihelich said it would be nice to have the text in there for future Planning Commissions.

35  
36 Seeber suggested the text saying something like "fencing is required unless there is a demonstration is  
37 made to the Planning Commission that it should be waived due to reasons of topography". Planning  
38 Commission agreed that they liked that. Seeber said she would get some language to Hudson.

39  
40 ***Draft Text Amendment--- 21.03 F. PUD building height***

1 Hudson explained his text amendment suggestions and asked the Planning Commission for feedback.  
2 Nagler said he liked it and so did Cook.

3  
4 **Master Plan – 5-Year Mandatory Update**

5  
6 The next item on the agenda was continued discussion regarding the 5-year mandatory Master Plan  
7 update. Hudson asked the Planning Commission if they would like to set up a work session for Wednesday,  
8 March 17, 2021 at 7:00PM.

9  
10 **3625 Douglas- Half-way House (Tabled to April 1, 2021)**

11  
12 Agenda item was tabled till April 1, 2021 for site plan review.

13  
14 **Open Discussion – Members of the Audience**

15  
16 None.

17  
18 **Report of the Township Board Representative**

19  
20 Leuty gave an update on the most recent Township Board happenings. He explained the Ordinance  
21 Enforcement Officer role, possible fire station renovations, and the Deputy Treasurer position situation.

22  
23 Chapman asked Leuty if surveillance or drones are used by the Ordinance Enforcement officer. Leuty was  
24 not sure. Attorney Seeber explained that the Township is not allowed to use drones without a search  
25 warrant.

26  
27 Leuty asked Hudson for some clarification on the non-motorized plan and if it had to be included in the  
28 Master Plan. Hudson asked Seeber. Seeber explained that because the non-motorized plan is not a  
29 statutory requirement, so it would depend on how the plan was set up.

30  
31 Cook asked Seeber if the Police Department uses facial recognition software. Seeber did not know and  
32 would have to ask Chief Bryan Ergang.

33  
34 **Report of the Township ZBA Representative**

35  
36 Nagler gave an update from the most recent ZBA meeting that took place on February 17, 2021. They  
37 approved a sign variance and a setback variance.

38  
39 **Comments from Planning Commission Members**

40  
41 Chapman complimented the Ordinance Officer on his recent work.

42

1 Nagler made a comment about Exclusive's parking situation where it appears to be a U shaped gravel  
2 driveway. Hudson said they are not using it as a driveway. Kowalski cautioned that if it was to be used as  
3 a driveway that it would need to be engineered to support a fire truck.

4  
5 Nagler inquired about the hookah lounge. Kowalski said that it has been taken over by the supply company  
6 next door. He told the new owners that they will need to contact Hudson for a change of use. Kowalski  
7 informed Mitchell of that a few weeks ago.

8  
9 Mihelich mentioned that he is now a part of a communications team for the Township. He said that it  
10 would be nice to be able to communicate a list of questions to the community. He also volunteered with  
11 Youth for Christ. Mihelich also said that KKind is providing curbside service in their parking lot again. He  
12 does not believe that it will go away and would like to see some zoning provisions for it.

13  
14 **Report of the Planner/Zoning Administrator**

15  
16 Hudson said there will be a Planning Commission meeting on April 1, 2021.

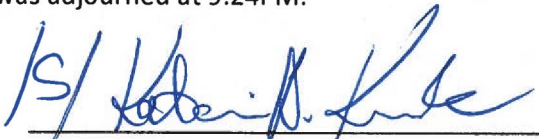
17  
18 **Report of the Township Attorney**

19  
20 Attorney Seeber mentioned that the marijuana money is being dispersed and the Township will be  
21 receiving money. Mitchell will be giving a presentation on it at the next Township Board meeting.

22  
23 **Adjournment**

24  
25 There being no further business to come before the Planning Commission, upon unanimous approval, the  
26 March 4, 2021 regular Planning Commission meeting was adjourned at 9:24PM.

27  
28  
29  
30  
31  
32  
33

  
\_\_\_\_\_  
Christopher Mihelich, Secretary 4/5/2021

**SYNOPSIS OF ACTIONS**

The Kalamazoo Township Planning Commission undertook the following actions at the March 4, 2021 regular Planning Commission meeting:

- Tabled the discussion for site plan review for 1100 Foster Avenue.
- Approved site plan with conditions for 3635 E. Main.
- Tabled the discussion for site plan review for 3625 Douglas.
- Postponed discussion for proposed text amendments.
- Received information on the Master Plan Update and scheduled a work session for March 17, 2021 at 7:00PM.