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**Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on October 1, 2020**

9 A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on October
10 1, 2020, commencing at 7:00 p.m., via Zoom remote teleconference pursuant to Michigan Governor's
11 Order 2020-154 in light of the coronavirus outbreaks.

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16 **Present were:**

17 William Chapman
18 Denise Hartsough
19 Christopher Mihelich
20 Fred Nagler, Chairman
21 Warren Cook

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24 **Absent was:**

25 None

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28 Also present were Township Planner Patrick Hudson, Township Manager Dexter Mitchell, Township
29 Attorney Seth Koches; and approximately 5 additional interested persons were present electronically.

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32 **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.

Roll Call and Recognition of Visitors

Nagler welcomed those in attendance.

Approval of the Agenda for the October 1, 2020 Planning Commission Meeting

The first item on the agenda was approval of the agenda for the October 1, 2020 regular Planning Commission meeting. The Commissioners received the revised meeting agenda in their packets.

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

Approval of Meeting Minutes of the September 3, 2020 Planning Commission Meeting Minutes

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

Upon motion of Cook, supported by Mihelich, and unanimous vote, the minutes of the September 3, 2020 regular Planning Commission meeting were approved as revised with no changes made at the meeting. Mihelich authorized Kusmack to sign on his behalf and forward to Hudson.

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Public Hearings

Public Hearing—2105 N. Burdick—Addition of recreational marijuana grow to existing medical marijuana grow facility

The next item on the agenda was the request of CK & AP Investments, LLC (Byron Swift) regarding the property located at 2105 N. Burdick St. (Parcel No. 06-10-190-022) within the Township for special exception use approval and site plan approval to add an adult use (recreational) marijuana grower to the existing Class A medical marijuana grower thereon. The subject property is located in the I-2 General Industrial District Zoning Classification and is 1.25 acres in size. The standards for consideration of the special exception use by the Township Planning Commission are set forth in Section 8.02.W.W. 1. and 4. of the Township Zoning Ordinance. The standards for site plan review are contained in Section 26.02 of the Township Zoning Ordinance.

Hudson made a comment that he wished that the applicant, Bryon Swift, was on the meeting. Mitchell said he would reach out by phone.

While waiting for Swift, Nagler asked Hudson about the change in the storm basin. Nagler did not notice that change in the plans, the only change he noticed was changing the doors. Hudson said that there were only minor changes. Hudson commented that since there are only minor changes to the plan, it should be approved.

Hudson commented that he thought there was a question about the sidewalk still. However, both Mitchell and Chapman noted that the sidewalk is installed, along with the parking and landscaping.

Hudson would recommend approval of the site plan.

Cook made a comment to Hudson that he was concerned about the Fire Marshal’s review and if Hudson was waiting for anything. Hudson commented that after he wrote the review, the Fire Marshal got with Swift and sorted everything out.

Hartsough asked about the missing liability insurance. Hudson said that he had not seen it yet. Mitchell commented that he believes that the liability insurance did come in. Nagler said that the Commission can leave that as a condition and leave it to Hudson’s discretion.

Mitchell was not able to get ahold of Swift.

The chairman opened a public hearing on the request at 7:12PM. No one spoke for or against it. The chairman closed the public hearing at 7:13PM.

Manager Mitchell mentioned to the Commission that he does have pictures of the property. The property has sidewalks and the parking lot has been done.

Cook moved approval to add an adult use (recreational) marijuana grower to the existing Class A medical marijuana grower thereon with the condition that Hudson receives updated liability insurance. The motion was supported by Chapman and it was approved on unanimous vote.

1 The Planning Commission next considered the request for site plan approval. Since there was not any
2 real change to the exterior, little discussion was needed. Hudson noted that he and the Fire Marshal
3 approved the minor revisions administratively; so no action was needed by the board.

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5 **New Business**

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7 ***Mavcon—3324 N. Pitcher Street— Site Plan Amendment -- Addition to Industrial Building***

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9 The next item on the agenda was the request of Mavcon (builder) on behalf of Specialty Adhesives, Inc.
10 for site plan approval in order to permit construction of an addition to the south side of the existing
11 building, along the existing south building line on the property addressed as 3334 N. Pitcher Street, within
12 the Township (Parcel No. 06-03-340-021). The property is located in the I-2 Industrial District Zoning
13 Classification. The site plan review standards are contained in Section 26.02 of the Township Zoning
14 Ordinance.

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16 After reading his review, Hudson mentioned that the deferred parking would be up to the Planning
17 Commission, however he would recommend that the required parking be on the north side of the lot.
18 Also, he suggested that the PC consider require some paving on the two lots the owner just acquired. He
19 also noted that they will need a 15-foot buffer between the road right-of-way and the parking lot.

20
21 Manger Mitchell asked Hudson what type of paving he was looking for. Hudson said there is an existing
22 paved area, but that the applicant would like to add about six more spaces.

23
24 Chapman asked if there was a setback for the new parking. Hudson said it was 35-feet.

25
26 Manager Mitchell noted that he knows that Fire Marshal Todd Kowalski is out right now, but that he would
27 hope that Kowalski could review it before the Planning Commission authorizes this site plan amendment.

28
29 James Dally, engineer for the building addition, spoke. While Hudson was on vacation, he did reach out to
30 the Fire Marshal with the plan. Dally noted that Kowalski mentioned that he wanted the address numbers
31 to be 10 inches in height and that he wanted an area shown on the plan for fire department emergency
32 vehicle parking only.

33
34 Manager Mitchell added that he believed Kowalski had a few more things he wanted to look into.

35
36 Cook asked regarding the page 2 revisions of the plan, if the entire parking lot was paved. Hudson
37 responded with no. Nagler disagreed, indicating that he had observed the site earlier in the day and it was
38 all paved.

39
40 Hudson then asked Nagler if it looked like the house had been demolished. Dally spoke and said that Bailey
41 Excavating demolished the house.

42
43 Dally also responded to Cook saying that the only new area of paving is the small area of 24 square feet.

44
45 Nagler noted that the area that the addition is to go on even looked like it was paved, so the impervious
46 area will not change. Dally agreed with that.

1 Chapman asked for clarification that the emergency vehicle area is paved. Dally confirmed this. Cook then
2 asked where that was on the plan. Dally described it and said it will be in between parking spots #5 and
3 #17 in the open area.
4
5 Mitchell asked Dally when he spoke to Kowalski. Dally said on Tuesday. Mitchell added he would urge the
6 board to add the Fire Marshal's approval as a condition.
7
8 Cook asked if the parking lot spaces near the building will be removed. Nagler said they will and it is shown
9 on the landscaping plan.
10
11 Dally spoke. He mentioned that the client did adjust the plans per Hudson's requests, however in the
12 future they would like to consider leaving some of the asphalt incomplete. Nagler asked Hudson if that
13 would require a variance. Hudson said yes and it would have to go in front of the Zoning Board of Appeals.
14 Nagler clarified that they will need to approve the site plan as is, but that Dally is welcome to apply for a
15 variance from the paving requirements.
16
17 Chapman asked if the parking lot was ADA compliant. Hudson said yes.
18
19 Cook asked about sidewalks. Hudson said that he missed that on the plan. Nagler said that they passed
20 on sidewalks in the area because there is a movement to abandon a part of that road. Mihelich reminded
21 the commission that sidewalks are not required in industrial areas per the zoning ordinance.
22
23 Hartsough added that there are houses on either side of the location in question. However, Hudson noted
24 that they are non-conforming residences.
25
26 Nagler commented that he is concerned about consistency and that he believes that if adjacent properties
27 put in sidewalks, then the owner will have to install them.
28
29 Hartsough added asked how can they get this started if someone isn't the first to install sidewalks.
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31 Mihelich added that there are eight houses in the area.
32
33 Nagler asked Dally to clarify his role to the business. Dally said that he is just the representative for the
34 new addition. Nagler said that he had a concern about the runoff that was going down the parking lot
35 towards the river that was milky looking. Dally said that their contract does include installing a storm
36 basin, but he does know that after obtaining all of the MSDS sheets for Kowalski, that all of the products
37 are water-based. Nagler suggested that Kowalski can review the issue further and perhaps require a
38 pollution prevention plan.
39
40 Cook made the motion to approve the site plan amendment with the following conditions that the Fire
41 Marshal reviews and approves the plan, including the run off area, that provisional sidewalks be included
42 in the plan, and that Hudson approves the site plan.
43
44 Dally commented on the sidewalk situation. He would like to see consistency kept regarding installing the
45 sidewalks. It would be a lot of money to install sidewalks, and while the business's budget is not their
46 concern, he would like the board to reconsider that.
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48 Hudson asked Cook what he meant by provisional sidewalks.

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Cook amended his motion that sidewalks be added at the time that adjoining properties install sidewalks.

Chapman restated Hartsough’s concern. Nagler said that he would like to get away from the deferred sidewalk plan.

Cook restated his motion. Cook made the motion to approve the site plan amendment with the following conditions that the Fire Marshal reviews and approves the plan, including the run off area and other ways to make the property safe, that the provision of sidewalks be included in the plan, that Hudson approves the exterior lighting plan as proposed. The motion was supported by Chapman and passed unanimously.

Capital Improvement Program – annual report –Action Item

Nagler and Cook asked where this was in the packet. Hudson commented that he must have forgotten to put it in the packet.

Cook asked what they are approving then. Hudson said nothing since the Planning Commission wasn’t able to review the report.

Hudson said that it is pretty much the same as last year, with a few changes, including replacement of equipment.

Nagler asked if there was any change from prior years or if the plan is just adding an additional year. Hudson said they are just adding an additional year. Many items of the plan had to get deferred due to COVID-19.

Nagler asked about the budget and since some things had been deferred if the budget was ok. Mitchell added that they are putting a new budget together because of the COVID-19 changes.

Nagler asked if the Planning Commission holds off a month on approving it, then the Township Board will not be able to approve it. Mitchell added that the Board is going to get a walk through at their next work session. Nagler asked if the Board can approve the CIP without the Planning Commission’s approval. Attorney Koches searched for the legal answer.

Koches asked if a Public Hearing was held for the Capital Improvement Program. Mitchell answered no. Koches said then based on the Planning Act, the planning commission shall hold a public hearing on the matter. After that hearing, the planning commission shall submit its reasons for approval or disapproval of the rescission to the Township Board. Mitchell clarified that if the Planning Commission doesn’t approve it tonight, then the Township Board can still approve it by having the public hearing.

Koches had asked Hudson if the report had been included in the packet if it would have been ready for approval. Hudson said yes. Koches asked if there was any new construction in the Program. Mitchell said no. Mitchell also added that he does not believe they need to do a public hearing, because they haven’t had to in the past. Koches said that a public hearing is not needed if there are no new buildings planned.

Nagler asked that Koches and Mitchell investigate it. If the Commission needs to have a public hearing before the next board meeting, then they can. Hudson added that he believes the Planning Commission

1 can approve it at their next meeting, after the Township Board adopts it. Koches agreed with that.
2 Hudson said he will email it out to everyone on Monday.

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4 ***Home Occupation accessory office – Chris Mihelich suggestions***
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6 Mihelich mentioned that he spoke to Hudson about the situation. Within the ordinance, a home
7 occupation must take place within the dwelling by resident occupants of the dwelling. A home-based
8 business is defined as a commercial use of greater intensity and can have not more than one employee.
9 A home-based business is not required to be entirely within a dwelling; whereas a home occupation is.
10 Article 2, Section 2.03.7 provides that “attached and detached accessory buildings or structures in
11 residential districts shall not be used as dwelling units or for any business, profession, trade or occupation,
12 or as storage space that is offered for rent, except that an accessory building may be used to house a
13 permitted home occupation or home-based business, subject to the provisions of Section 2.08. An
14 accessory garage on a residential parcel shall be used only for the storage of vehicles or equipment or
15 materials used by the occupants of the residence to which it is accessory. Section 2.08 of the Ordinance
16 provides for home occupations and home-based businesses with standards for each. That sections does
17 not permit the operation of a home occupation from an accessory building. Mihelich asked if ordinance
18 should be updated to allow use of an accessory building for both.

19
20 In response to an inquiry from Chapman, Nagler and Hudson confirmed receipt of an email from Attorney
21 Seeber indicating that a home-occupation could not take place in an accessory building.
22

23 Mihelich asked what would stop someone from saying that they are going to have a home-based business
24 and it’s going to be in a shed.
25

26 Hudson said there are two things. A home occupation could not be in the shed. However, the home-based
27 business could be in the shed with Planning Commission approval. It would be like anyone starting a
28 business. Plus, building code issues would come into play.
29

30 Koches added that he and Seeber discussed the building code issues. Seeber had stated that the standards
31 for occupying a shed as an “office” or business entity are different than they are for residential accessory
32 uses. At the very least, a shed would need to be temperature-controlled and fire-walled, she felt. They
33 also left a message with Mike Alwine, from Kalamazoo Area Building Authority, to gain his thoughts on
34 the idea.
35

36 Nagler suggested that they hold off until they can get more information from Alwine. The Planning
37 Commission agreed.
38

39 Hartsough said that the few people she has talked to about the idea have liked it. Nagler added that there
40 would be permit issues for electricity and such.
41

42 **OLD BUSINESS**
43

44 ***Text Amendment---3rd Draft solar energy provisions***
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46 The present ordinance has ground-mounted solar energy panels counting as an accessory building. The
47 Planning Commission’s first attempt to address the situation was rejected by the Township Board and

1 sent back to the Planning Commission for more thorough amendment and analysis. During last month's
2 Planning Commission discussion, it was determined that an approved amendment, changing the Kw level
3 to coincide with new Consumers Energy availability had not been incorporated into Article 8. At that time,
4 Attorney Seeber had suggested that the Planning Commission table further consideration of the matter
5 until everyone had a current Article 8, so that each member could see the most current version. Article 8
6 was revised and forwarded to Hudson early in the month for transmittal to the planning commission
7 members.

8

9 Provisions and discussion were postponed until the next meeting.

10

11 ***Master Plan – 5-Year Mandatory Update***

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13 The next item on the agenda was continued discussion regarding the 5-year mandatory Master Plan
14 update.

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16 Hudson mentioned that Cook went to the County building and got the shape files and maps. Hudson will
17 work on getting those printed.

18

19 Mitchell said that Cook and himself spoke on the overlay maps and they are working to get those printed
20 through Prien&Newhof with various areas highlighted.

21

22 Cook asked of the Commission if they thought the base map he suggested is sufficient. Nagler said he
23 thought so and that Prien&Newhof should be able to make PDFs, versus having the physical maps printed.
24 He would like to look through the list of highlighted overlay areas more closely.

25

26 Chapman asked if other municipalities have that many overlays. Cook said yes and provided the City of
27 Kalamazoo as an example.

28

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

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31 None.

32

33 Manager Mitchell shared some pictures from Swift Cultivating as an update. He noted that the applicant
34 did comply with what was asked of him.

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36 **Report of the Township Board Representative**

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38 Cook gave an update on the most recent Township Board happenings, including the Fund Balance
39 Amount, bookkeeping discussion, discussion regarding the requested closure of North Pitcher Street, and
40 the evaluation of the Township Manager.

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42 Mitchell said that the County did give approval for the road closure of North Pitcher Street to Graphics
43 Packaging in 6-month increments. He also mentioned the speed change on Nichols Road in the Westwood
44 neighborhood after a speed test study.

45

46 **Report of the Township ZBA Representative**

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48 None. There was no meeting and no meeting scheduled in the future.

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2 **Comments from Planning Commission Members**

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4 Hartsough said that the speed limit change on Nichols Road is distressing.

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6 Chapman commented on the building improvements at the intersection of Ravine and Nichols.

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

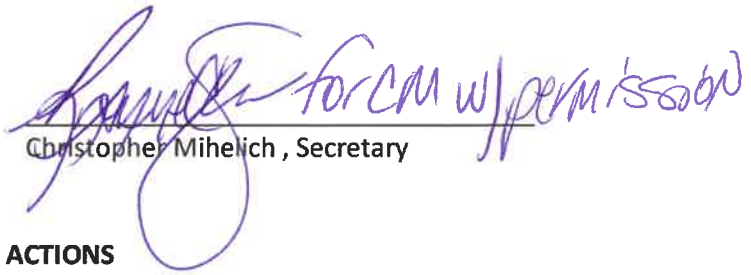
9
10 Hudson asked the Commission their opinion on an inquiry he had regarding a physical therapy office off
11 of East Main. The Ordinance allows for health and fitness clubs, not physical therapy offices in that zone.
12 Chapman said yes. Hartsough asked where medical offices are allowed, and Hudson answered RM2. The
13 Commission members said they would be ok with it and agreed with Hudson's interpretation. Hudson said
14 the project may require a site plan as a heads up because it is a change of use.

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16 **Report of the Township Attorney**

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18 Attorney Koches noted that he will be speaking on behalf of the MTA on COVID-19 updates soon and will
19 share the dates with the Township.

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21 **Adjournment**

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23 There being no further business to come before the Planning Commission, upon motion of Hartsough,
24 seconded by Cook, and unanimous approval, the October 1, 2020 regular Planning Commission meeting
25 was adjourned at 8:47PM .

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Christopher Mihelich, Secretary

32 **SYNOPSIS OF ACTIONS**

34 The Kalamazoo Township Planning Commission undertook the following actions at the October 1,
35 2020 regular Planning Commission meeting:

- 37 • Approved a special use application and site plan with conditions for the addition
38 of an adult use marijuana grow to an existing medical marijuana grow at 2105 N.
39 Burdick.
- 40 • Approved a site plan amendment for addition to 3324 N. Burdick, Specialty
41 Adhesives
- 42 • Postponed discussion for proposed text amendments for solar energy.
- 43 • Received information on the Master Plan Update.